

(1) The name, address, and approximate age of the adult who is the subject of the report; 92960
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(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known; 92962
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 92965
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 92967
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. 92969
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(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section. 92979
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(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized 92985
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by the department to receive information contained in the report, 92991
and to legal counsel for the adult. 92992

Sec. 5101.83. (A) As used in this section: 92993

(1) "Assistance group" has the same meaning as in section 92994
5107.02 of the Revised Code, ~~except that it also means a group~~ 92995
~~provided benefits and services under the prevention, retention,~~ 92996
~~and contingency program.~~ 92997

(2) "Fraudulent assistance" means ~~assistance and service,~~ 92998
~~including~~ cash assistance, provided under the Ohio works first 92999
program established under Chapter 5107., ~~or benefits and services~~ 93000
~~provided under the prevention, retention, and contingency program~~ 93001
~~established under Chapter 5108.~~ of the Revised Code, to or on 93002
behalf of an assistance group that is provided as a result of 93003
fraud by a member of the assistance group, including an 93004
intentional violation of the program's requirements. "Fraudulent 93005
assistance" does not include cash assistance ~~or services~~ to or on 93006
behalf of an assistance group that is provided as a result of an 93007
error that is the fault of a county department of job and family 93008
services or the state department of job and family services. 93009

(B) If a county director of job and family services 93010
determines that an assistance group has received fraudulent 93011
assistance, the assistance group is ineligible to participate in 93012
the Ohio works first program ~~or the prevention, retention, and~~ 93013
~~contingency program~~ until a member of the assistance group repays 93014
the cost of the fraudulent assistance. If a member repays the cost 93015
of the fraudulent assistance and the assistance group otherwise 93016
meets the eligibility requirements for the Ohio works first 93017
program ~~or the prevention, retention, and contingency program,~~ the 93018
assistance group shall not be denied the opportunity to 93019
participate in the program. 93020

This section does not limit the ability of a county 93021

department of job and family services to recover erroneous 93022
payments under section 5107.76 of the Revised Code. 93023

The state department of job and family services shall adopt 93024
rules in accordance with Chapter 119. of the Revised Code to 93025
implement this section. 93026

Sec. 5101.84. An individual otherwise ineligible for aid 93027
under ~~Chapter 5107. or 5108. a Title IV-A program, as defined in~~ 93028
section 5101.80 of the Revised Code, or ~~food stamps supplemental~~ 93029
nutrition assistance program benefits under the "Food Stamp and 93030
Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 2011, as 93031
amended, et seq.) because of paragraph (a) of ~~section 115 of the~~ 93032
~~"Personal Responsibility and Work Opportunity Reconciliation Act~~ 93033
~~of 1996," 110 Stat. 2105, 21 U.S.C. 862a,~~ is eligible for the aid 93034
or benefits if the individual meets all other eligibility 93035
requirements for the aid or benefits. 93036

Sec. 5104.01. As used in this chapter: 93037

(A) "Administrator" means the person responsible for the 93038
daily operation of a center or type A home. The administrator and 93039
the owner may be the same person. 93040

(B) "Approved child day camp" means a child day camp approved 93041
pursuant to section 5104.22 of the Revised Code. 93042

(C) "Authorized provider" means a person authorized by a 93043
county director of job and family services to operate a certified 93044
type B family day-care home. 93045

(D) "Border state child care provider" means a child care 93046
provider that is located in a state bordering Ohio and that is 93047
licensed, certified, or otherwise approved by that state to 93048
provide child care. 93049

(E) "Caretaker parent" means the father or mother of a child 93050

whose presence in the home is needed as the caretaker of the 93051
child, a person who has legal custody of a child and whose 93052
presence in the home is needed as the caretaker of the child, a 93053
guardian of a child whose presence in the home is needed as the 93054
caretaker of the child, and any other person who stands in loco 93055
parentis with respect to the child and whose presence in the home 93056
is needed as the caretaker of the child. 93057

(F) "Certified type B family day-care home" and "certified 93058
type B home" mean a type B family day-care home that is certified 93059
by the director of the county department of job and family 93060
services pursuant to section 5104.11 of the Revised Code to 93061
receive public funds for providing child care pursuant to this 93062
chapter and any rules adopted under it. 93063

(G) "Chartered nonpublic school" means a school that meets 93064
standards for nonpublic schools prescribed by the state board of 93065
education for nonpublic schools pursuant to section 3301.07 of the 93066
Revised Code. 93067

(H) "Child" includes an infant, toddler, preschool child, or 93068
school child. 93069

(I) "Child care block grant act" means the "Child Care and 93070
Development Block Grant Act of 1990," established in section 5082 93071
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 93072
1388-236 (1990), 42 U.S.C. 9858, as amended. 93073

(J) "Child day camp" means a program in which only school 93074
children attend or participate, that operates for no more than 93075
seven hours per day, that operates only during one or more public 93076
school district's regular vacation periods or for no more than 93077
fifteen weeks during the summer, and that operates outdoor 93078
activities for each child who attends or participates in the 93079
program for a minimum of fifty per cent of each day that children 93080
attend or participate in the program, except for any day when 93081

hazardous weather conditions prevent the program from operating 93082
outdoor activities for a minimum of fifty per cent of that day. 93083
For purposes of this division, the maximum seven hours of 93084
operation time does not include transportation time from a child's 93085
home to a child day camp and from a child day camp to a child's 93086
home. 93087

(K) "Child care" means administering to the needs of infants, 93088
toddlers, preschool children, and school children outside of 93089
school hours by persons other than their parents or guardians, 93090
custodians, or relatives by blood, marriage, or adoption for any 93091
part of the twenty-four-hour day in a place or residence other 93092
than a child's own home. 93093

(L) "Child day-care center" and "center" mean any place in 93094
which child care or publicly funded child care is provided for 93095
thirteen or more children at one time or any place that is not the 93096
permanent residence of the licensee or administrator in which 93097
child care or publicly funded child care is provided for seven to 93098
twelve children at one time. In counting children for the purposes 93099
of this division, any children under six years of age who are 93100
related to a licensee, administrator, or employee and who are on 93101
the premises of the center shall be counted. "Child day-care 93102
center" and "center" do not include any of the following: 93103

(1) A place located in and operated by a hospital, as defined 93104
in section 3727.01 of the Revised Code, in which the needs of 93105
children are administered to, if all the children whose needs are 93106
being administered to are monitored under the on-site supervision 93107
of a physician licensed under Chapter 4731. of the Revised Code or 93108
a registered nurse licensed under Chapter 4723. of the Revised 93109
Code, and the services are provided only for children who, in the 93110
opinion of the child's parent, guardian, or custodian, are 93111
exhibiting symptoms of a communicable disease or other illness or 93112
are injured; 93113

(2) A child day camp;	93114
(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	93115 93116
(a) An organized religious body provides the child care;	93117
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	93118 93119 93120
(c) The child care is not provided for more than thirty days a year;	93121 93122
(d) The child care is provided only for preschool and school children.	93123 93124
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	93125 93126 93127
(N) "Child care resource and referral services" means all of the following services:	93128 93129
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	93130 93131 93132
(2) Provision of individualized consumer education to families seeking child care;	93133 93134
(3) Provision of timely referrals of available child care providers to families seeking child care;	93135 93136
(4) Recruitment of child care providers;	93137
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	93138 93139 93140 93141
(6) Collection and analysis of data on the supply of and	93142

demand for child care in the community;	93143
(7) Technical assistance concerning locally, state, and	93144
federally funded child care and early childhood education	93145
programs;	93146
(8) Stimulation of employer involvement in making child care	93147
more affordable, more available, safer, and of higher quality for	93148
their employees and for the community;	93149
(9) Provision of written educational materials to caretaker	93150
parents and informational resources to child care providers;	93151
(10) Coordination of services among child care resource and	93152
referral service organizations to assist in developing and	93153
maintaining a statewide system of child care resource and referral	93154
services if required by the department of job and family services;	93155
(11) Cooperation with the county department of job and family	93156
services in encouraging the establishment of parent cooperative	93157
child care centers and parent cooperative type A family day-care	93158
homes.	93159
(O) "Child-care staff member" means an employee of a child	93160
day-care center or type A family day-care home who is primarily	93161
responsible for the care and supervision of children. The	93162
administrator may be a part-time child-care staff member when not	93163
involved in other duties.	93164
(P) "Drop-in child day-care center," "drop-in center,"	93165
"drop-in type A family day-care home," and "drop-in type A home"	93166
mean a center or type A home that provides child care or publicly	93167
funded child care for children on a temporary, irregular basis.	93168
(Q) "Employee" means a person who either:	93169
(1) Receives compensation for duties performed in a child	93170
day-care center or type A family day-care home;	93171
(2) Is assigned specific working hours or duties in a child	93172

day-care center or type A family day-care home. 93173

(R) "Employer" means a person, firm, institution, 93174
organization, or agency that operates a child day-care center or 93175
type A family day-care home subject to licensure under this 93176
chapter. 93177

(S) "Federal poverty line" means the official poverty 93178
guideline as revised annually in accordance with section 673(2) of 93179
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 93180
U.S.C. 9902, as amended, for a family size equal to the size of 93181
the family of the person whose income is being determined. 93182

(T) "Full-time week" means at least thirty-two and one-half 93183
hours and not more than sixty hours of care in a week for licensed 93184
child care centers and licensed type A homes and at least 93185
thirty-two and one-half hours and not more than fifty hours of 93186
care in a week for certified type B providers. 93187

(U) "Head start program" means a comprehensive child 93188
development program that receives funds distributed under the 93189
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 93190
amended, and is licensed as a child day-care center. 93191

~~(U)~~(V) "Income" means gross income, as defined in section 93192
5107.10 of the Revised Code, less any amounts required by federal 93193
statutes or regulations to be disregarded. 93194

~~(V)~~(W) "Indicator checklist" means an inspection tool, used 93195
in conjunction with an instrument-based program monitoring 93196
information system, that contains selected licensing requirements 93197
that are statistically reliable indicators or predictors of a 93198
child day-care center or type A family day-care home's compliance 93199
with licensing requirements. 93200

~~(W)~~(X) "Infant" means a child who is less than eighteen 93201
months of age. 93202

~~(X)~~(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(Y)~~(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

~~(Z)~~(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

~~(AA)~~(BB) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

~~(BB)~~(CC) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

~~(CC)~~(DD) "Operate a child day camp" means to operate,

establish, manage, conduct, or maintain a child day camp. 93234

~~(DD)~~(EE) "Owner" includes a person, as defined in section 93235
1.59 of the Revised Code, or government entity. 93236

~~(EE)~~(FF) "Parent cooperative child day-care center," "parent 93237
cooperative center," "parent cooperative type A family day-care 93238
home," and "parent cooperative type A home" mean a corporation or 93239
association organized for providing educational services to the 93240
children of members of the corporation or association, without 93241
gain to the corporation or association as an entity, in which the 93242
services of the corporation or association are provided only to 93243
children of the members of the corporation or association, 93244
ownership and control of the corporation or association rests 93245
solely with the members of the corporation or association, and at 93246
least one parent-member of the corporation or association is on 93247
the premises of the center or type A home during its hours of 93248
operation. 93249

~~(FF)~~(GG) "Part-time child day-care center," "part-time 93250
center," "part-time type A family day-care home," and "part-time 93251
type A home" mean a center or type A home that provides child care 93252
or publicly funded child care for no more than four hours a day 93253
for any child. 93254

~~(GG)~~(HH) "Place of worship" means a building where activities 93255
of an organized religious group are conducted and includes the 93256
grounds and any other buildings on the grounds used for such 93257
activities. 93258

~~(HH)~~(II) "Preschool child" means a child who is three years 93259
old or older but is not a school child. 93260

~~(II)~~(JJ) "Protective child care" means publicly funded child 93261
care for the direct care and protection of a child to whom either 93262
of the following applies: 93263

(1) A case plan prepared and maintained for the child 93264

pursuant to section 2151.412 of the Revised Code indicates a need 93265
for protective care and the child resides with a parent, 93266
stepparent, guardian, or another person who stands in loco 93267
parentis as defined in rules adopted under section 5104.38 of the 93268
Revised Code; 93269

(2) The child and the child's caretaker either temporarily 93270
reside in a facility providing emergency shelter for homeless 93271
families or are determined by the county department of job and 93272
family services to be homeless, and are otherwise ineligible for 93273
publicly funded child care. 93274

~~(JJ)~~(KK) "Publicly funded child care" means administering to 93275
the needs of infants, toddlers, preschool children, and school 93276
children under age thirteen during any part of the 93277
twenty-four-hour day by persons other than their caretaker parents 93278
for remuneration wholly or in part with federal or state funds, 93279
including funds available under the child care block grant act, 93280
Title IV-A, and Title XX, distributed by the department of job and 93281
family services. 93282

~~(KK)~~(LL) "Religious activities" means any of the following: 93283
worship or other religious services; religious instruction; Sunday 93284
school classes or other religious classes conducted during or 93285
prior to worship or other religious services; youth or adult 93286
fellowship activities; choir or other musical group practices or 93287
programs; meals; festivals; or meetings conducted by an organized 93288
religious group. 93289

~~(LL)~~(MM) "School child" means a child who is enrolled in or 93290
is eligible to be enrolled in a grade of kindergarten or above but 93291
is less than fifteen years old. 93292

~~(MM)~~(NN) "School child day-care center," "school child 93293
center," "school child type A family day-care home," and "school 93294
child type A family home" mean a center or type A home that 93295

provides child care for school children only and that does either 93296
or both of the following: 93297

(1) Operates only during that part of the day that 93298
immediately precedes or follows the public school day of the 93299
school district in which the center or type A home is located; 93300

(2) Operates only when the public schools in the school 93301
district in which the center or type A home is located are not 93302
open for instruction with pupils in attendance. 93303

~~(NN)~~(OO) "State median income" means the state median income 93304
calculated by the department of development pursuant to division 93305
(A)(1)(g) of section 5709.61 of the Revised Code. 93306

~~(OO)~~(PP) "Title IV-A" means Title IV-A of the "Social 93307
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 93308

~~(PP)~~(QQ) "Title XX" means Title XX of the "Social Security 93309
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 93310

~~(QQ)~~(RR) "Toddler" means a child who is at least eighteen 93311
months of age but less than three years of age. 93312

~~(RR)~~(SS) "Type A family day-care home" and "type A home" mean 93313
a permanent residence of the administrator in which child care or 93314
publicly funded child care is provided for seven to twelve 93315
children at one time or a permanent residence of the administrator 93316
in which child care is provided for four to twelve children at one 93317
time if four or more children at one time are under two years of 93318
age. In counting children for the purposes of this division, any 93319
children under six years of age who are related to a licensee, 93320
administrator, or employee and who are on the premises of the type 93321
A home shall be counted. "Type A family day-care home" and "type A 93322
home" do not include any child day camp. 93323

~~(SS)~~(TT) "Type B family day-care home" and "type B home" mean 93324
a permanent residence of the provider in which child care is 93325

provided for one to six children at one time and in which no more 93326
than three children are under two years of age at one time. In 93327
counting children for the purposes of this division, any children 93328
under six years of age who are related to the provider and who are 93329
on the premises of the type B home shall be counted. "Type B 93330
family day-care home" and "type B home" do not include any child 93331
day camp. 93332

Sec. 5104.041. (A) All type A and type B family day-care 93333
homes shall procure and maintain one of the following: 93334

(1) Liability insurance issued by an insurer authorized to do 93335
business in this state under Chapter 3905. of the Revised Code 93336
insuring the type A or type B family day-care home against 93337
liability arising out of, or in connection with, the operation of 93338
the family day-care home. Liability insurance procured under this 93339
division shall cover any cause for which the type A or type B 93340
family day-care home would be liable, in the amount of at least 93341
one hundred thousand dollars per occurrence and three hundred 93342
thousand dollars in the aggregate. 93343

(2) ~~An affidavit~~ A written statement signed by the parent, 93344
guardian, or custodian of each child receiving child care from the 93345
type A or type B family day-care home that states all of the 93346
following: 93347

(a) The family day-care home does not carry liability 93348
insurance described in division (A)(1) of this section; 93349

(b) If the licensee of a type A family day-care home or the 93350
provider of a type B family day-care home is not the owner of the 93351
real property where the family day-care home is located, the 93352
liability insurance, if any, of the owner of the real property may 93353
not provide for coverage of any liability arising out of, or in 93354
connection with, the operation of the family day-care home. 93355

(B) If the licensee of a type A family day-care home or the provider of a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee or provider shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or ~~affidavit~~ written statement required under division (A) of this section shall be maintained at the type A or type B family day-care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.051. (A)(1) The department of commerce is responsible for the inspections of child day-care centers as required by division (A)(1) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes day-care centers, all

inspections required under division (A)(1) of section 5104.05 of 93386
the Revised Code shall be made by that department according to the 93387
standards established by the board of building standards. 93388
Inspections in areas of the state where there is no municipal, 93389
township, or county building department certified under section 93390
3781.10 of the Revised Code to exercise enforcement authority with 93391
respect to the category of building occupancy which includes 93392
day-care centers shall be made by personnel of the department of 93393
commerce. Inspections of centers shall be contingent upon payment 93394
of a fee by the applicant to the department having jurisdiction to 93395
inspect. 93396

(2) The department of commerce is responsible for the 93397
inspections of type A family day-care homes as required by 93398
division (B)(3) of section 5104.05 of the Revised Code. Where 93399
there is a municipal, township, or county building department 93400
certified under section 3781.10 of the Revised Code to exercise 93401
enforcement authority with respect to the category of building 93402
occupancy which includes type A homes, all inspections required 93403
under division (B)(3) of section 5104.05 of the Revised Code shall 93404
be made by that department according to the standards established 93405
by the board of building standards. Inspections in areas of the 93406
state where there is no municipal, township, or county building 93407
department certified under section 3781.10 of the Revised Code to 93408
exercise enforcement authority with respect to the category of 93409
building occupancy which includes type A homes shall be made by 93410
personnel of the department of commerce. Inspections of type A 93411
homes shall be contingent upon payment of a fee by the applicant 93412
to the department having jurisdiction to inspect. 93413

(B) The state fire marshal is responsible for the inspections 93414
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 93415
Revised Code. In municipal corporations and in townships outside 93416
municipal corporations where there is a fire prevention official, 93417

the inspections shall be made by the fire chief or the fire 93418
prevention official under the supervision of and according to the 93419
standards established by the state fire marshal. In townships 93420
outside municipal corporations where there is no fire prevention 93421
official, inspections shall be made by the employees of the state 93422
fire marshal. 93423

(C) The state fire marshal shall enforce all statutes and 93424
rules pertaining to fire safety and fire prevention in child 93425
day-care centers and type A family day-care homes. In the event of 93426
a dispute between the state fire marshal and any other responsible 93427
officer under sections 5104.05 and 5104.051 of the Revised Code 93428
with respect to the interpretation or application of a specific 93429
fire safety statute or rule, the interpretation of the state fire 93430
marshal shall prevail. 93431

(D) As used in this division, "licensor" has the same meaning 93432
as in section 3717.01 of the Revised Code. 93433

The licensor for food service operations in the city or 93434
general health district in which the center is located is 93435
responsible for the inspections required under Chapter 3717. of 93436
the Revised Code. 93437

(E) Any moneys collected by the department of commerce under 93438
this section shall be paid into the state treasury to the credit 93439
of the ~~industrial compliance~~ labor operating fund created in 93440
section 121.084 of the Revised Code. 93441

Sec. 5104.30. (A) The department of job and family services 93442
is hereby designated as the state agency responsible for 93443
administration and coordination of federal and state funding for 93444
publicly funded child care in this state. Publicly funded child 93445
care shall be provided to the following: 93446

(1) Recipients of transitional child care as provided under 93447

section 5104.34 of the Revised Code; 93448

(2) Participants in the Ohio works first program established 93449
under Chapter 5107. of the Revised Code; 93450

(3) Individuals who would be participating in the Ohio works 93451
first program if not for a sanction under section 5107.16 of the 93452
Revised Code and who continue to participate in a work activity, 93453
developmental activity, or alternative work activity pursuant to 93454
an assignment under section 5107.42 of the Revised Code; 93455

(4) A family receiving publicly funded child care on October 93456
1, 1997, until the family's income reaches one hundred fifty per 93457
cent of the federal poverty line; 93458

(5) Subject to available funds, other individuals determined 93459
eligible in accordance with rules adopted under section 5104.38 of 93460
the Revised Code. 93461

The department shall apply to the United States department of 93462
health and human services for authority to operate a coordinated 93463
program for publicly funded child care, if the director of job and 93464
family services determines that the application is necessary. For 93465
purposes of this section, the department of job and family 93466
services may enter into agreements with other state agencies that 93467
are involved in regulation or funding of child care. The 93468
department shall consider the special needs of migrant workers 93469
when it administers and coordinates publicly funded child care and 93470
shall develop appropriate procedures for accommodating the needs 93471
of migrant workers for publicly funded child care. 93472

(B) The department of job and family services shall 93473
distribute state and federal funds for publicly funded child care, 93474
including appropriations of state funds for publicly funded child 93475
care and appropriations of federal funds available under the child 93476
care block grant act, Title IV-A, and Title XX. The department may 93477
use any state funds appropriated for publicly funded child care as 93478

the state share required to match any federal funds appropriated 93479
for publicly funded child care. 93480

(C) In the use of federal funds available under the child 93481
care block grant act, all of the following apply: 93482

(1) The department may use the federal funds to hire staff to 93483
prepare any rules required under this chapter and to administer 93484
and coordinate federal and state funding for publicly funded child 93485
care. 93486

(2) Not more than five per cent of the aggregate amount of 93487
the federal funds received for a fiscal year may be expended for 93488
administrative costs. 93489

(3) The department shall allocate and use at least four per 93490
cent of the federal funds for the following: 93491

(a) Activities designed to provide comprehensive consumer 93492
education to parents and the public; 93493

(b) Activities that increase parental choice; 93494

(c) Activities, including child care resource and referral 93495
services, designed to improve the quality, and increase the 93496
supply, of child care; 93497

(d) Establishing a voluntary child day-care center 93498
quality-rating program in which participation in the program may 93499
allow a child day-care center to be eligible for grants, technical 93500
assistance, training, or other assistance and become eligible for 93501
unrestricted monetary awards for maintaining a quality rating. 93502

(4) The department shall ensure that the federal funds will 93503
be used only to supplement, and will not be used to supplant, 93504
federal, state, and local funds available on the effective date of 93505
the child care block grant act for publicly funded child care and 93506
related programs. A If authorized by rules adopted by the 93507
department pursuant to section 5104.42 of the Revised Code, county 93508

~~department~~ departments of job and family services may purchase 93509
child care from funds obtained through any other means. 93510

(D) The department shall encourage the development of 93511
suitable child care throughout the state, especially in areas with 93512
high concentrations of recipients of public assistance and 93513
families with low incomes. The department shall encourage the 93514
development of suitable child care designed to accommodate the 93515
special needs of migrant workers. On request, the department, 93516
through its employees or contracts with state or community child 93517
care resource and referral service organizations, shall provide 93518
consultation to groups and individuals interested in developing 93519
child care. The department of job and family services may enter 93520
into interagency agreements with the department of education, the 93521
board of regents, the department of development, and other state 93522
agencies and entities whenever the cooperative efforts of the 93523
other state agencies and entities are necessary for the department 93524
of job and family services to fulfill its duties and 93525
responsibilities under this chapter. 93526

The department shall develop and maintain a registry of 93527
persons providing child care. The director shall adopt rules 93528
pursuant to Chapter 119. of the Revised Code establishing 93529
procedures and requirements for the registry's administration. 93530

(E)(1) The director shall adopt rules in accordance with 93531
Chapter 119. of the Revised Code establishing both of the 93532
following: 93533

(a) Reimbursement ceilings for providers of publicly funded 93534
child care not later than the first day of July in each 93535
odd-numbered year; 93536

(b) A procedure for reimbursing and paying providers of 93537
publicly funded child care. 93538

(2) In establishing reimbursement ceilings under division 93539

(E)(1)(a) of this section, the director shall do all of the following: 93540
93541

(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code; 93542
93543

(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours; 93544
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93546

(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following: 93547
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(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code; 93551
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(ii) If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code. 93557
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(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following: 93562
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93564

(a) Geographic location of the provider; 93565

(b) Type of care provided; 93566

(c) Age of the child served; 93567

(d) Special needs of the child served; 93568

(e) Whether the expanded hours of service are provided; 93569

(f) Whether weekend service is provided; 93570

(g) Whether the provider has exceeded the minimum 93571
requirements of state statutes and rules governing child care; 93572

(h) Any other factors the director considers appropriate. 93573

(F) The director shall adopt rules in accordance with Chapter 93574
119. of the Revised Code to implement the voluntary child day-care 93575
center quality-rating program described in division (C)(3)(d) of 93576
this section. 93577

Sec. 5104.32. (A) Except as provided in division (C) of this 93578
section, all purchases of publicly funded child care shall be made 93579
under a contract entered into by a licensed child day-care center, 93580
licensed type A family day-care home, certified type B family 93581
day-care home, certified in-home aide, approved child day camp, 93582
licensed preschool program, licensed school child program, or 93583
border state child care provider and the county department of job 93584
and family services. A county department of job and family 93585
services may enter into a contract with a provider for publicly 93586
funded child care for a specified period of time or upon a 93587
continuous basis for an unspecified period of time. All contracts 93588
for publicly funded child care shall be contingent upon the 93589
availability of state and federal funds. The department of job and 93590
family services shall prescribe a standard form to be used for all 93591
contracts for the purchase of publicly funded child care, 93592
regardless of the source of public funds used to purchase the 93593
child care. To the extent permitted by federal law and 93594
notwithstanding any other provision of the Revised Code that 93595
regulates state or county contracts or contracts involving the 93596
expenditure of state, county, or federal funds, all contracts for 93597
publicly funded child care shall be entered into in accordance 93598
with the provisions of this chapter and are exempt from any other 93599
provision of the Revised Code that regulates state or county 93600

contracts or contracts involving the expenditure of state, county, 93601
or federal funds. 93602

(B) Each contract for publicly funded child care shall 93603
specify at least the following: 93604

(1) That the provider of publicly funded child care agrees to 93605
be paid for rendering services at the lowest of the rate 93606
customarily charged by the provider for children enrolled for 93607
child care, the reimbursement ceiling or rate of payment 93608
established pursuant to section 5104.30 of the Revised Code, or a 93609
rate the county department negotiates with the provider; 93610

(2) That, if a provider provides child care to an individual 93611
potentially eligible for publicly funded child care who is 93612
subsequently determined to be eligible, the county department 93613
agrees to pay for all child care provided between the date the 93614
county department receives the individual's completed application 93615
and the date the individual's eligibility is determined; 93616

(3) Whether the county department of job and family services, 93617
the provider, or a child care resource and referral service 93618
organization will make eligibility determinations, whether the 93619
provider or a child care resource and referral service 93620
organization will be required to collect information to be used by 93621
the county department to make eligibility determinations, and the 93622
time period within which the provider or child care resource and 93623
referral service organization is required to complete required 93624
eligibility determinations or to transmit to the county department 93625
any information collected for the purpose of making eligibility 93626
determinations; 93627

(4) That the provider, other than a border state child care 93628
provider, shall continue to be licensed, approved, or certified 93629
pursuant to this chapter and shall comply with all standards and 93630
other requirements in this chapter and in rules adopted pursuant 93631

to this chapter for maintaining the provider's license, approval, 93632
or certification; 93633

(5) That, in the case of a border state child care provider, 93634
the provider shall continue to be licensed, certified, or 93635
otherwise approved by the state in which the provider is located 93636
and shall comply with all standards and other requirements 93637
established by that state for maintaining the provider's license, 93638
certificate, or other approval; 93639

(6) Whether the provider will be paid by the county 93640
department of job and family services ~~or~~, the state department of 93641
job and family services, or in some other manner as prescribed by 93642
rules adopted under section 5104.42 of the Revised Code; 93643

(7) That the contract is subject to the availability of state 93644
and federal funds. 93645

(C) Unless specifically prohibited by federal law or by rules 93646
adopted under section 5104.42 of the Revised Code, the county 93647
department of job and family services shall give individuals 93648
eligible for publicly funded child care the option of obtaining 93649
certificates for payment that the individual may use to purchase 93650
services from any provider qualified to provide publicly funded 93651
child care under section 5104.31 of the Revised Code. Providers of 93652
publicly funded child care may present these certificates for 93653
payment for reimbursement in accordance with rules that the 93654
director of job and family services shall adopt. Only providers 93655
may receive reimbursement for certificates for payment. The value 93656
of the certificate for payment shall be based on the lowest of the 93657
rate customarily charged by the provider, the reimbursement 93658
ceiling or rate of payment established pursuant to section 5104.30 93659
of the Revised Code, or a rate the county department negotiates 93660
with the provider. The county department may provide the 93661
certificates for payment to the individuals or may contract with 93662
child care providers or child care resource and referral service 93663

organizations that make determinations of eligibility for publicly 93664
funded child care pursuant to contracts entered into under section 93665
5104.34 of the Revised Code for the providers or resource and 93666
referral service organizations to provide the certificates for 93667
payment to individuals whom they determine are eligible for 93668
publicly funded child care. 93669

For each six-month period a provider of publicly funded child 93670
care provides publicly funded child day-care to the child of an 93671
individual given certificates for payment, the individual shall 93672
provide the provider certificates for days the provider would have 93673
provided publicly funded child care to the child had the child 93674
been present. ~~County departments shall specify the maximum number~~ 93675
~~of days providers will be provided certificates of payment for~~ 93676
~~days the provider would have provided publicly funded child care~~ 93677
~~had the child been present.~~ The maximum number of days providers 93678
shall be provided certificates shall not exceed ten days in a 93679
six-month period during which publicly funded child care is 93680
provided to the child regardless of the number of providers that 93681
provide publicly funded child care to the child during that 93682
period. 93683

Sec. 5104.341. (A) Except as provided in division (B) of this 93684
section, both of the following apply: 93685

(1) An eligibility determination made under section 5104.34 93686
of the Revised Code for publicly funded child care is valid for 93687
one year; 93688

(2) The county department of job and family services shall 93689
~~redetermine~~ adjust the appropriate level of a fee charged under 93690
division (B) of section 5104.34 of the Revised Code ~~every six~~ 93691
~~months during the one year period, unless if~~ a caretaker parent 93692
~~requests that the fee be reduced due to~~ reports changes in income, 93693
family size, or both ~~and the county department of job and family~~ 93694

~~services approves the reduction.~~ 93695

(B) Division (A) of this section does not apply in either of 93696
the following circumstances: 93697

(1) The publicly funded child care is provided under division 93698
(B)(4) of section 5104.35 of the Revised Code; 93699

(2) The recipient of the publicly funded child care ceases to 93700
be eligible for publicly funded child care. 93701

Sec. 5104.35. (A) The county department of job and family 93702
services shall do all of the following: 93703

(1) Accept any gift, grant, or other funds from either public 93704
or private sources offered unconditionally or under conditions 93705
which are, in the judgment of the department, proper and 93706
consistent with this chapter and deposit the funds in the county 93707
public assistance fund established by section 5101.161 of the 93708
Revised Code; 93709

(2) Recruit individuals and groups interested in 93710
certification as in-home aides or in developing and operating 93711
suitable licensed child day-care centers, type A family day-care 93712
homes, or certified type B family day-care homes, especially in 93713
areas with high concentrations of recipients of public assistance, 93714
and for that purpose provide consultation to interested 93715
individuals and groups on request; 93716

(3) Inform clients of the availability of child care 93717
services; 93718

(4) Pay to a child day-care center, type A family day-care 93719
home, certified type B family day-care home, in-home aide, 93720
approved child day camp, licensed preschool program, licensed 93721
school child program, or border state child care provider for 93722
child care services, the amount provided for in division (B) of 93723
section 5104.32 of the Revised Code. If part of the cost of care 93724

of a child is paid by the child's parent or any other person, the 93725
amount paid shall be subtracted from the amount the ~~county~~ 93726
~~department pays~~ provider is paid. 93727

(5) In accordance with rules adopted pursuant to section 93728
5104.39 of the Revised Code, provide monthly reports to the 93729
director of job and family services and the director of budget and 93730
management regarding expenditures for the purchase of publicly 93731
funded child care. 93732

(B) The county department of job and family services may do 93733
any of the following: 93734

(1) To the extent permitted by federal law, use public child 93735
care funds to extend the hours of operation of the county 93736
department to accommodate the needs of working caretaker parents 93737
and enable those parents to apply for publicly funded child care; 93738

(2) In accordance with rules adopted by the director of job 93739
and family services, request a waiver of the reimbursement ceiling 93740
established pursuant to section 5104.30 of the Revised Code for 93741
the purpose of paying a higher rate for publicly funded child care 93742
based upon the special needs of a child; 93743

(3) To the extent permitted by federal law, use state and 93744
federal funds to pay deposits and other advance payments that a 93745
provider of child care customarily charges all children who 93746
receive child care from that provider; 93747

(4) To the extent permitted by federal law, pay for up to 93748
thirty days of child care for a child whose caretaker parent is 93749
seeking employment, taking part in employment orientation 93750
activities, or taking part in activities in anticipation of 93751
enrollment or attendance in an education or training program or 93752
activity, if the employment or education or training program or 93753
activity is expected to begin within the thirty-day period. 93754

Sec. 5104.38. In addition to any other rules adopted under 93755
this chapter, the director of job and family services shall adopt 93756
rules in accordance with Chapter 119. of the Revised Code 93757
governing financial and administrative requirements for publicly 93758
funded child care and establishing all of the following: 93759

(A) Procedures and criteria to be used in making 93760
determinations of eligibility for publicly funded child care that 93761
give priority to children of families with lower incomes and 93762
procedures and criteria for eligibility for publicly funded 93763
protective child care. The rules shall specify the maximum amount 93764
of income a family may have for initial and continued eligibility. 93765
The maximum amount shall not exceed two hundred per cent of the 93766
federal poverty line. 93767

(B) Procedures under which a county department of job and 93768
family services may, if the department, under division (A) of this 93769
section, specifies a maximum amount of income a family may have 93770
for eligibility for publicly funded child care that is less than 93771
the maximum amount specified in that division, specify a maximum 93772
amount of income a family residing in the county the county 93773
department serves may have for initial and continued eligibility 93774
for publicly funded child care that is higher than the amount 93775
specified by the department but does not exceed the maximum amount 93776
specified in division (A) of this section; 93777

(C) A schedule of fees requiring all eligible caretaker 93778
parents to pay a fee for publicly funded child care according to 93779
income and family size, which shall be uniform for all types of 93780
publicly funded child care, except as authorized by rule, and, to 93781
the extent permitted by federal law, shall permit the use of state 93782
and federal funds to pay the customary deposits and other advance 93783
payments that a provider charges all children who receive child 93784
care from that provider. The schedule of fees may not provide for 93785

a caretaker parent to pay a fee that exceeds ten per cent of the parent's family income. 93786
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(D) A formula based upon a percentage of the county's total expenditures for publicly funded child care for determining the maximum amount of state and federal funds appropriated for publicly funded child care that a county department may use for administrative purposes; 93788
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(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care; 93793
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(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care; 93796
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(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care; 93801
93802

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act; 93803
93804

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans; 93805
93806

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(II)~~(JJ)(1) of section 5104.01 of the Revised Code; 93807
93808
93809

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 93810
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(L) Any other rules necessary to carry out sections 5104.30 93815

to 5104.39 of the Revised Code. 93816

Sec. 5104.39. (A) The director of job and family services 93817
shall adopt rules in accordance with Chapter 119. of the Revised 93818
Code establishing a procedure for monitoring the expenditures of 93819
county departments of job and family services to ensure that 93820
expenditures do not exceed the available federal and state funds 93821
for publicly funded child care. The department, with the 93822
assistance of the office of budget and management and the child 93823
care advisory council created pursuant to section 5104.08 of the 93824
Revised Code, shall monitor the anticipated future expenditures of 93825
county departments for publicly funded child care and shall 93826
compare those anticipated future expenditures to available federal 93827
and state funds for publicly funded child care. Whenever the 93828
department determines that the anticipated future expenditures of 93829
the county departments will exceed the available federal and state 93830
funds for publicly funded child care, ~~it~~ and the department 93831
reimburses the county departments in accordance with rules adopted 93832
under section 5104.42 of the Revised Code, the department shall 93833
promptly ~~shall~~ notify the county departments and, before the 93834
available state and federal funds are used, the director shall 93835
issue and implement an administrative order that shall specify 93836
both of the following: 93837

(1) Priorities for expending the remaining available federal 93838
and state funds for publicly funded child care; 93839

(2) Instructions and procedures to be used by the county 93840
departments. 93841

(B) The order may do any or all of the following: 93842

(1) Suspend enrollment of all new participants in any program 93843
of publicly funded child care; 93844

(2) Limit enrollment of new participants to those with 93845

incomes at or below a specified percentage of the federal poverty line; 93846
93847

(3) Disenroll existing participants with income above a specified percentage of the federal poverty line. 93848
93849

(C) Each county department shall comply with the order no later than thirty days after it is issued. If the department fails to notify the county departments and to implement the reallocation priorities specified in the order before the available federal and state funds for publicly funded child care are used, the state department shall provide sufficient funds to the county departments for publicly funded child care to enable each county department to pay for all publicly funded child care that was provided by providers pursuant to contract prior to the date that the county department received notice under this section and the state department implemented in that county the priorities. 93850
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(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures of the county departments, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued. 93861
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(E) The department of job and family services shall do all of the following: 93872
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(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.39 of the Revised Code; 93874
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(2) Prepare reports based upon the evaluations that specify 93877
for each county the number of participants and amount of 93878
expenditures; 93879

(3) Provide copies of the reports to both houses of the 93880
general assembly and, on request, to interested parties. 93881

Sec. 5104.42. The director of job and family services shall 93882
adopt rules pursuant to section 111.15 of the Revised Code 93883
establishing a payment procedure for publicly funded child care. 93884
The rules may provide that the department of job and family 93885
services will ~~either~~ reimburse county departments of job and 93886
family services for payments made to providers of publicly funded 93887
child care ~~or~~, make direct payments to providers ~~pursuant to an~~ 93888
~~agreement entered into with a county board of commissioners~~ 93889
~~pursuant to section 5101.21 of the Revised Code, or establish~~ 93890
another system for the payment of publicly funded child care. 93891

Alternately, the director, by rule adopted in accordance with 93892
section 111.15 of the Revised Code, may establish a methodology 93893
for allocating among the county departments the state and federal 93894
funds appropriated for all publicly funded child care services. If 93895
the department chooses to allocate funds for publicly funded child 93896
care, it may provide the funds to each county department, up to 93897
the limit of the county's allocation, by advancing the funds or 93898
reimbursing county care expenditures. The rules adopted under this 93899
section may prescribe procedures for making the advances or 93900
reimbursements. The rules may establish a method under which the 93901
department may determine which county expenditures for child care 93902
services are allowable for use of and federal funds. 93903

The rules may establish procedures that a county department 93904
shall follow when the county department determines that its 93905
anticipated future expenditures for publicly funded child care 93906
services will exceed the amount of state and federal funds 93907

allocated by the state department. The procedures may include 93908
suspending or limiting enrollment of new participants. 93909

Sec. 5107.05. The director of job and family services shall 93910
adopt rules to implement this chapter. The rules shall be 93911
consistent with Title IV-A, Title IV-D, federal regulations, state 93912
law, the Title IV-A state plan submitted to the United States 93913
secretary of health and human services under section 5101.80 of 93914
the Revised Code, amendments to the plan, and waivers granted by 93915
the United States secretary. Rules governing eligibility, program 93916
participation, and other applicant and participant requirements 93917
shall be adopted in accordance with Chapter 119. of the Revised 93918
Code. Rules governing financial and other administrative 93919
requirements applicable to the department of job and family 93920
services and county departments of job and family services shall 93921
be adopted in accordance with section 111.15 of the Revised Code. 93922

(A) The rules shall specify, establish, or govern all of the 93923
following: 93924

(1) A payment standard for Ohio works first based on federal 93925
and state appropriations that is increased in accordance with 93926
section 5107.04 of the Revised Code; 93927

(2) For the purpose of section 5107.04 of the Revised Code, 93928
the method of determining the amount of cash assistance an 93929
assistance group receives under Ohio works first; 93930

(3) Requirements for initial and continued eligibility for 93931
Ohio works first, including requirements regarding income, 93932
citizenship, age, residence, and assistance group composition; 93933

(4) For the purpose of section 5107.12 of the Revised Code, 93934
application and verification procedures, including the minimum 93935
information an application must contain; 93936

(5) The extent to which a participant of Ohio works first 93937

must notify, pursuant to section 5107.12 of the Revised Code, a 93938
county department of job and family services of additional income 93939
not previously reported to the county department; 93940

(6) For the purpose of section 5107.16 of the Revised Code, 93941
~~standards~~ all of the following: 93942

(a) Standards for the determination of good cause for failure 93943
or refusal to comply in full with a provision of a 93944
self-sufficiency contract; 93945

(b) The compliance form a member of an assistance group may 93946
complete to indicate willingness to come into full compliance with 93947
a provision of a self-sufficiency contract; 93948

(c) The manner by which the compliance form is to be 93949
completed and provided to a county department of job and family 93950
services. 93951

(7) The department of job and family services providing 93952
written notice of a sanction under section 5107.161 of the Revised 93953
Code; 93954

(8) For the purpose of division (A)(2) of section 5107.17 of 93955
the Revised Code, the period of time by which a county department 93956
of job and family services is to receive a compliance form 93957
established in rules adopted under division (A)(6)(b) of this 93958
section; 93959

(9) Requirements for the collection and distribution of 93960
support payments owed participants of Ohio works first pursuant to 93961
section 5107.20 of the Revised Code; 93962

~~(9)~~(10) For the purpose of section 5107.22 of the Revised 93963
Code, what constitutes cooperating in establishing a minor child's 93964
paternity or establishing, modifying, or enforcing a child support 93965
order and good cause for failure or refusal to cooperate; 93966
93967

~~(10)~~(11) The requirements governing the LEAP program, 93968
including the definitions of "equivalent of a high school diploma" 93969
and "good cause," and the incentives provided under the LEAP 93970
program; 93971

~~(11)~~(12) If the director implements section 5107.301 of the 93972
Revised Code, the requirements governing the award provided under 93973
that section, including the form that the award is to take and 93974
requirements an individual must satisfy to receive the award; 93975

~~(12)~~(13) Circumstances under which a county department of job 93976
and family services may exempt a minor head of household or adult 93977
from participating in a work activity or developmental activity 93978
for all or some of the weekly hours otherwise required by section 93979
5107.43 of the Revised Code. 93980

~~(13)~~(14) The maximum amount of time the department will 93981
subsidize positions created by state agencies and political 93982
subdivisions under division (C) of section 5107.52 of the Revised 93983
Code; 93984

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 93985
of the Revised Code by county departments of job and family 93986
services; 93987

~~(15)~~(16) A domestic violence screening process to be used for 93988
the purpose of division (A) of section 5107.71 of the Revised 93989
Code; 93990

~~(16)~~(17) The minimum frequency with which county departments 93991
of job and family services must redetermine a member of an 93992
assistance group's need for a waiver issued under section 5107.714 93993
of the Revised Code. 93994

(B) The rules adopted under division (A)(3) of this section 93995
regarding income shall specify what is countable income, gross 93996
earned income, and gross unearned income for the purpose of 93997
section 5107.10 of the Revised Code. 93998

The rules adopted under division (A)~~(9)~~(10) of this section 93999
shall be consistent with 42 U.S.C. 654(29). 94000

The rules adopted under division (A)~~(12)~~(13) of this section 94001
shall specify that the circumstances include that a school or 94002
place of work is closed due to a holiday or weather or other 94003
emergency and that an employer grants the minor head of household 94004
or adult leave for illness or earned vacation. 94005

(C) The rules may provide that a county department of job and 94006
family services is not required to take action under section 94007
5107.76 of the Revised Code to recover an erroneous payment that 94008
is below an amount the department specifies. 94009

Sec. 5107.16. (A) If a member of an assistance group fails or 94010
refuses, without good cause, to comply in full with a provision of 94011
a self-sufficiency contract entered into under section 5107.14 of 94012
the Revised Code, a county department of job and family services 94013
shall sanction the assistance group as follows: 94014

(1) For a first failure or refusal, the county department 94015
shall deny or terminate the assistance group's eligibility to 94016
participate in Ohio works first for one payment month or until the 94017
failure or refusal ceases, whichever is longer; 94018

(2) For a second failure or refusal, the county department 94019
shall deny or terminate the assistance group's eligibility to 94020
participate in Ohio works first for three payment months or until 94021
the failure or refusal ceases, whichever is longer; 94022

(3) For a third or subsequent failure or refusal, the county 94023
department shall deny or terminate the assistance group's 94024
eligibility to participate in Ohio works first for six payment 94025
months or until the failure or refusal ceases, whichever is 94026
longer. 94027

(B) The director of job and family services shall establish 94028

standards for the determination of good cause for failure or 94029
refusal to comply in full with a provision of a self-sufficiency 94030
contract in rules adopted under section 5107.05 of the Revised 94031
Code. 94032

(C) The director of job and family services shall provide a 94033
compliance form established in rules adopted under section 5107.05 94034
of the Revised Code to an assistance group member who fails or 94035
refuses, without good cause, to comply in full with a provision of 94036
a self-sufficiency contract. The member's failure or refusal to 94037
comply in full with the provision shall be deemed to have ceased 94038
on the date a county department of job and family services 94039
receives the compliance form from the member if the compliance 94040
form is completed and provided to the county department in the 94041
manner specified in rules adopted under section 5107.05 of the 94042
Revised Code. 94043

(D) After sanctioning an assistance group under division (A) 94044
of this section, a county department of job and family services 94045
shall continue to work with the assistance group. 94046

~~(D)~~(E) An adult eligible for medicaid pursuant to division 94047
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 94048
under division (A)(3) of this section for a failure or refusal, 94049
without good cause, to comply in full with a provision of a 94050
self-sufficiency contract related to work responsibilities under 94051
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 94052
for medicaid unless the adult is otherwise eligible for medicaid 94053
pursuant to another division of section 5111.01 of the Revised 94054
Code. 94055

An assistance group that would be participating in Ohio works 94056
first if not for a sanction under this section shall continue to 94057
be eligible for all of the following: 94058

(1) Publicly funded child care in accordance with division 94059

(A)(3) of section 5104.30 of the Revised Code; 94060

(2) Support services in accordance with section 5107.66 of 94061
the Revised Code; 94062

(3) To the extent permitted by the "Fair Labor Standards Act 94063
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 94064
in work activities, developmental activities, and alternative work 94065
activities in accordance with sections 5107.40 to 5107.69 of the 94066
Revised Code. 94067

Sec. 5107.17. An assistance group that resumes participation 94068
in Ohio works first following a sanction under section 5107.16 of 94069
the Revised Code is not required to do either of the following: 94070

(A) Reapply under section 5107.12 of the Revised Code, unless 94071
~~it~~ either of the following applies: 94072

(1) It is the assistance group's regularly scheduled time for 94073
an eligibility redetermination; 94074

(2) The county department of job and family services does not 94075
receive the completed compliance form established in rules adopted 94076
under section 5107.05 of the Revised Code within the period of 94077
time specified in rules adopted under that section. 94078

(B) Enter into a new self-sufficiency contract under section 94079
5107.14 of the Revised Code, unless the county department of job 94080
and family services determines it is time for a new appraisal 94081
under section 5107.41 of the Revised Code or the assistance 94082
group's circumstances have changed in a manner necessitating an 94083
amendment to the self-sufficiency contract as determined using 94084
procedures included in the contract under division (B)(9) of 94085
section 5107.14 of the Revised Code. 94086

Sec. 5107.58. In accordance with a federal waiver granted by 94087
the United States secretary of health and human services pursuant 94088

to a request made under former section 5101.09 of the Revised Code, county departments of job and family services may establish and administer as a work activity for minor heads of households and adults participating in Ohio works first an education program under which the participant is enrolled full-time in post-secondary education leading to vocation at a state institution of higher education, as defined in section 3345.031 of the Revised Code; a private nonprofit college or university that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or is exempted by division (E) of section 1713.02 of the Revised Code from the requirement of a certificate; a school that holds a certificate of registration and program authorization issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code; a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code; or a school that has entered into a contract with the county department of job and family services. The participant shall make reasonable efforts, as determined by the county department, to obtain ~~a~~ an applicable loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell grant under 20 U.S.C.A. 1070a, an Ohio instructional grant under section 3333.12 of the Revised Code, and an Ohio college opportunity grant, a private higher education need-based financial aid block grant program grant, and a career-college needs-based financial aid block grant program grant under section 3333.122 of the Revised Code. If the participant has made reasonable efforts but is unable to obtain sufficient assistance to pay the tuition the program may pay the tuition. On or after October 1, 1998, the county department may enter into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years. If the participant, pursuant to division (B)(3) of

section 5107.43 of the Revised Code, volunteers to participate in 94122
the education program for more hours each week than the 94123
participant is assigned to the program, the program may pay or the 94124
county department may loan the cost of the tuition for the 94125
additional voluntary hours as well as the cost of the tuition for 94126
the assigned number of hours. The participant may receive, for not 94127
more than three years, support services, including publicly funded 94128
child care under Chapter 5104. of the Revised Code and 94129
transportation, that the participant needs to participate in the 94130
program. To receive support services in the third year, the 94131
participant must be, as determined by the educational institution 94132
in which the participant is enrolled, in good standing with the 94133
institution. 94134

A county department that provides loans under this section 94135
shall establish procedures governing loan application for and 94136
approval and administration of loans granted pursuant to this 94137
section. 94138

Sec. 5111.01. As used in this chapter, "medical assistance 94139
program" or "medicaid" means the program that is authorized by 94140
this chapter and provided by the department of job and family 94141
services under this chapter, Title XIX of the "Social Security 94142
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 94143
waivers of Title XIX requirements granted to the department by the 94144
centers for medicare and medicaid services of the United States 94145
department of health and human services. 94146

The department of job and family services shall act as the 94147
single state agency to supervise the administration of the 94148
medicaid program. As the single state agency, the department shall 94149
comply with 42 C.F.R. 431.10(e). The department's rules governing 94150
medicaid are binding on other agencies that administer components 94151
of the medicaid program. No agency may establish, by rule or 94152

otherwise, a policy governing medicaid that is inconsistent with a 94153
medicaid policy established, in rule or otherwise, by the director 94154
of job and family services. 94155

(A) The department of job and family services may provide 94156
medical assistance under the medicaid program as long as federal 94157
funds are provided for such assistance, to the following: 94158

(1) Families with children that meet either of the following 94159
conditions: 94160

(a) The family meets the income, resource, and family 94161
composition requirements in effect on July 16, 1996, for the 94162
former aid to dependent children program as those requirements 94163
were established by Chapter 5107. of the Revised Code, federal 94164
waivers granted pursuant to requests made under former section 94165
5101.09 of the Revised Code, and rules adopted by the department 94166
or any changes the department makes to those requirements in 94167
accordance with paragraph (a)(2) of section 114 of the "Personal 94168
Responsibility and Work Opportunity Reconciliation Act of 1996," 94169
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 94170
implementing section ~~5111.019~~ 5111.0120 of the Revised Code. An 94171
adult loses eligibility for medicaid under division (A)(1)(a) of 94172
this section pursuant to division ~~(D)~~(E) of section 5107.16 of the 94173
Revised Code. 94174

(b) The family does not meet the requirements specified in 94175
division (A)(1)(a) of this section but is eligible for medicaid 94176
pursuant to section 5101.18 of the Revised Code. 94177

(2) Aged, blind, and disabled persons who meet the following 94178
conditions: 94179

(a) Receive federal aid under Title XVI of the "Social 94180
Security Act," or are eligible for but are not receiving such aid, 94181
provided that the income from all other sources for individuals 94182
with independent living arrangements shall not exceed one hundred 94183

seventy-five dollars per month. The income standards hereby 94184
established shall be adjusted annually at the rate that is used by 94185
the United States department of health and human services to 94186
adjust the amounts payable under Title XVI. 94187

(b) Do not receive aid under Title XVI, but meet any of the 94188
following criteria: 94189

(i) Would be eligible to receive such aid, except that their 94190
income, other than that excluded from consideration as income 94191
under Title XVI, exceeds the maximum under division (A)(2)(a) of 94192
this section, and incurred expenses for medical care, as 94193
determined under federal regulations applicable to section 209(b) 94194
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 94195
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 94196
their income exceeds the maximum under division (A)(2)(a) of this 94197
section; 94198

(ii) Received aid for the aged, aid to the blind, or aid for 94199
the permanently and totally disabled prior to January 1, 1974, and 94200
continue to meet all the same eligibility requirements; 94201

(iii) Are eligible for medicaid pursuant to section 5101.18 94202
of the Revised Code. 94203

(3) Persons to whom federal law requires, as a condition of 94204
state participation in the medicaid program, that medicaid be 94205
provided; 94206

(4) Persons under age twenty-one who meet the income 94207
requirements for the Ohio works first program established under 94208
Chapter 5107. of the Revised Code but do not meet other 94209
eligibility requirements for the program. The director shall adopt 94210
rules in accordance with Chapter 119. of the Revised Code 94211
specifying which Ohio works first requirements shall be waived for 94212
the purpose of providing medicaid eligibility under division 94213
(A)(4) of this section. 94214

(B) If sufficient funds are appropriated for the medicaid 94215
program, the department may provide medical assistance under the 94216
medicaid program to persons in groups designated by federal law as 94217
groups to which a state, at its option, may provide medical 94218
assistance under the medicaid program. 94219

(C) The department may expand eligibility for the medicaid 94220
program to include individuals under age nineteen with family 94221
incomes at or below one hundred fifty per cent of the federal 94222
poverty guidelines, except that the eligibility expansion shall 94223
not occur unless the department receives the approval of the 94224
federal government. The department may implement the eligibility 94225
expansion authorized under this division on any date selected by 94226
the department, but not sooner than January 1, 1998. 94227

(D) In addition to any other authority or requirement to 94228
adopt rules under this chapter, the director may adopt rules in 94229
accordance with section 111.15 of the Revised Code as the director 94230
considers necessary to establish standards, procedures, and other 94231
requirements regarding the provision of medical assistance under 94232
the medicaid program. The rules may establish requirements to be 94233
followed in applying for medicaid, making determinations of 94234
eligibility for medicaid, and verifying eligibility for medicaid. 94235
The rules may include special conditions as the department 94236
determines appropriate for making applications, determining 94237
eligibility, and verifying eligibility for any medical assistance 94238
that the department may provide under the medicaid program 94239
pursuant to division (C) of this section and section 5111.014 or 94240
~~5111.019~~ 5111.0120 of the Revised Code. 94241

Sec. 5111.015. (A) If the United States secretary of health 94242
and human services grants a waiver of any contrary federal 94243
requirements governing the medical assistance program or the 94244
director of job and family services determines that there are no 94245

contrary federal requirements, divisions (A)(1) and (2) of this 94246
section apply to determinations of eligibility under this chapter: 94247

(1) In determining the eligibility of an assistance group for 94248
assistance under this chapter, the department of job and family 94249
services shall exclude from the income and resources applicable to 94250
the assistance group the value of any tuition payment contract 94251
entered into under section 3334.09 of the Revised Code or any 94252
scholarship awarded under section 3334.18 of the Revised Code and 94253
the amount of payments made ~~by the Ohio tuition trust authority~~ 94254
under section 3334.09 of the Revised Code pursuant to the contract 94255
or scholarship. 94256

(2) The department shall not require any person to terminate 94257
a tuition payment contract entered into under Chapter 3334. of the 94258
Revised Code as a condition of an assistance group's eligibility 94259
for assistance under this chapter. 94260

(B) To the extent required by federal law, the department 94261
shall include as income any refund paid under section 3334.10 of 94262
the Revised Code to a member of the assistance group. 94263

(C) Not later than sixty days after July 1, 1994, the 94264
department shall apply to the United States department of health 94265
and human services for a waiver of any federal requirements that 94266
otherwise would be violated by implementation of division (A) of 94267
this section. 94268

Sec. ~~5111.019~~ 5111.0120. The director of job and family 94269
services shall submit to the United States secretary of health and 94270
human services an amendment to the state medicaid plan to make an 94271
individual eligible for medicaid who meets all of the following 94272
requirements: 94273

(A) The individual is the parent of a child under nineteen 94274
years of age and resides with the child; 94275

(B) The individual's family income does not exceed ninety per cent of the federal poverty guidelines; 94276
94277

(C) The individual is not otherwise eligible for medicaid; 94278

(D) The individual satisfies all relevant requirements 94279
established by rules adopted under division (D) of section 5111.01 94280
of the Revised Code. 94281

Sec. 5111.0121. A parent eligible for the medicaid program 94282
pursuant to section 5111.0120 of the Revised Code shall not be 94283
required to undergo a redetermination of eligibility for the 94284
medicaid program more often than once every twelve months unless 94285
there are reasonable grounds to believe that circumstances have 94286
changed that may affect the parent's eligibility. 94287

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 94288
Code, the director of job and family services shall adopt rules 94289
establishing procedures for the use of time-limited provider 94290
agreements under the medicaid program. Except as provided in 94291
division (E) of this section, all provider agreements shall be 94292
time-limited in accordance with the procedures established in the 94293
rules. 94294

The department of job and family services shall phase-in the 94295
use of time-limited provider agreements pursuant to this section 94296
during a period commencing not later than January 1, 2008, and 94297
ending January 1, ~~2011~~ 2015. 94298

(B) In the use of time-limited provider agreements pursuant 94299
to this section, all of the following apply: 94300

(1) Each provider agreement shall expire not later than ~~three~~ 94301
seven years from the effective date of the agreement. 94302

(2) During the phase-in period specified in division (A) of 94303
this section, the department may provide for the conversion of a 94304

provider agreement without a time limit to a provider agreement 94305
with a time limit. The department may take an action to convert 94306
the provider agreement by sending a notice by regular mail to the 94307
address of the provider on record with the department advising the 94308
provider of the conversion. 94309

(3) The department may make the effective date of a provider 94310
agreement retroactive for a period not to exceed one year from the 94311
date of the provider's application for the agreement, as long as 94312
the provider met all medicaid program requirements during that 94313
period. 94314

(C) The rules for use of time-limited provider agreements 94315
pursuant to this section shall include a process for re-enrollment 94316
of providers. All of the following apply to the re-enrollment 94317
process: 94318

(1) The department of job and family services may terminate a 94319
time-limited provider agreement or deny re-enrollment when a 94320
provider fails to file an application for re-enrollment within the 94321
time and in the manner required under the re-enrollment process. 94322
94323

(2) If a provider files an application for re-enrollment 94324
within the time and in the manner required under the re-enrollment 94325
process, but the provider agreement expires before the department 94326
acts on the application or before the effective date of the 94327
department's decision on the application, the provider may 94328
continue operating under the terms of the expired provider 94329
agreement until the effective date of the department's decision. 94330

(3) A decision by the department to approve an application 94331
for re-enrollment becomes effective on the date of the 94332
department's decision. A decision by the department to deny 94333
re-enrollment shall take effect not sooner than thirty days after 94334
the date the department mails written notice of the decision to 94335

the provider. The department shall specify in the notice the date 94336
on which the provider is required to cease operating under the 94337
provider agreement. 94338

(D) Pursuant to section 5111.06 of the Revised Code, the 94339
department is not required to take the actions specified in 94340
division (C)(1) of this section by issuing an order pursuant to an 94341
adjudication conducted in accordance with Chapter 119. of the 94342
Revised Code. 94343

(E) The use of time-limited provider agreements pursuant to 94344
this section does not apply to provider agreements issued to the 94345
following, including any provider agreements issued to the 94346
following that are otherwise time-limited under the medicaid 94347
program: 94348

(1) A managed care organization under contract with the 94349
department pursuant to section 5111.17 of the Revised Code; 94350

(2) A nursing facility, as defined in section 5111.20 of the 94351
Revised Code; 94352

(3) An intermediate care facility for the mentally retarded, 94353
as defined in section 5111.20 of the Revised Code; 94354

(4) A hospital. 94355

Sec. 5111.032. (A) As used in this section: 94356

(1) "Criminal records check" has the same meaning as in 94357
section 109.572 of the Revised Code. 94358

(2) "Department" includes a designee of the department of job 94359
and family services. 94360

(3) "Owner" means a person who has an ownership interest in a 94361
provider in an amount designated by the department of job and 94362
family services in rules adopted under this section. 94363

(4) "Provider" means a person, institution, or entity that 94364

has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended.

(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining a provider agreement, continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted.

(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code.

(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department shall specify which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to the criminal records check requirement.

(2) At times designated in rules adopted under this section,

a provider that is subject to the criminal records check 94397
requirement shall inform each person specified by the department 94398
under division (C)(1) of this section that the person is required, 94399
as applicable, to submit to a criminal records check for final 94400
consideration for employment in a full-time, part-time, or 94401
temporary position; as a condition of continued employment; or as 94402
a condition of becoming or continuing to be an officer, board 94403
member or owner of a provider. 94404

(D)(1) If a provider or applicant to be a provider is subject 94405
to a criminal records check under this section, the department 94406
shall require the conduct of a criminal records check by the 94407
superintendent of the bureau of criminal identification and 94408
investigation. If a provider or applicant to be a provider for 94409
whom a criminal records check is required does not present proof 94410
of having been a resident of this state for the five-year period 94411
immediately prior to the date the criminal records check is 94412
requested or provide evidence that within that five-year period 94413
the superintendent has requested information about the individual 94414
from the federal bureau of investigation in a criminal records 94415
check, the department shall require the provider or applicant to 94416
request that the superintendent obtain information from the 94417
federal bureau of investigation as part of the criminal records 94418
check of the provider or applicant. Even if a provider or 94419
applicant for whom a criminal records check request is required 94420
presents proof of having been a resident of this state for the 94421
five-year period, the department may require that the provider or 94422
applicant request that the superintendent obtain information from 94423
the federal bureau of investigation and include it in the criminal 94424
records check of the provider or applicant. 94425

(2) A provider shall require the conduct of a criminal 94426
records check by the superintendent with respect to each of the 94427
persons specified by the department under division (C)(1) of this 94428

section. If the person for whom a criminal records check is 94429
required does not present proof of having been a resident of this 94430
state for the five-year period immediately prior to the date the 94431
criminal records check is requested or provide evidence that 94432
within that five-year period the superintendent of the bureau of 94433
criminal identification and investigation has requested 94434
information about the individual from the federal bureau of 94435
investigation in a criminal records check, the individual shall 94436
request that the superintendent obtain information from the 94437
federal bureau of investigation as part of the criminal records 94438
check of the individual. Even if an individual for whom a criminal 94439
records check request is required presents proof of having been a 94440
resident of this state for the five-year period, the department 94441
may require the provider to request that the superintendent obtain 94442
information from the federal bureau of investigation and include 94443
it in the criminal records check of the person. 94444

(E)(1) Criminal records checks required under this section 94445
for providers or applicants to be providers shall be obtained as 94446
follows: 94447

(a) The department shall provide each provider or applicant 94448
information about accessing and completing the form prescribed 94449
pursuant to division (C)(1) of section 109.572 of the Revised Code 94450
and the standard fingerprint impression sheet prescribed pursuant 94451
to division (C)(2) of that section. 94452

(b) The provider or applicant shall submit the required form 94453
and one complete set of fingerprint impressions directly to the 94454
superintendent for purposes of conducting the criminal records 94455
check using the applicable methods prescribed by division (C) of 94456
section 109.572 of the Revised Code. The applicant or provider 94457
shall pay all fees associated with obtaining the criminal records 94458
check. 94459

(c) The superintendent shall conduct the criminal records 94460

check in accordance with section 109.572 of the Revised Code. The 94461
provider or applicant shall instruct the superintendent to submit 94462
the report of the criminal records check directly to the director 94463
of job and family services. 94464

(2) Criminal records checks required under this section for 94465
persons specified by the department under division (C)(1) of this 94466
section shall be obtained as follows: 94467

(a) The provider shall give to each person subject to 94468
criminal records check requirement information about accessing and 94469
completing the form prescribed pursuant to division (C)(1) of 94470
section 109.572 of the Revised Code and the standard fingerprint 94471
impression sheet prescribed pursuant to division (C)(2) of that 94472
section. 94473

(b) The person shall submit the required form and one 94474
complete set of fingerprint impressions directly to the 94475
superintendent for purposes of conducting the criminal records 94476
check using the applicable methods prescribed by division (C) of 94477
section 109.572 of the Revised Code. The person shall pay all fees 94478
associated with obtaining the criminal records check. 94479

(c) The superintendent shall conduct the criminal records 94480
check in accordance with section 109.572 of the Revised Code. The 94481
person subject to the criminal records check shall instruct the 94482
superintendent to submit the report of the criminal records check 94483
directly to the provider. The department may require the provider 94484
to submit the report to the department. 94485

(F) If a provider or applicant to be a provider is given the 94486
information specified in division (E)(1)(a) of this section but 94487
fails to obtain a criminal records check, the department shall, as 94488
applicable, terminate the provider agreement or deny the 94489
application to be a provider. 94490

If a person is given the information specified in division 94491

(E)(2)(a) of this section but fails to obtain a criminal records 94492
check, the provider shall not, as applicable, permit the person to 94493
be an employee, owner, officer, or board member of the provider. 94494

(G) Except as provided in rules adopted under division (J) of 94495
this section, the department shall terminate the provider 94496
agreement of a provider or the department shall not issue a 94497
provider agreement to an applicant if the provider or applicant is 94498
subject to a criminal records check under this section and the 94499
provider or applicant has been convicted of, has pleaded guilty 94500
to, or has been found eligible for intervention in lieu of 94501
conviction for any of the following, regardless of the date of the 94502
conviction, the date of entry of the guilty plea, or the date the 94503
applicant or provider was found eligible for intervention in lieu 94504
of conviction: 94505

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94506
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94507
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94508
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94509
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94510
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94511
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94512
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94513
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94514
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94515
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94516
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94517
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94518
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94519
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94520
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94521
penetration in violation of former section 2907.12 of the Revised 94522
Code, a violation of section 2905.04 of the Revised Code as it 94523

existed prior to July 1, 1996, a violation of section 2919.23 of 94524
the Revised Code that would have been a violation of section 94525
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94526
had the violation been committed prior to that date; 94527

(2) ~~An~~ A violation of an existing or former municipal 94528
ordinance or law of this state, any other state, or the United 94529
States that is substantially equivalent to any of the offenses 94530
listed in division (G)(1) of this section. 94531

(H)(1)(a) Except as provided in rules adopted under division 94532
(J) of this section and subject to division (H)(2) of this 94533
section, no provider shall permit a person to be an employee, 94534
owner, officer, or board member of the provider if the person is 94535
subject to a criminal records check under this section and the 94536
person has been convicted of, has pleaded guilty to, or has been 94537
found eligible for intervention in lieu of conviction for any of 94538
the offenses specified in division (G)(1) or (2) of this section. 94539

(b) No provider shall employ a person who has been excluded 94540
from participating in the medicaid program, the medicare program 94541
operated pursuant to Title XVIII of the "Social Security Act," or 94542
any other federal health care program. 94543

(2)(a) A provider may employ conditionally a person for whom 94544
a criminal records check is required under this section prior to 94545
obtaining the results of a criminal records check regarding the 94546
person, but only if the person submits a request for a criminal 94547
records check not later than five business days after the 94548
individual begins conditional employment. 94549

(b) A provider that employs a person conditionally under 94550
authority of division (H)(2)(a) of this section shall terminate 94551
the person's employment if the results of the criminal records 94552
check request are not obtained within the period ending sixty days 94553
after the date the request is made. Regardless of when the results 94554

of the criminal records check are obtained, if the results 94555
indicate that the individual has been convicted of, has pleaded 94556
guilty to, or has been found eligible for intervention in lieu of 94557
conviction for any of the offenses specified in division (G)(1) or 94558
(2) of this section, the provider shall terminate the person's 94559
employment unless the provider chooses to employ the individual 94560
pursuant to division (J) of this section. 94561

(I) The report of a criminal records check conducted pursuant 94562
to this section is not a public record for the purposes of section 94563
149.43 of the Revised Code and shall not be made available to any 94564
person other than the following: 94565

(1) The person who is the subject of the criminal records 94566
check or the person's representative; 94567

(2) The director of job and family services and the staff of 94568
the department in the administration of the medicaid program; 94569

(3) A court, hearing officer, or other necessary individual 94570
involved in a case dealing with the denial or termination of a 94571
provider agreement; 94572

(4) A court, hearing officer, or other necessary individual 94573
involved in a case dealing with a person's denial of employment, 94574
termination of employment, or employment or unemployment benefits. 94575

(J) The department may adopt rules in accordance with Chapter 94576
119. of the Revised Code to implement this section. The rules may 94577
specify circumstances under which the department may continue a 94578
provider agreement or issue a provider agreement to an applicant 94579
when the provider or applicant has been convicted of, has pleaded 94580
guilty to, or has been found eligible for intervention in lieu of 94581
conviction for any of the offenses specified in division (G)(1) or 94582
(2) of this section. The rules may also specify circumstances 94583
under which a provider may permit a person to be an employee, 94584
owner, officer, or board member of the provider, when the person 94585

has been convicted of, has pleaded guilty to, or has been found 94586
eligible for intervention in lieu of conviction for any of the 94587
offenses specified in division (G)(1) or (2) of this section. 94588

Sec. 5111.033. (A) As used in this section: 94589

(1) "Applicant" means a person who is under final 94590
consideration for employment or, after September 26, 2003, an 94591
existing employee with a waiver agency in a full-time, part-time, 94592
or temporary position that involves providing home and 94593
community-based waiver services to a person with disabilities. 94594
"Applicant" also means an existing employee with a waiver agency 94595
in a full-time, part-time, or temporary position that involves 94596
providing home and community-based waiver services to a person 94597
with disabilities after September 26, 2003. 94598

(2) "Criminal records check" has the same meaning as in 94599
section 109.572 of the Revised Code. 94600

(3) "Waiver agency" means a person or government entity that 94601
is not certified under the medicare program and is accredited by 94602
the community health accreditation program or the joint commission 94603
on accreditation of health care organizations or a company that 94604
provides home and community-based waiver services to persons with 94605
disabilities through department of job and family services 94606
administered home and community-based waiver programs. 94607

(4) "Home and community-based waiver services" means services 94608
furnished under the provision of 42 C.F.R. 441, subpart G, that 94609
permit individuals to live in a home setting rather than a nursing 94610
facility or hospital. Home and community-based waiver services are 94611
approved by the centers for medicare and medicaid for specific 94612
populations and are not otherwise available under the medicaid 94613
state plan. 94614

(B)(1) The chief administrator of a waiver agency shall 94615

require each applicant to request that the superintendent of the 94616
bureau of criminal identification and investigation conduct a 94617
criminal records check with respect to the applicant. If an 94618
applicant for whom a criminal records check request is required 94619
under this division does not present proof of having been a 94620
resident of this state for the five-year period immediately prior 94621
to the date the criminal records check is requested or provide 94622
evidence that within that five-year period the superintendent has 94623
requested information about the applicant from the federal bureau 94624
of investigation in a criminal records check, the chief 94625
administrator shall require the applicant to request that the 94626
superintendent obtain information from the federal bureau of 94627
investigation as part of the criminal records check of the 94628
applicant. Even if an applicant for whom a criminal records check 94629
request is required under this division presents proof of having 94630
been a resident of this state for the five-year period, the chief 94631
administrator may require the applicant to request that the 94632
superintendent include information from the federal bureau of 94633
investigation in the criminal records check. 94634

(2) The chief administrator shall provide the following to 94635
each applicant for whom a criminal records check request is 94636
required under division (B)(1) of this section: 94637

(a) Information about accessing, completing, and forwarding 94638
to the superintendent of the bureau of criminal identification and 94639
investigation the form prescribed pursuant to division (C)(1) of 94640
section 109.572 of the Revised Code and the standard fingerprint 94641
impression sheet prescribed pursuant to division (C)(2) of that 94642
section; 94643

(b) Written notification that the applicant is to instruct 94644
the superintendent to submit the completed report of the criminal 94645
records check directly to the chief administrator. 94646

(3) An applicant given information and notification under 94647

divisions (B)(2)(a) and (b) of this section who fails to access, 94648
complete, and forward to the superintendent the form or the 94649
standard fingerprint impression sheet, or who fails to instruct 94650
the superintendent to submit the completed report of the criminal 94651
records check directly to the chief administrator, shall not be 94652
employed in any position in a waiver agency for which a criminal 94653
records check is required by this section. 94654

(C)(1) Except as provided in rules adopted by the department 94655
of job and family services in accordance with division (F) of this 94656
section and subject to division (C)(2) of this section, no waiver 94657
agency shall employ a person in a position that involves providing 94658
home and community-based waiver services to persons with 94659
disabilities if the person has been convicted of, has pleaded 94660
guilty to, or has been found eligible for intervention in lieu of 94661
conviction for any of the following, regardless of the date of the 94662
conviction, the date of entry of the guilty plea, or the date the 94663
person was found eligible for intervention in lieu of conviction: 94664

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94665
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94666
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94667
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94668
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94669
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94670
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94671
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94672
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94673
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94674
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94675
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94676
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94677
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94678
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94679

2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94680
penetration in violation of former section 2907.12 of the Revised 94681
Code, a violation of section 2905.04 of the Revised Code as it 94682
existed prior to July 1, 1996, a violation of section 2919.23 of 94683
the Revised Code that would have been a violation of section 94684
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94685
had the violation been committed prior to that date; 94686

(b) ~~An~~ A violation of an existing or former municipal 94687
ordinance or law of this state, any other state, or the United 94688
States that is substantially equivalent to any of the offenses 94689
listed in division (C)(1)(a) of this section. 94690

(2)(a) A waiver agency may employ conditionally an applicant 94691
for whom a criminal records check request is required under 94692
division (B) of this section prior to obtaining the results of a 94693
criminal records check regarding the individual, provided that the 94694
agency shall require the individual to request a criminal records 94695
check regarding the individual in accordance with division (B)(1) 94696
of this section not later than five business days after the 94697
individual begins conditional employment. 94698

(b) A waiver agency that employs an individual conditionally 94699
under authority of division (C)(2)(a) of this section shall 94700
terminate the individual's employment if the results of the 94701
criminal records check request under division (B) of this section, 94702
other than the results of any request for information from the 94703
federal bureau of investigation, are not obtained within the 94704
period ending sixty days after the date the request is made. 94705
Regardless of when the results of the criminal records check are 94706
obtained, if the results indicate that the individual has been 94707
convicted of, has pleaded guilty to, or has been found eligible 94708
for intervention in lieu of conviction for any of the offenses 94709
listed or described in division (C)(1) of this section, the agency 94710
shall terminate the individual's employment unless the agency 94711

chooses to employ the individual pursuant to division (F) of this section. 94712
94713

(D)(1) The fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section shall be paid to the bureau of criminal identification and investigation by the applicant or the waiver agency. 94714
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(2) If a waiver agency pays the fee, it may charge the applicant a fee not exceeding the amount the agency pays under division (D)(1) of this section. An agency may collect a fee only if the agency notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment. 94720
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(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 94727
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(1) The individual who is the subject of the criminal records check or the individual's representative; 94732
94733

(2) The chief administrator of the agency requesting the criminal records check or the administrator's representative; 94734
94735

(3) An administrator at the department; 94736

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant. 94737
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94740

(F) The department shall adopt rules in accordance with 94741

Chapter 119. of the Revised Code to implement this section. The 94742
rules shall specify circumstances under which a waiver agency may 94743
employ a person who has been convicted of, has pleaded guilty to, 94744
or has been found eligible for intervention in lieu of conviction 94745
for an offense listed or described in division (C)(1) of this 94746
section. 94747

(G) The chief administrator of a waiver agency shall inform 94748
each person, at the time of initial application for a position 94749
that involves providing home and community-based waiver services 94750
to a person with a disability, that the person is required to 94751
provide a set of fingerprint impressions and that a criminal 94752
records check is required to be conducted if the person comes 94753
under final consideration for employment. 94754

(H)(1) A person who, on September 26, 2003, is an employee of 94755
a waiver agency in a full-time, part-time, or temporary position 94756
that involves providing home and community-based waiver services 94757
to a person with disabilities shall comply with this section 94758
within sixty days after September 26, 2003, unless division (H)(2) 94759
of this section applies. 94760

(2) This section shall not apply to a person to whom all of 94761
the following apply: 94762

(a) On September 26, 2003, the person is an employee of a 94763
waiver agency in a full-time, part-time, or temporary position 94764
that involves providing home and community-based waiver services 94765
to a person with disabilities. 94766

(b) The person previously had been the subject of a criminal 94767
background check relating to that position; 94768

(c) The person has been continuously employed in that 94769
position since that criminal background check had been conducted. 94770

Sec. 5111.034. (A) As used in this section: 94771

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Department" includes a designee of the department of job and family services.

(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities.

(5) "Home and community-based waiver services" has the same meaning as in section 5111.033 of the Revised Code.

(B)(1) The department of job and family services shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program.

(2) Beginning on September 26, 2003, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted.

(C)(1) The department shall require the independent provider 94803
to complete a criminal records check prior to entering into a 94804
provider agreement with the independent provider and at least 94805
annually thereafter. If an independent provider for whom a 94806
criminal records check is required under this division does not 94807
present proof of having been a resident of this state for the 94808
five-year period immediately prior to the date the criminal 94809
records check is requested or provide evidence that within that 94810
five-year period the superintendent of the bureau of criminal 94811
identification and investigation has requested information about 94812
the independent provider from the federal bureau of investigation 94813
in a criminal records check, the department shall request that the 94814
independent provider obtain through the superintendent a criminal 94815
records request from the federal bureau of investigation as part 94816
of the criminal records check of the independent provider. Even if 94817
an independent provider for whom a criminal records check request 94818
is required under this division presents proof of having been a 94819
resident of this state for the five-year period, the department 94820
may request that the independent provider obtain information 94821
through the superintendent from the federal bureau of 94822
investigation in the criminal records check. 94823

(2) The department shall provide the following to each 94824
independent provider for whom a criminal records check request is 94825
required under division (C)(1) of this section: 94826

(a) Information about accessing, completing, and forwarding 94827
to the superintendent of the bureau of criminal identification and 94828
investigation the form prescribed pursuant to division (C)(1) of 94829
section 109.572 of the Revised Code and the standard fingerprint 94830
impression sheet prescribed pursuant to division (C)(2) of that 94831
section; 94832

(b) Written notification that the independent provider is to 94833
instruct the superintendent to submit the completed report of the 94834

criminal records check directly to the department. 94835

(3) An independent provider given information and 94836
notification under divisions (C)(2)(a) and (b) of this section who 94837
fails to access, complete, and forward to the superintendent the 94838
form or the standard fingerprint impression sheet, or who fails to 94839
instruct the superintendent to submit the completed report of the 94840
criminal records check directly to the department, shall not be 94841
approved as an independent provider. 94842

(D) Except as provided in rules adopted by the department in 94843
accordance with division (G) of this section, the department shall 94844
not issue a new provider agreement to, and shall terminate an 94845
existing provider agreement of, an independent provider if the 94846
person has been convicted of, has pleaded guilty to, or has been 94847
found eligible for intervention in lieu of conviction for any of 94848
the following, regardless of the date of the conviction, the date 94849
of entry of the guilty plea, or the date the person was found 94850
eligible for intervention in lieu of conviction: 94851

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94852
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94853
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94854
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94855
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94856
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94857
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94858
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94859
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94860
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94861
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94862
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94863
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94864
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94865
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94866

2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94867
penetration in violation of former section 2907.12 of the Revised 94868
Code, a violation of section 2905.04 of the Revised Code as it 94869
existed prior to July 1, 1996, a violation of section 2919.23 of 94870
the Revised Code that would have been a violation of section 94871
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94872
had the violation been committed prior to that date; 94873

(2) ~~An~~ A violation of an existing or former municipal 94874
ordinance or law of this state, any other state, or the United 94875
States that is substantially equivalent to any of the offenses 94876
listed in division (D)(1) of this section. 94877

(E) Each independent provider shall pay to the bureau of 94878
criminal identification and investigation the fee prescribed 94879
pursuant to division (C)(3) of section 109.572 of the Revised Code 94880
for each criminal records check conducted pursuant to a request 94881
made under division (C) of this section. 94882

(F) The report of any criminal records check conducted by the 94883
bureau of criminal identification and investigation in accordance 94884
with section 109.572 of the Revised Code and pursuant to a request 94885
made under division (C) of this section is not a public record for 94886
the purposes of section 149.43 of the Revised Code and shall not 94887
be made available to any person other than the following: 94888

(1) The person who is the subject of the criminal records 94889
check or the person's representative; 94890

(2) An administrator at the department or the administrator's 94891
representative; 94892

(3) A court, hearing officer, or other necessary individual 94893
involved in a case dealing with a denial or termination of a 94894
provider agreement related to the criminal records check. 94895

(G) The department shall adopt rules in accordance with 94896
Chapter 119. of the Revised Code to implement this section. The 94897

rules shall specify circumstances under which the department may 94898
either issue a provider agreement to an independent provider or 94899
allow an independent provider to maintain an existing provider 94900
agreement when the independent provider has been convicted of, has 94901
pleaded guilty to, or has been found eligible for intervention in 94902
lieu of conviction for an offense listed or described in division 94903
~~(C)(1)~~(D)(1) or (D)(2) of this section. 94904

Sec. 5111.06. (A)(1) As used in this section and in sections 94905
5111.061 and 5111.062 of the Revised Code: 94906

(a) "Provider" means any person, institution, or entity that 94907
furnishes medicaid services under a provider agreement with the 94908
department of job and family services pursuant to Title XIX of the 94909
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 94910
amended. 94911

(b) "Party" has the same meaning as in division (G) of 94912
section 119.01 of the Revised Code. 94913

(c) "Adjudication" has the same meaning as in division (D) of 94914
section 119.01 of the Revised Code. 94915

(2) This section does not apply to any action taken by the 94916
department of job and family services under sections 5111.35 to 94917
5111.62 of the Revised Code. 94918

(B) Except as provided in division (D) of this section and 94919
section 5111.914 of the Revised Code, the department shall do 94920
either of the following by issuing an order pursuant to an 94921
adjudication conducted in accordance with Chapter 119. of the 94922
Revised Code: 94923

(1) Enter into or refuse to enter into a provider agreement 94924
with a provider, or suspend, terminate, renew, or refuse to renew 94925
an existing provider agreement with a provider; 94926

(2) Take any action based upon a final fiscal audit of a 94927

provider. 94928

(C) Any party who is adversely affected by the issuance of an 94929
adjudication order under division (B) of this section may appeal 94930
to the court of common pleas of Franklin county in accordance with 94931
section 119.12 of the Revised Code. 94932

(D) The department is not required to comply with division 94933
(B)(1) of this section whenever any of the following occur: 94934

(1) The terms of a provider agreement require the provider to 94935
hold a license, permit, or certificate or maintain a certification 94936
issued by an official, board, commission, department, division, 94937
bureau, or other agency of state or federal government other than 94938
the department of job and family services, and the license, 94939
permit, certificate, or certification has been denied, revoked, 94940
not renewed, suspended, or otherwise limited. 94941

(2) The terms of a provider agreement require the provider to 94942
hold a license, permit, or certificate or maintain certification 94943
issued by an official, board, commission, department, division, 94944
bureau, or other agency of state or federal government other than 94945
the department of job and family services, and the provider has 94946
not obtained the license, permit, certificate, or certification. 94947

(3) The provider agreement is denied, terminated, or not 94948
renewed due to the termination, refusal to renew, or denial of a 94949
license, permit, certificate, or certification by an official, 94950
board, commission, department, division, bureau, or other agency 94951
of this state other than the department of job and family 94952
services, notwithstanding the fact that the provider may hold a 94953
license, permit, certificate, or certification from an official, 94954
board, commission, department, division, bureau, or other agency 94955
of another state. 94956

(4) The provider agreement is denied, terminated, or not 94957
renewed pursuant to division (C) or (F) of section 5111.03 of the 94958

Revised Code + <u>.</u>	94959
(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 + <u>.</u>	94960 94961 94962 94963 94964 94965
(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 + <u>.</u>	94966 94967 94968 94969
(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 + <u>.</u>	94970 94971 94972 94973
(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider.	94974 94975
(9) The provider agreement is denied, terminated, or not renewed because the provider <u>or its owner, officer, authorized agent, associate, manager, or employee</u> 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.	94976 94977 94978 94979 94980
(10) The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.	94981 94982 94983
(11) 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.	94984 94985 94986 94987 94988

(12) The provider agreement is terminated or not renewed 94989
because the provider has not billed or otherwise submitted a 94990
medicaid claim to the department for two years or longer, ~~and the~~ 94991
~~department has determined that the provider has moved from the~~ 94992
~~address on record with the department without leaving an active~~ 94993
~~forwarding address with the department.~~ 94994

(13) The provider agreement is denied, terminated, or not 94995
renewed because the provider fails to provide to the department 94996
the national provider identifier assigned the provider by the 94997
national provider system pursuant to 45 C.F.R. 162. 408. 94998

In the case of a provider described in division (D)(12) or 94999
(13) of this section, the department may ~~terminate or not renew~~ 95000
the take its proposed action against a provider agreement by 95001
sending a notice explaining the ~~department's~~ proposed action to 95002
the provider. The notice shall be sent to the provider's address 95003
on record with the department. ~~The~~ In the case of a provider 95004
described in division (D)(12) of this section, the notice may be 95005
sent by regular mail. In the case of a provider described in 95006
division (D)(13) of this section, the notice shall be sent by 95007
certified mail. 95008

(E) The department may withhold payments for services 95009
rendered by a medicaid provider under the ~~medical assistance~~ 95010
medicaid program during the pendency of proceedings initiated 95011
under division (B)(1) of this section. If the proceedings are 95012
initiated under division (B)(2) of this section, the department 95013
may withhold payments only to the extent that they equal amounts 95014
determined in a final fiscal audit as being due the state. This 95015
division does not apply if the department fails to comply with 95016
section 119.07 of the Revised Code, requests a continuance of the 95017
hearing, or does not issue a decision within thirty days after the 95018
hearing is completed. This division does not apply to nursing 95019
facilities and intermediate care facilities for the mentally 95020

retarded as defined in section 5111.20 of the Revised Code. 95021

Sec. 5111.176. (A) As used in this section: 95022

(1) "Medicaid health insuring corporation" means a health 95023
insuring corporation that holds a certificate of authority under 95024
Chapter 1751. of the Revised Code and has entered into a contract 95025
with the department of job and family services pursuant to section 95026
5111.17 of the Revised Code. 95027

(2) "Managed care premium" means any premium payment, 95028
capitation payment, or other payment a medicaid health insuring 95029
corporation receives for providing, or arranging for the provision 95030
of, health care services to its members or enrollees residing in 95031
this state. 95032

(B) Except as provided in division (C) of this section, all 95033
of the following apply: 95034

(1) Each medicaid health insuring corporation shall pay to 95035
the department of job and family services a franchise permit fee 95036
for the period December 1, 2005, through December 31, 2005, and 95037
each calendar quarter occurring ~~thereafter~~ between January 1, 95038
2006, and September 30, 2009. 95039

(2) The fee to be paid is an amount that is equal to a 95040
percentage of the managed care premiums the medicaid health 95041
insuring corporation received in the period December 1, 2005, 95042
through December 31, 2005, and in the subsequent quarter to which 95043
the fee applies, excluding the amount of any managed care premiums 95044
the corporation returned or refunded to enrollees, members, or 95045
premium payers during the period December 1, 2005, through 95046
December 31, 2005, or the subsequent quarter to which the fee 95047
applies. 95048

(3) The percentage to be used in calculating the fee shall be 95049
four and one-half per cent, unless the department adopts rules 95050

under division (L) of this section decreasing the percentage below 95051
four and one-half per cent or increasing the percentage to not 95052
more than six per cent. 95053

(C) The department shall reduce the franchise permit fee 95054
imposed under this section or terminate its collection of the fee 95055
if the department determines either of the following: 95056

(1) That the reduction or termination is required to comply 95057
with federal statutes or regulations; 95058

(2) That the fee does not qualify as a state share of 95059
medicaid expenditures eligible for federal financial 95060
participation. 95061

(D) The franchise permit fee shall be paid on or before the 95062
thirtieth day following the end of the period December 1, 2005, 95063
through December 31, 2005, or the calendar quarter to which the 95064
fee applies. At the time the fee is submitted, the medicaid health 95065
insuring corporation shall file with the department a report on a 95066
form prescribed by the department. The corporation shall provide 95067
on the form all information required by the department and shall 95068
include with the form any necessary supporting documentation. 95069

(E) The department may audit the records of any medicaid 95070
health insuring corporation to determine whether the corporation 95071
is in compliance with this section. The department may audit the 95072
records that pertain to the period December 1, 2005, through 95073
December 31, 2005, or a particular calendar quarter, at any time 95074
during the five years following the date the franchise permit fee 95075
payment for that period or quarter was due. 95076

(F)(1) A medicaid health insuring corporation that does not 95077
pay the franchise permit fee in full by the date the payment is 95078
due is subject to any or all of the following: 95079

(a) A monetary penalty in the amount of five hundred dollars 95080
for each day any part of the fee remains unpaid, except that the 95081

penalty shall not exceed an amount equal to five per cent of the 95082
total fee that was due; 95083

(b) Withholdings from future managed care premiums pursuant 95084
to division (G) of this section; 95085

(c) Termination of the corporation's medicaid provider 95086
agreement pursuant to division (H) of this section. 95087

(2) Penalties imposed under division (F)(1)(a) of this 95088
section are in addition to and not in lieu of the franchise permit 95089
fee. 95090

(G) If a medicaid health insuring corporation fails to pay 95091
the full amount of its franchise permit fee when due, or the full 95092
amount of a penalty imposed under division (F)(1)(a) of this 95093
section, the department may withhold an amount equal to the 95094
remaining amount due from any future managed care premiums to be 95095
paid to the corporation under the medicaid program. The department 95096
may withhold amounts under this division without providing notice 95097
to the corporation. The amounts may be withheld until the amount 95098
due has been paid. 95099

(H) The department may commence actions to terminate a 95100
medicaid health insuring corporation's medicaid provider 95101
agreement, and may terminate the agreement subject to division (I) 95102
of this section, if the corporation does any of the following: 95103

(1) Fails to pay its franchise permit fee or fails to pay the 95104
fee promptly; 95105

(2) Fails to pay a penalty imposed under division (F)(1)(a) 95106
of this section or fails to pay the penalty promptly; 95107

(3) Fails to cooperate with an audit conducted under division 95108
(E) of this section. 95109

(I) At the request of a medicaid health insuring corporation, 95110
the department shall grant the corporation a hearing in accordance 95111

with Chapter 119. of the Revised Code, if either of the following 95112
is the case: 95113

(1) The department has determined that the corporation owes 95114
an additional franchise permit fee or penalty as the result of an 95115
audit conducted under division (E) of this section. 95116

(2) The department is proposing to terminate the 95117
corporation's medicaid provider agreement and the provisions of 95118
section 5111.06 of the Revised Code requiring an adjudication in 95119
accordance with Chapter 119. of the Revised Code are applicable. 95120

(J)(1) At the request of a medicaid corporation, the 95121
department shall grant the corporation a reconsideration of any 95122
issue that arises out of the provisions of this section and is not 95123
subject to division (I) of this section. The department's decision 95124
at the conclusion of the reconsideration is not subject to appeal 95125
under Chapter 119. of the Revised Code or any other provision of 95126
the Revised Code. 95127

(2) In conducting a reconsideration, the department shall do 95128
at least the following: 95129

(a) Specify the time frames within which a corporation must 95130
act in order to exercise its opportunity for a reconsideration; 95131

(b) Permit the corporation to present written arguments or 95132
other materials that support the corporation's position. 95133

(K) There is hereby created in the state treasury the managed 95134
care assessment fund. Money collected from the franchise permit 95135
fees and penalties imposed under this section shall be credited to 95136
the fund. The department shall use the money in the fund to pay 95137
for medicaid services, the department's administrative costs, and 95138
contracts with medicaid health insuring corporations. 95139

(L) The director of job and family services may adopt rules 95140
to implement and administer this section. The rules shall be 95141

adopted in accordance with Chapter 119. of the Revised Code. 95142

Sec. 5111.222. (A) Except as otherwise provided by sections 95143
5111.20 to 5111.33 of the Revised Code and by division (B) of this 95144
section, the payments that the department of job and family 95145
services shall agree to make to the provider of a nursing facility 95146
pursuant to a provider agreement shall equal the sum of all of the 95147
following: 95148

(1) The rate for direct care costs determined for the nursing 95149
facility under section 5111.231 of the Revised Code; 95150

(2) The rate for ancillary and support costs determined for 95151
the nursing facility's ancillary and support cost peer group under 95152
section 5111.24 of the Revised Code; 95153

(3) The rate for tax costs determined for the nursing 95154
facility under section 5111.242 of the Revised Code; 95155

(4) The rate for franchise permit fees determined for the 95156
nursing facility under section 5111.243 of the Revised Code; 95157

(5) The quality incentive payment paid to the nursing 95158
facility under section 5111.244 of the Revised Code; 95159

(6) The ~~median~~ rate for capital costs determined for the 95160
~~nursing facilities in the nursing facility's capital costs peer~~ 95161
~~group as determined~~ facility under section 5111.25 of the Revised 95162
Code. 95163

(B) The department shall adjust the rates otherwise 95164
determined under divisions (A)(1), (2), (3), and (6) of this 95165
section as directed by the general assembly through the enactment 95166
of law governing medicaid payments to providers of nursing 95167
facilities, including any law that does either of the following: 95168

(1) Establishes factors by which the rates are to be 95169
adjusted; 95170

(2) Establishes a methodology for phasing in the rates 95171
determined for fiscal year 2006 under uncodified law the general 95172
assembly enacts to rates determined for subsequent fiscal years 95173
under sections 5111.20 to 5111.33 of the Revised Code. 95174

Sec. 5111.231. (A) As used in this section, "applicable 95175
calendar year" means the following: 95176

(1) For the purpose of the department of job and family 95177
services' initial determination under division (D) of this section 95178
of each peer group's cost per case-mix unit, calendar year 2003; 95179

(2) For the purpose of the department's subsequent 95180
determinations under division (D) of this section of each peer 95181
group's cost per case-mix unit, the calendar year the department 95182
selects. 95183

(B) The department of job and family services shall pay a 95184
provider for each of the provider's eligible nursing facilities a 95185
per resident per day rate for direct care costs determined 95186
semiannually by multiplying the cost per case-mix unit determined 95187
under division (D) of this section for the facility's peer group 95188
by the facility's semiannual case-mix score determined under 95189
section 5111.232 of the Revised Code. 95190

(C) For the purpose of determining nursing facilities' rate 95191
for direct care costs, the department shall establish three peer 95192
groups. 95193

Each nursing facility located in any of the following 95194
counties shall be placed in peer group one: Brown, Butler, 95195
Clermont, Clinton, Hamilton, and Warren. 95196

Each nursing facility located in any of the following 95197
counties shall be placed in peer group two: Ashtabula, Champaign, 95198
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 95199
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 95200

Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 95201
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 95202
and Wood. 95203

Each nursing facility located in any of the following 95204
counties shall be placed in peer group three: Adams, Allen, 95205
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95206
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95207
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95208
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95209
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95210
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95211
Washington, Wayne, Williams, and Wyandot. 95212

(D)(1) At least once every ten years, the department shall 95213
determine a cost per case-mix unit for each peer group established 95214
under division (C) of this section. A cost per case-mix unit 95215
determined under this division for a peer group shall be used for 95216
subsequent years until the department redetermines it. To 95217
determine a peer group's cost per case-mix unit, the department 95218
shall do all of the following: 95219

(a) Determine the cost per case-mix unit for each nursing 95220
facility in the peer group for the applicable calendar year by 95221
dividing each facility's desk-reviewed, actual, allowable, per 95222
diem direct care costs for the applicable calendar year by the 95223
facility's annual average case-mix score determined under section 95224
5111.232 of the Revised Code for the applicable calendar year. 95225

(b) Subject to division (D)(2) of this section, identify 95226
which nursing facility in the peer group is at the twenty-fifth 95227
percentile of the cost per case-mix units determined under 95228
division (D)(1)(a) of this section. 95229

(c) Calculate the amount that is seven per cent above the 95230
cost per case-mix unit determined under division (D)(1)(a) of this 95231

section for the nursing facility identified under division 95232
(D)(1)(b) of this section. 95233

(d) Multiply the amount calculated under division (D)(1)(c) 95234
of this section by the rate of inflation for the eighteen-month 95235
period beginning on the first day of July of the applicable 95236
calendar year and ending the last day of December of the calendar 95237
year immediately following the applicable calendar year using the 95238
~~employment cost index for total compensation, health services~~ 95239
~~component, published by the United States bureau of labor~~ 95240
~~statistics~~ inflation measuring system or inflation factor the 95241
director of job and family services shall specify in rules adopted 95242
under section 5111.02 of the Revised Code. 95243

(2) In making the identification under division (D)(1)(b) of 95244
this section, the department shall exclude both of the following: 95245

(a) Nursing facilities that participated in the medicaid 95246
program under the same provider for less than twelve months in the 95247
applicable calendar year; 95248

(b) Nursing facilities whose cost per case-mix unit is more 95249
than one standard deviation from the mean cost per case-mix unit 95250
for all nursing facilities in the nursing facility's peer group 95251
for the applicable calendar year. 95252

(3) The department shall not redetermine a peer group's cost 95253
per case-mix unit under this division based on additional 95254
information that it receives after the peer group's per case-mix 95255
unit is determined. The department shall redetermine a peer 95256
group's cost per case-mix unit only if it made an error in 95257
determining the peer group's cost per case-mix unit based on 95258
information available to the department at the time of the 95259
original determination. 95260

Sec. 5111.232. (A)(1) The department of job and family 95261

services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following: 95262
95263

(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents: 95264
95265
95266
95267
95268

(i) When determining ~~semi-annual~~ semiannual case-mix scores, each resident who is a medicaid recipient; 95269
95270

(ii) When determining annual average case-mix scores, each resident regardless of payment source. 95271
95272

(b) Except as provided in rules authorized by ~~division~~ divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services; 95273
95274
95275
95276

(c) Except as modified in rules authorized by division (A)(2)(c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII. 95277
95278
95279
95280
95281

(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following: 95282
95283
95284

(a) Adjust the case-mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state; 95285
95286
95287

(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another; 95288
95289
95290
95291

(c) Modify the grouper methodology specified in division	95292
(A)(1)(c) of this section as follows:	95293
(i) Establish a different hierarchy for assigning residents	95294
to case-mix categories under the methodology;	95295
(ii) Prohibit the use of the index maximizer element of the	95296
methodology;	95297
(iii) Incorporate changes to the methodology the United	95298
States department of health and human services makes after June	95299
30, 1999;	95300
(iv) Make other changes the department determines are	95301
necessary.	95302
(B) The department shall determine case-mix scores for	95303
intermediate care facilities for the mentally retarded using data	95304
for each resident, regardless of payment source, from a resident	95305
assessment instrument and grouper methodology prescribed in rules	95306
adopted under section 5111.02 of the Revised Code and expressed in	95307
case-mix values established by the department in those rules.	95308
(C) Each calendar quarter, each provider shall compile	95309
complete assessment data, from the resident assessment instrument	95310
specified in rules authorized by division (A) or (B) of this	95311
section, for each resident of each of the provider's facilities,	95312
regardless of payment source, who was in the facility or on	95313
hospital or therapeutic leave from the facility on the last day of	95314
the quarter. Providers of a nursing facility shall submit the data	95315
to the department of health and, if required by rules, the	95316
department of job and family services. Providers of an	95317
intermediate care facility for the mentally retarded shall submit	95318
the data to the department of job and family services. The data	95319
shall be submitted not later than fifteen days after the end of	95320
the calendar quarter for which the data is compiled.	95321
Except as provided in division (D) of this section, the	95322

department, every six months and after the end of each calendar 95323
year, shall calculate a semiannual and annual average case-mix 95324
score for each nursing facility using the facility's quarterly 95325
case-mix scores for that six-month period or calendar year. Also 95326
except as provided in division (D) of this section, the 95327
department, after the end of each calendar year, shall calculate 95328
an annual average case-mix score for each intermediate care 95329
facility for the mentally retarded using the facility's quarterly 95330
case-mix scores for that calendar year. The department shall make 95331
the calculations pursuant to procedures specified in rules adopted 95332
under section 5111.02 of the Revised Code. 95333

(D)(1) If a provider does not timely submit information for a 95334
calendar quarter necessary to calculate a facility's case-mix 95335
score, or submits incomplete or inaccurate information for a 95336
calendar quarter, the department may assign the facility a 95337
quarterly average case-mix score that is five per cent less than 95338
the facility's quarterly average case-mix score for the preceding 95339
calendar quarter. If the facility was subject to an exception 95340
review under division (C) of section 5111.27 of the Revised Code 95341
for the preceding calendar quarter, the department may assign a 95342
quarterly average case-mix score that is five per cent less than 95343
the score determined by the exception review. If the facility was 95344
assigned a quarterly average case-mix score for the preceding 95345
quarter, the department may assign a quarterly average case-mix 95346
score that is five per cent less than that score assigned for the 95347
preceding quarter. 95348

The department may use a quarterly average case-mix score 95349
assigned under division (D)(1) of this section, instead of a 95350
quarterly average case-mix score calculated based on the 95351
provider's submitted information, to calculate the facility's rate 95352
for direct care costs being established under section 5111.23 or 95353
5111.231 of the Revised Code for one or more months, as specified 95354

in rules authorized by division (E) of this section, of the 95355
quarter for which the rate established under section 5111.23 or 95356
5111.231 of the Revised Code will be paid. 95357

Before taking action under division (D)(1) of this section, 95358
the department shall permit the provider a reasonable period of 95359
time, specified in rules authorized by division (E) of this 95360
section, to correct the information. In the case of an 95361
intermediate care facility for the mentally retarded, the 95362
department shall not assign a quarterly average case-mix score due 95363
to late submission of corrections to assessment information unless 95364
the provider fails to submit corrected information prior to the 95365
eighty-first day after the end of the calendar quarter to which 95366
the information pertains. In the case of a nursing facility, the 95367
department shall not assign a quarterly average case-mix score due 95368
to late submission of corrections to assessment information unless 95369
the provider fails to submit corrected information prior to the 95370
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 95371
calendar quarter to which the information pertains or the deadline 95372
for submission of such corrections established by regulations 95373
adopted by the United States department of health and human 95374
services under Titles XVIII and XIX. 95375

(2) If a provider is paid a rate for a facility calculated 95376
using a quarterly average case-mix score assigned under division 95377
(D)(1) of this section for more than six months in a calendar 95378
year, the department may assign the facility a cost per case-mix 95379
unit that is five per cent less than the facility's actual or 95380
assigned cost per case-mix unit for the preceding calendar year. 95381
The department may use the assigned cost per case-mix unit, 95382
instead of calculating the facility's actual cost per case-mix 95383
unit in accordance with section 5111.23 or 5111.231 of the Revised 95384
Code, to establish the facility's rate for direct care costs for 95385
the following fiscal year. 95386

(3) The department shall take action under division (D)(1) or 95387
(2) of this section only in accordance with rules authorized by 95388
division (E) of this section. The department shall not take an 95389
action that affects rates for prior payment periods except in 95390
accordance with sections 5111.27 and 5111.28 of the Revised Code. 95391

(E) The director shall adopt rules under section 5111.02 of 95392
the Revised Code that do all of the following: 95393

(1) Specify whether providers of a nursing facility must 95394
submit the assessment data to the department of job and family 95395
services; 95396

(2) Specify the medium or media through which the completed 95397
assessment data shall be submitted; 95398

(3) Establish procedures under which the assessment data 95399
shall be reviewed for accuracy and providers shall be notified of 95400
any data that requires correction; 95401

(4) Establish procedures for providers to correct assessment 95402
data and specify a reasonable period of time by which providers 95403
shall submit the corrections. The procedures may limit the content 95404
of corrections by providers of nursing facilities in the manner 95405
required by regulations adopted by the United States department of 95406
health and human services under Titles XVIII and XIX. 95407

(5) Specify when and how the department will assign case-mix 95408
scores or costs per case-mix unit under division (D) of this 95409
section if information necessary to calculate the facility's 95410
case-mix score is not provided or corrected in accordance with the 95411
procedures established by the rules. Notwithstanding any other 95412
provision of sections 5111.20 to 5111.33 of the Revised Code, the 95413
rules also may provide for the following: 95414

(a) Exclusion of case-mix scores assigned under division (D) 95415
of this section from calculation of an intermediate care facility 95416
for the mentally retarded's annual average case-mix score and the 95417

maximum cost per case-mix unit for the facility's peer group; 95418

(b) Exclusion of case-mix scores assigned under division (D) 95419
of this section from calculation of a nursing facility's 95420
semiannual or annual average case-mix score and the cost per 95421
case-mix unit for the facility's peer group. 95422

Sec. 5111.236. (A) As used in this section, "medically 95423
fragile child" means an individual under eighteen years of age who 95424
requires both of the following: 95425

(1) The services of a doctor of medicine or osteopathic 95426
medicine at least once a week due to the instability of the 95427
individual's medical condition; 95428

(2) The services of a registered nurse on a daily basis. 95429

(B) The medicaid program shall cover oxygen services that a 95430
medical supplier with a valid medicaid provider agreement provides 95431
to a medicaid recipient who is a medically fragile child and 95432
resides in an intermediate care facility for the mentally 95433
retarded. The medicaid program shall cover such oxygen services 95434
regardless of any of the following: 95435

(1) The percentage of the medicaid recipient's arterial 95436
oxygen saturation at rest, exercise, or sleep; 95437

(2) The type of system used in delivering the oxygen to the 95438
medicaid recipient; 95439

(3) Whether the intermediate care facility for the mentally 95440
retarded in which the medicaid recipient resides purchases or 95441
rents the equipment used in the delivery of the oxygen to the 95442
recipient. 95443

(C) A medical supplier of an oxygen service shall bill the 95444
department of job and family services directly for oxygen services 95445
the medicaid program covers under this section. The provider of an 95446
intermediate care facility for the mentally retarded may not 95447

include the cost of an oxygen service covered by the medicaid 95448
program under this section in the facility's cost report unless 95449
the facility is the medical supplier of the oxygen service. 95450

Sec. 5111.24. (A) As used in this section, "applicable 95451
calendar year" means the following: 95452

(1) For the purpose of the department of job and family 95453
services' initial determination under division (D) of this section 95454
of each peer group's rate for ancillary and support costs, 95455
calendar year 2003; 95456

(2) For the purpose of the department's subsequent 95457
determinations under division (D) of this section of each peer 95458
group's rate for ancillary and support costs, the calendar year 95459
the department selects. 95460

(B) The department of job and family services shall pay a 95461
provider for each of the provider's eligible nursing facilities a 95462
per resident per day rate for ancillary and support costs 95463
determined for the nursing facility's peer group under division 95464
(D) of this section. 95465

(C) For the purpose of determining nursing facilities' rate 95466
for ancillary and support costs, the department shall establish 95467
six peer groups. 95468

Each nursing facility located in any of the following 95469
counties shall be placed in peer group one or two: Brown, Butler, 95470
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 95471
located in any of those counties that has fewer than one hundred 95472
beds shall be placed in peer group one. Each nursing facility 95473
located in any of those counties that has one hundred or more beds 95474
shall be placed in peer group two. 95475

Each nursing facility located in any of the following 95476
counties shall be placed in peer group three or four: Ashtabula, 95477

Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 95478
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 95479
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 95480
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 95481
Union, and Wood. Each nursing facility located in any of those 95482
counties that has fewer than one hundred beds shall be placed in 95483
peer group three. Each nursing facility located in any of those 95484
counties that has one hundred or more beds shall be placed in peer 95485
group four. 95486

Each nursing facility located in any of the following 95487
counties shall be placed in peer group five or six: Adams, Allen, 95488
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95489
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95490
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95491
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95492
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95493
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95494
Washington, Wayne, Williams, and Wyandot. Each nursing facility 95495
located in any of those counties that has fewer than one hundred 95496
beds shall be placed in peer group five. Each nursing facility 95497
located in any of those counties that has one hundred or more beds 95498
shall be placed in peer group six. 95499

(D)(1) At least once every ten years, the department shall 95500
determine the rate for ancillary and support costs for each peer 95501
group established under division (C) of this section. The rate for 95502
ancillary and support costs determined under this division for a 95503
peer group shall be used for subsequent years until the department 95504
redetermines it. To determine a peer group's rate for ancillary 95505
and support costs, the department shall do all of the following: 95506

(a) Determine the rate for ancillary and support costs for 95507
each nursing facility in the peer group for the applicable 95508
calendar year by using the greater of the nursing facility's 95509

actual inpatient days for the applicable calendar year or the 95510
inpatient days the nursing facility would have had for the 95511
applicable calendar year if its occupancy rate had been ninety per 95512
cent. For the purpose of determining a nursing facility's 95513
occupancy rate under division (D)(1)(a) of this section, the 95514
department shall include any beds that the nursing facility 95515
removes from its medicaid-certified capacity unless the nursing 95516
facility also removes the beds from its licensed bed capacity. 95517

(b) Subject to division (D)(2) of this section, identify 95518
which nursing facility in the peer group is at the twenty-fifth 95519
percentile of the rate for ancillary and support costs for the 95520
applicable calendar year determined under division (D)(1)(a) of 95521
this section. 95522

(c) Calculate the amount that is three per cent above the 95523
rate for ancillary and support costs determined under division 95524
(D)(1)(a) of this section for the nursing facility identified 95525
under division (D)(1)(b) of this section. 95526

(d) Multiply the amount calculated under division (D)(1)(c) 95527
of this section by the rate of inflation for the eighteen-month 95528
period beginning on the first day of July of the applicable 95529
calendar year and ending the last day of December of the calendar 95530
year immediately following the applicable calendar year using the 95531
~~consumer price index for all items for all urban consumers for the~~ 95532
~~north central region, published by the United States bureau of~~ 95533
~~labor statistics~~ inflation measuring system or inflation factor 95534
the director of job and family services shall specify in rules 95535
adopted under section 5111.02 of the Revised Code. 95536

(2) In making the identification under division (D)(1)(b) of 95537
this section, the department shall exclude both of the following: 95538

(a) Nursing facilities that participated in the medicaid 95539
program under the same provider for less than twelve months in the 95540

applicable calendar year; 95541

(b) Nursing facilities whose ancillary and support costs are 95542
more than one standard deviation from the mean desk-reviewed, 95543
actual, allowable, per diem ancillary and support cost for all 95544
nursing facilities in the nursing facility's peer group for the 95545
applicable calendar year. 95546

(3) The department shall not redetermine a peer group's rate 95547
for ancillary and support costs under this division based on 95548
additional information that it receives after the rate is 95549
determined. The department shall redetermine a peer group's rate 95550
for ancillary and support costs only if it made an error in 95551
determining the rate based on information available to the 95552
department at the time of the original determination. 95553

Sec. 5111.25. (A) As used in this section, "applicable 95554
calendar year" means the following: 95555

(1) For the purpose of the department of job and family 95556
services' initial determination under division (D) of this section 95557
of each peer group's median rate for capital costs, calendar year 95558
2003; 95559

(2) For the purpose of the department's subsequent 95560
determinations under division (D) of this section of each peer 95561
group's median rate for capital costs, the calendar year the 95562
department selects. 95563

(B) The department of job and family services shall pay a 95564
provider for each of the provider's eligible nursing facilities a 95565
per resident per day rate for capital costs. A nursing facility's 95566
rate for capital costs shall be the greater of the following: 95567

(1) The median rate for capital costs for the nursing 95568
facilities in the nursing facility's peer group as determined 95569
under division (D) of this section; 95570

(2) The sum of the following: 95571

(a) The capital costs portion of the nursing facility's 95572
medicaid reimbursement per diem rate on June 30, 2005, regardless 95573
of whether the nursing facility has undergone a change of 95574
operator, as defined in section 5111.65 of the Revised Code, after 95575
that date or, if the nursing facility did not have a medicaid 95576
reimbursement per diem rate on June 30, 2005, the capital costs 95577
portion of the nursing facility's initial rate established under 95578
section 5111.254 of the Revised Code; 95579

(b) Any per diem for which the nursing facility qualified 95580
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general 95581
assembly, as amended by Am. Sub. H.B. 562 of the 127th general 95582
assembly. 95583

(C) For the purpose of determining nursing facilities' median 95584
rate for capital costs, the department shall establish six peer 95585
groups. 95586

Each nursing facility located in any of the following 95587
counties shall be placed in peer group one or two: Brown, Butler, 95588
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 95589
located in any of those counties that has fewer than one hundred 95590
beds shall be placed in peer group one. Each nursing facility 95591
located in any of those counties that has one hundred or more beds 95592
shall be placed in peer group two. 95593

Each nursing facility located in any of the following 95594
counties shall be placed in peer group three or four: Ashtabula, 95595
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 95596
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 95597
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 95598
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 95599
Union, and Wood. Each nursing facility located in any of those 95600
counties that has fewer than one hundred beds shall be placed in 95601

peer group three. Each nursing facility located in any of those 95602
counties that has one hundred or more beds shall be placed in peer 95603
group four. 95604

Each nursing facility located in any of the following 95605
counties shall be placed in peer group five or six: Adams, Allen, 95606
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95607
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95608
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95609
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95610
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95611
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95612
Washington, Wayne, Williams, and Wyandot. Each nursing facility 95613
located in any of those counties that has fewer than one hundred 95614
beds shall be placed in peer group five. Each nursing facility 95615
located in any of those counties that has one hundred or more beds 95616
shall be placed in peer group six. 95617

(D)(1) At least once every ten years, the department shall 95618
determine the median rate for capital costs for each peer group 95619
established under division (C) of this section. The median rate 95620
for capital costs determined under this division for a peer group 95621
shall be used for subsequent years until the department 95622
redetermines it. To determine a peer group's median rate for 95623
capital costs, the department shall do both of the following: 95624

(a) Subject to division (D)(2) of this section, use the 95625
greater of each nursing facility's actual inpatient days for the 95626
applicable calendar year or the inpatient days the nursing 95627
facility would have had for the applicable calendar year if its 95628
occupancy rate had been one hundred per cent. 95629

(b) Exclude both of the following: 95630

(i) Nursing facilities that participated in the medicaid 95631
program under the same provider for less than twelve months in the 95632

applicable calendar year; 95633

(ii) Nursing facilities whose capital costs are more than one 95634
standard deviation from the mean desk-reviewed, actual, allowable, 95635
per diem capital cost for all nursing facilities in the nursing 95636
facility's peer group for the applicable calendar year. 95637

(2) For the purpose of determining a nursing facility's 95638
occupancy rate under division (D)(1)(a) of this section, the 95639
department shall include any beds that the nursing facility 95640
removes from its medicaid-certified capacity after June 30, 2005, 95641
unless the nursing facility also removes the beds from its 95642
licensed bed capacity. 95643

(E) Buildings shall be depreciated using the straight line 95644
method over forty years or over a different period approved by the 95645
department. Components and equipment shall be depreciated using 95646
the straight-line method over a period designated in rules adopted 95647
under section 5111.02 of the Revised Code, consistent with the 95648
guidelines of the American hospital association, or over a 95649
different period approved by the department. Any rules authorized 95650
by this division that specify useful lives of buildings, 95651
components, or equipment apply only to assets acquired on or after 95652
July 1, 1993. Depreciation for costs paid or reimbursed by any 95653
government agency shall not be included in capital costs unless 95654
that part of the payment under sections 5111.20 to 5111.33 of the 95655
Revised Code is used to reimburse the government agency. 95656

(F) The capital cost basis of nursing facility assets shall 95657
be determined in the following manner: 95658

(1) Except as provided in division (F)(3) of this section, 95659
for purposes of calculating the rates to be paid for facilities 95660
with dates of licensure on or before June 30, 1993, the capital 95661
cost basis of each asset shall be equal to the desk-reviewed, 95662
actual, allowable, capital cost basis that is listed on the 95663

facility's cost report for the calendar year preceding the fiscal 95664
year during which the rate will be paid. 95665

(2) For facilities with dates of licensure after June 30, 95666
1993, the capital cost basis shall be determined in accordance 95667
with the principles of the medicare program established under 95668
Title XVIII, except as otherwise provided in sections 5111.20 to 95669
5111.33 of the Revised Code. 95670

(3) Except as provided in division (F)(4) of this section, if 95671
a provider transfers an interest in a facility to another provider 95672
after June 30, 1993, there shall be no increase in the capital 95673
cost basis of the asset if the providers are related parties or 95674
the provider to which the interest is transferred authorizes the 95675
provider that transferred the interest to continue to operate the 95676
facility under a lease, management agreement, or other 95677
arrangement. If the previous sentence does not prohibit the 95678
adjustment of the capital cost basis under this division, the 95679
basis of the asset shall be adjusted by the lesser of the 95680
following: 95681

(a) One-half of the change in construction costs during the 95682
time that the transferor held the asset, as calculated by the 95683
department of job and family services using the "Dodge building 95684
cost indexes, northeastern and north central states," published by 95685
Marshall and Swift; 95686

(b) One-half of the change in the consumer price index for 95687
all items for all urban consumers, as published by the United 95688
States bureau of labor statistics, during the time that the 95689
transferor held the asset. 95690

(4) If a provider transfers an interest in a facility to 95691
another provider who is a related party, the capital cost basis of 95692
the asset shall be adjusted as specified in division (F)(3) of 95693
this section if all of the following conditions are met: 95694

- (a) The related party is a relative of owner; 95695
- (b) Except as provided in division (F)(4)(c)(ii) of this 95696
section, the provider making the transfer retains no ownership 95697
interest in the facility; 95698
- (c) The department of job and family services determines that 95699
the transfer is an arm's length transaction pursuant to rules 95700
adopted under section 5111.02 of the Revised Code. The rules shall 95701
provide that a transfer is an arm's length transaction if all of 95702
the following apply: 95703
- (i) Once the transfer goes into effect, the provider that 95704
made the transfer has no direct or indirect interest in the 95705
provider that acquires the facility or the facility itself, 95706
including interest as an owner, officer, director, employee, 95707
independent contractor, or consultant, but excluding interest as a 95708
creditor. 95709
- (ii) The provider that made the transfer does not reacquire 95710
an interest in the facility except through the exercise of a 95711
creditor's rights in the event of a default. If the provider 95712
reacquires an interest in the facility in this manner, the 95713
department shall treat the facility as if the transfer never 95714
occurred when the department calculates its reimbursement rates 95715
for capital costs. 95716
- (iii) The transfer satisfies any other criteria specified in 95717
the rules. 95718
- (d) Except in the case of hardship caused by a catastrophic 95719
event, as determined by the department, or in the case of a 95720
provider making the transfer who is at least sixty-five years of 95721
age, not less than twenty years have elapsed since, for the same 95722
facility, the capital cost basis was adjusted most recently under 95723
division (F)(4) of this section or actual, allowable cost of 95724
ownership was determined most recently under division (G)(9) of 95725

this section. 95726

(G) As used in this division: 95727

"Imputed interest" means the lesser of the prime rate plus 95728
two per cent or ten per cent. 95729

"Lease expense" means lease payments in the case of an 95730
operating lease and depreciation expense and interest expense in 95731
the case of a capital lease. 95732

"New lease" means a lease, to a different lessee, of a 95733
nursing facility that previously was operated under a lease. 95734

(1) Subject to division (B) of this section, for a lease of a 95735
facility that was effective on May 27, 1992, the entire lease 95736
expense is an actual, allowable capital cost during the term of 95737
the existing lease. The entire lease expense also is an actual, 95738
allowable capital cost if a lease in existence on May 27, 1992, is 95739
renewed under either of the following circumstances: 95740

(a) The renewal is pursuant to a renewal option that was in 95741
existence on May 27, 1992; 95742

(b) The renewal is for the same lease payment amount and 95743
between the same parties as the lease in existence on May 27, 95744
1992. 95745

(2) Subject to division (B) of this section, for a lease of a 95746
facility that was in existence but not operated under a lease on 95747
May 27, 1992, actual, allowable capital costs shall include the 95748
lesser of the annual lease expense or the annual depreciation 95749
expense and imputed interest expense that would be calculated at 95750
the inception of the lease using the lessor's entire historical 95751
capital asset cost basis, adjusted by the lesser of the following 95752
amounts: 95753

(a) One-half of the change in construction costs during the 95754
time the lessor held each asset until the beginning of the lease, 95755

as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at

the inception of the lease using the entire historical capital 95787
asset cost basis of the lessor, adjusted by the lesser of the 95788
following: 95789

(a) One-half of the change in construction costs during the 95790
time the lessor held each asset until the beginning of the lease, 95791
as calculated by the department using the "Dodge building cost 95792
indexes, northeastern and north central states," published by 95793
Marshall and Swift; 95794

(b) One-half of the change in the consumer price index for 95795
all items for all urban consumers, as published by the United 95796
States bureau of labor statistics, during the time the lessor held 95797
each asset until the beginning of the lease. 95798

(5) Subject to division (B) of this section, for a new lease 95799
of a facility that was operated under a lease on May 27, 1992, 95800
actual, allowable capital costs shall include the lesser of the 95801
annual new lease expense or the annual old lease payment. If the 95802
old lease was in effect for ten years or longer, the old lease 95803
payment from the beginning of the old lease shall be adjusted by 95804
the lesser of the following: 95805

(a) One-half of the change in construction costs from the 95806
beginning of the old lease to the beginning of the new lease, as 95807
calculated by the department using the "Dodge building cost 95808
indexes, northeastern and north central states," published by 95809
Marshall and Swift; 95810

(b) One-half of the change in the consumer price index for 95811
all items for all urban consumers, as published by the United 95812
States bureau of labor statistics, from the beginning of the old 95813
lease to the beginning of the new lease. 95814

(6) Subject to division (B) of this section, for a new lease 95815
of a facility that was not in existence or that was in existence 95816
but not operated under a lease on May 27, 1992, actual, allowable 95817

capital costs shall include the lesser of annual new lease expense 95818
or the annual amount calculated for the old lease under division 95819
(G)(2), (3), (4), or (6) of this section, as applicable. If the 95820
old lease was in effect for ten years or longer, the lessor's 95821
historical capital asset cost basis shall be adjusted by the 95822
lesser of the following for purposes of calculating the annual 95823
amount under division (G)(2), (3), (4), or (6) of this section: 95824

(a) One-half of the change in construction costs from the 95825
beginning of the old lease to the beginning of the new lease, as 95826
calculated by the department using the "Dodge building cost 95827
indexes, northeastern and north central states," published by 95828
Marshall and Swift; 95829

(b) One-half of the change in the consumer price index for 95830
all items for all urban consumers, as published by the United 95831
States bureau of labor statistics, from the beginning of the old 95832
lease to the beginning of the new lease. 95833

In the case of a lease under division (G)(3) of this section 95834
of a facility for which a substantial commitment of money was made 95835
after December 22, 1992, and before July 1, 1993, the old lease 95836
payment shall be adjusted for the purpose of determining the 95837
annual amount. 95838

(7) For any revision of a lease described in division (G)(1), 95839
(2), (3), (4), (5), or (6) of this section, or for any subsequent 95840
lease of a facility operated under such a lease, other than 95841
execution of a new lease, the portion of actual, allowable capital 95842
costs attributable to the lease shall be the same as before the 95843
revision or subsequent lease. 95844

(8) Except as provided in division (G)(9) of this section, if 95845
a provider leases an interest in a facility to another provider 95846
who is a related party or previously operated the facility, the 95847
related party's or previous operator's actual, allowable capital 95848

costs shall include the lesser of the annual lease expense or the 95849
reasonable cost to the lessor. 95850

(9) If a provider leases an interest in a facility to another 95851
provider who is a related party, regardless of the date of the 95852
lease, the related party's actual, allowable capital costs shall 95853
include the annual lease expense, subject to the limitations 95854
specified in divisions (G)(1) to (7) of this section, if all of 95855
the following conditions are met: 95856

(a) The related party is a relative of owner; 95857

(b) If the lessor retains an ownership interest, it is, 95858
except as provided in division (G)(9)(c)(ii) of this section, in 95859
only the real property and any improvements on the real property; 95860

(c) The department of job and family services determines that 95861
the lease is an arm's length transaction pursuant to rules adopted 95862
under section 5111.02 of the Revised Code. The rules shall provide 95863
that a lease is an arm's length transaction if all of the 95864
following apply: 95865

(i) Once the lease goes into effect, the lessor has no direct 95866
or indirect interest in the lessee or, except as provided in 95867
division (G)(9)(b) of this section, the facility itself, including 95868
interest as an owner, officer, director, employee, independent 95869
contractor, or consultant, but excluding interest as a lessor. 95870

(ii) The lessor does not reacquire an interest in the 95871
facility except through the exercise of a lessor's rights in the 95872
event of a default. If the lessor reacquires an interest in the 95873
facility in this manner, the department shall treat the facility 95874
as if the lease never occurred when the department calculates its 95875
reimbursement rates for capital costs. 95876

(iii) The lease satisfies any other criteria specified in the 95877
rules. 95878

(d) Except in the case of hardship caused by a catastrophic 95879
event, as determined by the department, or in the case of a lessor 95880
who is at least sixty-five years of age, not less than twenty 95881
years have elapsed since, for the same facility, the capital cost 95882
basis was adjusted most recently under division (F)(4) of this 95883
section or actual, allowable capital costs were determined most 95884
recently under division (G)(9) of this section. 95885

(10) This division does not apply to leases of specific items 95886
of equipment. 95887

(H) After the date on which a transaction of sale is closed, 95888
the provider shall refund to the department the amount of excess 95889
depreciation paid to the provider for the facility by the 95890
department for each year the provider has operated the facility 95891
under a provider agreement and prorated according to the number of 95892
medicaid patient days for which the provider has received payment 95893
for the facility. The provider of a facility that is sold or that 95894
voluntarily terminates participation in the medicaid program also 95895
shall refund any other amount that the department properly finds 95896
to be due after the audit conducted under this division. For the 95897
purposes of this division, "depreciation paid to the provider for 95898
the facility" means the amount paid to the provider for the 95899
nursing facility for capital costs pursuant to this section less 95900
any amount paid for interest costs, amortization of financing 95901
costs, and lease expenses. For the purposes of this division, 95902
"excess depreciation" is the nursing facility's depreciated basis, 95903
which is the provider's cost less accumulated depreciation, 95904
subtracted from the purchase price net of selling costs but not 95905
exceeding the amount of depreciation paid to the provider for the 95906
facility. 95907

Sec. 5111.261. Except as otherwise provided in section 95908
5111.264 of the Revised Code, the department of job and family 95909

services, in determining whether an intermediate care facility for 95910
the mentally retarded's direct care costs and indirect care costs 95911
are allowable, shall place no limit on specific categories of 95912
reasonable costs other than compensation of owners, compensation 95913
of relatives of owners, and compensation of administrators ~~and~~ 95914
~~costs for resident meals that are prepared and consumed outside~~ 95915
~~the facility.~~ 95916

Compensation cost limits for owners and relatives of owners 95917
shall be based on compensation costs for individuals who hold 95918
comparable positions but who are not owners or relatives of 95919
owners, as reported on facility cost reports. As used in this 95920
section, "comparable position" means the position that is held by 95921
the owner or the owner's relative, if that position is listed 95922
separately on the cost report form, or if the position is not 95923
listed separately, the group of positions that is listed on the 95924
cost report form and that includes the position held by the owner 95925
or the owner's relative. In the case of an owner or owner's 95926
relative who serves the facility in a capacity such as corporate 95927
officer, proprietor, or partner for which no comparable position 95928
or group of positions is listed on the cost report form, the 95929
compensation cost limit shall be based on civil service 95930
equivalents and shall be specified in rules adopted under section 95931
5111.02 of the Revised Code. 95932

Compensation cost limits for administrators shall be based on 95933
compensation costs for administrators who are not owners or 95934
relatives of owners, as reported on facility cost reports. 95935
Compensation cost limits for administrators of four or more 95936
intermediate care facilities for the mentally retarded shall be 95937
the same as the limits for administrators of intermediate care 95938
facilities for the mentally retarded with one hundred fifty or 95939
more beds. 95940

Sec. 5111.65. As used in sections 5111.65 to 5111.688	95941
<u>5111.689</u> of the Revised Code:	95942
(A) "Change of operator" means an entering operator becoming	95943
the operator of a nursing facility or intermediate care facility	95944
for the mentally retarded in the place of the exiting operator.	95945
(1) Actions that constitute a change of operator include the	95946
following:	95947
(a) A change in an exiting operator's form of legal	95948
organization, including the formation of a partnership or	95949
corporation from a sole proprietorship;	95950
(b) A transfer of all the exiting operator's ownership	95951
interest in the operation of the facility to the entering	95952
operator, regardless of whether ownership of any or all of the	95953
real property or personal property associated with the facility is	95954
also transferred;	95955
(c) A lease of the facility to the entering operator or the	95956
exiting operator's termination of the exiting operator's lease;	95957
(d) If the exiting operator is a partnership, dissolution of	95958
the partnership;	95959
(e) If the exiting operator is a partnership, a change in	95960
composition of the partnership unless both of the following apply:	95961
(i) The change in composition does not cause the	95962
partnership's dissolution under state law.	95963
(ii) The partners agree that the change in composition does	95964
not constitute a change in operator.	95965
(f) If the operator is a corporation, dissolution of the	95966
corporation, a merger of the corporation into another corporation	95967
that is the survivor of the merger, or a consolidation of one or	95968
more other corporations to form a new corporation.	95969

(2) The following, alone, do not constitute a change of operator:	95970 95971
(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions;	95972 95973 95974 95975
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator;	95976 95977 95978 95979 95980
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	95981 95982 95983 95984
(B) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility or intermediate care facility for the mentally retarded.	95985 95986 95987
(C) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility or intermediate care facility for the mentally retarded resides in the facility.	95988 95989 95990 95991
(D) "Effective date of a voluntary termination" means the day the intermediate care facility for the mentally retarded ceases to accept medicaid patients.	95992 95993 95994
(E) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid patients other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	95995 95996 95997 95998 95999

(F) "Entering operator" means the person or government entity 96000
that will become the operator of a nursing facility or 96001
intermediate care facility for the mentally retarded when a change 96002
of operator occurs. 96003

(G) "Exiting operator" means any of the following: 96004

(1) An operator that will cease to be the operator of a 96005
nursing facility or intermediate care facility for the mentally 96006
retarded on the effective date of a change of operator; 96007

(2) An operator that will cease to be the operator of a 96008
nursing facility or intermediate care facility for the mentally 96009
retarded on the effective date of a facility closure; 96010

(3) An operator of an intermediate care facility for the 96011
mentally retarded that is undergoing or has undergone a voluntary 96012
termination; 96013

(4) An operator of a nursing facility that is undergoing or 96014
has undergone a voluntary withdrawal of participation. 96015

(H)(1) "Facility closure" means discontinuance of the use of 96016
the building, or part of the building, that houses the facility as 96017
a nursing facility or intermediate care facility for the mentally 96018
retarded that results in the relocation of all of the facility's 96019
residents. A facility closure occurs regardless of any of the 96020
following: 96021

(a) The operator completely or partially replacing the 96022
facility by constructing a new facility or transferring the 96023
facility's license to another facility; 96024

(b) The facility's residents relocating to another of the 96025
operator's facilities; 96026

(c) Any action the department of health takes regarding the 96027
facility's certification under Title XIX of the "Social Security 96028
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 96029

result in the transfer of part of the facility's survey findings 96030
to another of the operator's facilities; 96031

(d) Any action the department of health takes regarding the 96032
facility's license under Chapter 3721. of the Revised Code; 96033

(e) Any action the department of mental retardation and 96034
developmental disabilities takes regarding the facility's license 96035
under section 5123.19 of the Revised Code. 96036

(2) A facility closure does not occur if all of the 96037
facility's residents are relocated due to an emergency evacuation 96038
and one or more of the residents return to a medicaid-certified 96039
bed in the facility not later than thirty days after the 96040
evacuation occurs. 96041

(I) "Fiscal year," "intermediate care facility for the 96042
mentally retarded," "nursing facility," "operator," "owner," and 96043
"provider agreement" have the same meanings as in section 5111.20 96044
of the Revised Code. 96045

(J) "Voluntary termination" means an operator's voluntary 96046
election to terminate the participation of an intermediate care 96047
facility for the mentally retarded in the medicaid program but to 96048
continue to provide service of the type provided by a residential 96049
facility as defined in section 5123.19 of the Revised Code. 96050

(K) "Voluntary withdrawal of participation" means an 96051
operator's voluntary election to terminate the participation of a 96052
nursing facility in the medicaid program but to continue to 96053
provide service of the type provided by a nursing facility. 96054

Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ 5111.689 of the 96055
Revised Code do not apply to a nursing facility or intermediate 96056
care facility for the mentally retarded that undergoes a facility 96057
closure, voluntary termination, voluntary withdrawal of 96058
participation, or change of operator on or before September 30, 96059

2005, if the exiting operator provided written notice of the 96060
facility closure, voluntary termination, voluntary withdrawal of 96061
participation, or change of operator to the department of job and 96062
family services on or before June 30, 2005. 96063

Sec. 5111.688. (A) All amounts withheld under section 96064
5111.681 of the Revised Code from payment due an exiting operator 96065
under the medicaid program shall be deposited into the medicaid 96066
payment withholding fund created by the controlling board pursuant 96067
to section 131.35 of the Revised Code. Money in the fund shall be 96068
used as follows: 96069

(1) To pay an exiting operator when a withholding is released 96070
to the exiting operator under section 5111.686 or 5111.687 of the 96071
Revised Code; 96072

(2) To pay the department of job and family services and 96073
United States centers for medicare and medicaid services the 96074
amount an exiting operator owes the department and United States 96075
centers under the medicaid program. 96076

(B) Amounts paid from the medicaid payment withholding fund 96077
pursuant to division (A)(2) of this section shall be deposited 96078
into the appropriate department fund. 96079

Sec. ~~5111.688~~ 5111.689. The director of job and family 96080
services may adopt rules under section 5111.02 of the Revised Code 96081
to implement sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised 96082
Code, including rules applicable to an exiting operator that 96083
provides written notification under section 5111.66 of the Revised 96084
Code of a voluntary withdrawal of participation. Rules adopted 96085
under this section shall comply with section 1919(c)(2)(F) of the 96086
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 96087
1396r(c)(2)(F), regarding restrictions on transfers or discharges 96088
of nursing facility residents in the case of a voluntary 96089

withdrawal of participation. The rules may prescribe a medicaid 96090
reimbursement methodology and other procedures that are applicable 96091
after the effective date of a voluntary withdrawal of 96092
participation that differ from the reimbursement methodology and 96093
other procedures that would otherwise apply. 96094

Sec. 5111.705. No individual shall be denied eligibility for 96095
the medicaid buy-in for workers with disabilities program on the 96096
basis that the individual receives services under a home and 96097
community-based services medicaid waiver component as defined in 96098
section ~~5111.851~~ 5111.85 of the Revised Code. 96099

Sec. 5111.85. (A) As used in this section and sections 96100
5111.851 to 5111.856 of the Revised Code, ~~"medicaid:~~ 96101

"Home and community-based services medicaid waiver component" 96102
means a medicaid waiver component under which home and 96103
community-based services are provided as an alternative to 96104
hospital, nursing facility, or intermediate care facility for the 96105
mentally retarded services. 96106

"Hospital" has the same meaning as in section 3727.01 of the 96107
Revised Code. 96108

"Intermediate care facility for the mentally retarded" has 96109
the same meaning as in section 5111.20 of the Revised Code. 96110

"Medicaid waiver component" means a component of the medicaid 96111
program authorized by a waiver granted by the United States 96112
department of health and human services under section 1115 or 1915 96113
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 96114
1315 or 1396n. "Medicaid waiver component" does not include a care 96115
management system established under section 5111.16 of the Revised 96116
Code. 96117

"Nursing facility" has the same meaning as in section 5111.20 96118

<u>of the Revised Code.</u>	96119
(B) The director of job and family services may adopt rules	96120
under Chapter 119. of the Revised Code governing medicaid waiver	96121
components that establish all of the following:	96122
(1) Eligibility requirements for the medicaid waiver	96123
components;	96124
(2) The type, amount, duration, and scope of services the	96125
medicaid waiver components provide;	96126
(3) The conditions under which the medicaid waiver components	96127
cover services;	96128
(4) The amount the medicaid waiver components pay for	96129
services or the method by which the amount is determined;	96130
(5) The manner in which the medicaid waiver components pay	96131
for services;	96132
(6) Safeguards for the health and welfare of medicaid	96133
recipients receiving services under a medicaid waiver component;	96134
(7) <u>Procedures for both of the following:</u>	96135
<u>(a) Identifying individuals who meet all of the following</u>	96136
<u>requirements:</u>	96137
<u>(i) Are eligible for a home and community-based services</u>	96138
<u>medicaid waiver component and on a waiting list for the component;</u>	96139
<u>(ii) Are receiving inpatient hospital services or residing in</u>	96140
<u>an intermediate care facility for the mentally retarded or nursing</u>	96141
<u>facility (as appropriate for the component);</u>	96142
<u>(iii) Choose to be enrolled in the component.</u>	96143
<u>(b) Approving the enrollment of individuals identified under</u>	96144
<u>the procedures established under division (B)(7)(a) of this</u>	96145
<u>section into the home and community-based services medicaid waiver</u>	96146
<u>component.</u>	96147

(8) Procedures for enforcing the rules, including 96148
establishing corrective action plans for, and imposing financial 96149
and administrative sanctions on, persons and government entities 96150
that violate the rules. Sanctions shall include terminating 96151
medicaid provider agreements. The procedures shall include due 96152
process protections. 96153

~~(8)~~(9) Other policies necessary for the efficient 96154
administration of the medicaid waiver components. 96155

(C) The director of job and family services may adopt 96156
different rules for the different medicaid waiver components. The 96157
rules shall be consistent with the terms of the waiver authorizing 96158
the medicaid waiver component. 96159

(D) Any procedures established under division (B)(7) of this 96160
section for the PASSPORT program shall be consistent with section 96161
173.401 of the Revised Code. Any procedures established under 96162
division (B)(7) of this section for the assisted living program 96163
shall be consistent with section 5111.894 of the Revised Code. 96164

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 96165
of the Revised Code: 96166

"Administrative agency" means, with respect to a home and 96167
community-based services medicaid waiver component, the department 96168
of job and family services or, if a state agency or political 96169
subdivision contracts with the department under section 5111.91 of 96170
the Revised Code to administer the component, that state agency or 96171
political subdivision. 96172

~~"Home and community based services medicaid waiver component" 96173
means a medicaid waiver component under which home and 96174
community based services are provided as an alternative to 96175
hospital, nursing facility, or intermediate care facility for the 96176
mentally retarded services. 96177~~

~~"Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~ 96178
96179

~~"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 96180
96181

"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. 96182
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"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code. 96190
96191
96192

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 96193
96194

"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. 96195
96196
96197

(B) The following requirements apply to each home and community-based services medicaid waiver component: 96198
96199

(1) Only an individual who qualifies for a component shall receive that component's services. 96200
96201

(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. 96202
96203
96204
96205
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96207

(3) A written plan of care or individual service plan based 96208
on an individual assessment of the services that an individual 96209
needs to avoid needing admission to a hospital, nursing facility, 96210
or intermediate care facility for the mentally retarded shall be 96211
created for each individual determined eligible for a component. 96212

(4) Each individual determined eligible for a component shall 96213
receive that component's services in accordance with the 96214
individual's level of care determination and written plan of care 96215
or individual service plan. 96216

(5) No individual may receive services under a component 96217
while the individual is a hospital inpatient or resident of a 96218
skilled nursing facility, nursing facility, or intermediate care 96219
facility for the mentally retarded. 96220

(6) No individual may receive prevocational, educational, or 96221
supported employment services under a component if the individual 96222
is eligible for such services that are funded with federal funds 96223
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 96224
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 96225

(7) Safeguards shall be taken to protect the health and 96226
welfare of individuals receiving services under a component, 96227
including safeguards established in rules adopted under section 96228
5111.85 of the Revised Code and safeguards established by 96229
licensing and certification requirements that are applicable to 96230
the providers of that component's services. 96231

(8) No services may be provided under a component by a 96232
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 96233
requires be established if the provider fails to comply with the 96234
standards applicable to the provider. 96235

(9) Individuals determined to be eligible for a component, or 96236
such individuals' representatives, shall be informed of that 96237
component's services, including any choices that the individual or 96238

representative may make regarding the component's services, and 96239
given the choice of either receiving services under that component 96240
or, as appropriate, hospital, nursing facility, or intermediate 96241
care facility for the mentally retarded services. 96242

(10) No individual shall lose eligibility for services under 96243
a component, or have the services reduced or otherwise disrupted, 96244
on the basis that the individual also receives services under the 96245
medicaid buy-in for workers with disabilities program. 96246

(11) No individual shall lose eligibility for services under 96247
a component, or have the services reduced or otherwise disrupted, 96248
on the basis that the individual's income or resources increase to 96249
an amount above the eligibility limit for the component if the 96250
individual is participating in the medicaid buy-in for workers 96251
with disabilities program and the amount of the individual's 96252
income or resources does not exceed the eligibility limit for the 96253
medicaid buy-in for workers with disabilities program. 96254

(12) No individual receiving services under a component shall 96255
be required to pay any cost sharing expenses for the services for 96256
any period during which the individual also participates in the 96257
medicaid buy-in for workers with disabilities program. 96258

Sec. 5111.861. (A) As used in this section: 96259

(1) "Assisted living program" means the medicaid waiver 96260
component created under section 5111.89 of the Revised Code. 96261

(2) "Choices program" means the medicaid waiver component 96262
created under section 173.402 of the Revised Code. 96263

(3) "Medicaid waiver component" has the same meaning as in 96264
section 5111.85 of the Revised Code. 96265

(4) "PASSPORT program" means the medicaid waiver component 96266
created under section 173.40 of the Revised Code. 96267

(B) The director of job and family services shall submit a 96268

request to the United States secretary of health and human 96269
services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid 96270
waiver that consolidates the following medicaid waiver components 96271
into one medicaid waiver component: 96272

(1) The assisted living program; 96273

(2) The choices program; 96274

(3) The PASSPORT program. 96275

(C) In seeking a consolidated federal medicaid waiver under 96276
this section, the director of job and family services shall work 96277
with the director of aging and provide for the waiver to do all of 96278
the following: 96279

(1) For the part of the waiver that concerns the assisted 96280
living program, include the provisions that sections 5111.89 to 96281
5111.894 of the Revised Code establish for the assisted living 96282
program; 96283

(2) For the part of the waiver that concerns the choices 96284
program, include the provisions that sections 173.402 and 173.403 96285
of the Revised Code establishes for the choices program; 96286

(3) For the part of the waiver that concerns the PASSPORT 96287
program, include the provisions that sections 173.40, 173.401, and 96288
173.403 of the Revised Code establish for the PASSPORT program; 96289

(4) For each part of the waiver, including the part that 96290
concerns the choices program, be available statewide. 96291

(D) If the United States secretary approves the consolidated 96292
federal medicaid waiver sought under this section, all of the 96293
following shall apply: 96294

(1) The department of job and family services shall enter 96295
into a contract with the department of aging under section 5111.91 96296
of the Revised Code for the department of aging to administer the 96297
consolidated federal medicaid waiver, except that the department 96298

of job and family services, rather than the department of aging, 96299
shall administer the part of the waiver that concerns the assisted 96300
living program if the director of budget and management does not 96301
approve the contract; 96302

(2) The director of job and family services shall adopt rules 96303
under section 5111.85 of the Revised Code to authorize the 96304
director of aging to adopt rules in accordance with Chapter 119. 96305
of the Revised Code that are needed to implement the consolidated 96306
federal medicaid waiver, except that the director of job and 96307
family services shall adopt rules under section 5111.85 of the 96308
Revised Code that are needed to implement the part of the waiver 96309
that concerns the assisted living program if the director of 96310
budget and management does not approve the contract the 96311
departments of job and family services and aging enter into under 96312
division (D)(1) of this section; 96313

(3) Any statutory reference to the assisted living program 96314
shall mean the part of the consolidated federal medicaid waiver 96315
that concerns the assisted living program; 96316

(4) Any statutory reference to the choices program shall mean 96317
the part of the consolidated federal medicaid waiver that concerns 96318
the choices program; 96319

(5) Any statutory references to the PASSPORT program shall 96320
mean the part of the consolidated federal medicaid waiver that 96321
concerns the PASSPORT program. 96322

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 96323
of the Revised Code: 96324

"Home and community-based services" has the same meaning as 96325
in section 5123.01 of the Revised Code. 96326

"ICF/MR services" means intermediate care facility for the 96327
mentally retarded services covered by the medicaid program that an 96328

intermediate care facility for the mentally retarded provides to a 96329
resident of the facility who is a medicaid recipient eligible for 96330
medicaid-covered intermediate care facility for the mentally 96331
retarded services. 96332

"Intermediate care facility for the mentally retarded" means 96333
an intermediate care facility for the mentally retarded that is 96334
certified as in compliance with applicable standards for the 96335
medicaid program by the director of health in accordance with 96336
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 96337
U.S.C. 1396, as amended, and licensed as a residential facility 96338
under section 5123.19 of the Revised Code. 96339

"Residential facility" has the same meaning as in section 96340
5123.19 of the Revised Code. 96341

(B) For the purpose of increasing the number of slots 96342
available for home and community-based services and subject to 96343
sections 5111.877 and 5111.878 of the Revised Code, the operator 96344
of an intermediate care facility for the mentally retarded may 96345
convert all of the beds in the facility from providing ICF/MR 96346
services to providing home and community-based services if all of 96347
the following requirements are met: 96348

(1) The operator provides the directors of health, job and 96349
family services, and mental retardation and developmental 96350
disabilities at least ninety days' notice of the operator's intent 96351
to relinquish the facility's certification as an intermediate care 96352
facility for the mentally retarded and to begin providing home and 96353
community-based services. 96354

(2) The operator complies with the requirements of sections 96355
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 96356
voluntary termination as defined in section 5111.65 of the Revised 96357
Code if those requirements are applicable. 96358

(3) The operator notifies each of the facility's residents 96359

that the facility is to cease providing ICF/MR services and inform 96360
each resident that the resident may do either of the following: 96361

(a) Continue to receive ICF/MR services by transferring to 96362
another facility that is an intermediate care facility for the 96363
mentally retarded willing and able to accept the resident if the 96364
resident continues to qualify for ICF/MR services; 96365

(b) Begin to receive home and community-based services 96366
instead of ICF/MR services from any provider of home and 96367
community-based services that is willing and able to provide the 96368
services to the resident if the resident is eligible for the 96369
services and a slot for the services is available to the resident. 96370

(4) The operator meets the requirements for providing home 96371
and community-based services, including the following: 96372

(a) Such requirements applicable to a residential facility if 96373
the operator maintains the facility's license as a residential 96374
facility; 96375

(b) Such requirements applicable to a facility that is not 96376
licensed as a residential facility if the operator surrenders the 96377
facility's residential facility license under section 5123.19 of 96378
the Revised Code. 96379

(5) The director of mental retardation and developmental 96380
disabilities approves the conversion. 96381

(C) The notice to the director of mental retardation and 96382
developmental disabilities under division (B)(1) of this section 96383
shall specify whether the operator wishes to surrender the 96384
facility's license as a residential facility under section 5123.19 96385
of the Revised Code. 96386

(D) If the director of mental retardation and developmental 96387
disabilities approves a conversion under division (B) of this 96388
section, the director of health shall terminate the certification 96389

of the intermediate care facility for the mentally retarded to be 96390
converted. The director of health shall notify the director of job 96391
and family services of the termination. On receipt of the director 96392
of health's notice, the director of job and family services shall 96393
terminate the operator's medicaid provider agreement that 96394
authorizes the operator to provide ICF/MR services at the 96395
facility. The operator is not entitled to notice or a hearing 96396
under Chapter 119. of the Revised Code before the director of job 96397
and family services terminates the medicaid provider agreement. 96398
96399

Sec. 5111.875. (A) For the purpose of increasing the number 96400
of slots available for home and community-based services and 96401
subject to sections 5111.877 and 5111.878 of the Revised Code, a 96402
person who acquires, through a request for proposals issued by the 96403
director of mental retardation and developmental disabilities, a 96404
residential facility that is an intermediate care facility for the 96405
mentally retarded and for which the license as a residential 96406
facility was previously surrendered or revoked may convert some or 96407
all of the facility's beds from providing ICF/MR services to 96408
providing home and community-based services if all of the 96409
following requirements are met: 96410

(1) The person provides the directors of health, job and 96411
family services, and mental retardation and developmental 96412
disabilities at least ninety days' notice of the person's intent 96413
to make the conversion. 96414

(2) The person complies with the requirements of sections 96415
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 96416
voluntary termination as defined in section 5111.65 of the Revised 96417
Code if those requirements are applicable. 96418

(3) If the person intends to convert all of the facility's 96419
beds, the person notifies each of the facility's residents that 96420

the facility is to cease providing ICF/MR services and informs 96421
each resident that the resident may do either of the following: 96422

(a) Continue to receive ICF/MR services by transferring to 96423
another facility that is an intermediate care facility for the 96424
mentally retarded willing and able to accept the resident if the 96425
resident continues to qualify for ICF/MR services; 96426

(b) Begin to receive home and community-based services 96427
instead of ICF/MR services from any provider of home and 96428
community-based services that is willing and able to provide the 96429
services to the resident if the resident is eligible for the 96430
services and a slot for the services is available to the resident. 96431

(4) If the person intends to convert some but not all of the 96432
facility's beds, the person notifies each of the facility's 96433
residents that the facility is to convert some of its beds from 96434
providing ICF/MR services to providing home and community-based 96435
services and inform each resident that the resident may do either 96436
of the following: 96437

(a) Continue to receive ICF/MR services from any provider of 96438
ICF/MR services that is willing and able to provide the services 96439
to the resident if the resident continues to qualify for ICF/MR 96440
services; 96441

(b) Begin to receive home and community-based services 96442
instead of ICF/MR services from any provider of home and 96443
community-based services that is willing and able to provide the 96444
services to the resident if the resident is eligible for the 96445
services and a slot for the services is available to the resident. 96446

(5) The person meets the requirements for providing home and 96447
community-based services at a residential facility. 96448

(B) The notice provided to the directors under division 96449
(A)(1) of this section shall specify whether some or all of the 96450
facility's beds are to be converted. If some but not all of the 96451

beds are to be converted, the notice shall specify how many of the 96452
facility's beds are to be converted and how many of the beds are 96453
to continue to provide ICF/MR services. 96454

(C) On receipt of a notice under division (A)(1) of this 96455
section, the director of health shall do the following: 96456

(1) Terminate the certification of the intermediate care 96457
facility for the mentally retarded if the notice specifies that 96458
all of the facility's beds are to be converted; 96459

(2) Reduce the facility's certified capacity by the number of 96460
beds being converted if the notice specifies that some but not all 96461
of the beds are to be converted. 96462

(D) The director of health shall notify the director of job 96463
and family services of the termination or reduction under division 96464
(C) of this section. On receipt of the director of health's 96465
notice, the director of job and family services shall do the 96466
following: 96467

(1) Terminate the person's medicaid provider agreement that 96468
authorizes the person to provide ICF/MR services at the facility 96469
if the facility's certification was terminated; 96470

(2) Amend the person's medicaid provider agreement to reflect 96471
the facility's reduced certified capacity if the facility's 96472
certified capacity is reduced. 96473

The person is not entitled to notice or a hearing under 96474
Chapter 119. of the Revised Code before the director of job and 96475
family services terminates or amends the medicaid provider 96476
agreement. 96477

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of 96478
the Revised Code: 96479

(1) "Adult" means an individual at least eighteen years of 96480
age. 96481

<u>(2) "Authorized representative" means the following:</u>	96482
<u>(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;</u>	96483 96484
<u>(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.</u>	96485 96486 96487 96488
<u>(3) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u>	96489 96490 96491 96492
<u>(4) "Consumer" means an individual to whom all of the following apply:</u>	96493 96494
<u>(a) The individual is enrolled in a participating medicaid waiver component.</u>	96495 96496
<u>(b) The individual has a medically determinable physical impairment to which both of the following apply:</u>	96497 96498
<u>(i) It is expected to last for a continuous period of not less than twelve months.</u>	96499 96500
<u>(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.</u>	96501 96502 96503 96504
<u>(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.</u>	96505 96506 96507 96508
<u>(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care</u>	96509 96510 96511

<u>attendant.</u>	96512
<u>(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	96513 96514
<u>(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.</u>	96515 96516
<u>(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.</u>	96517 96518
<u>(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.</u>	96519 96520
<u>(9) "Health care professional" means a physician or registered nurse.</u>	96521 96522
<u>(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.</u>	96523 96524 96525 96526
<u>(11) "Home care attendant services" means all of the following as provided by a home care attendant:</u>	96527 96528
<u>(a) Personal care aide services;</u>	96529
<u>(b) Assistance with the self-administration of medication;</u>	96530
<u>(c) Assistance with nursing tasks.</u>	96531
<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	96532 96533
<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	96534 96535
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	96536 96537
<u>(15) "Minor" means an individual under eighteen years of age.</u>	96538
<u>(16) "Participating medicaid waiver component" means both of</u>	96539

the following: 96540

(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers; 96541
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(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers. 96543
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(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 96546
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code. 96549
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(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 96554
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 96557
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services 96567
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to consumers if the individual does both of the following: 96570

(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code; 96571
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(B) Provides the director evidence satisfactory to the director of all of the following: 96574
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(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following: 96576
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(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code; 96579
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(b) A training program approved by the department of job and family services that includes training in at least all of the following and provides training equivalent to a training and competency evaluation program specified in division (B)(1)(a) of this section or meets the requirements of 42 C.F.R. 484.36(a): 96582
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(i) Basic home safety; 96587

(ii) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken; 96588
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(iii) Personal care aide services; 96592

(iv) The labeling, counting, and storage requirements for schedule II, III, IV, and V medications. 96593
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(2) That the individual has obtained a certificate of completion of a course in first aid from a first aid course to which all of the following apply: 96595
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(a) It is not provided solely through the internet. 96598

(b) It includes hands-on training provided by a first aid instructor who is qualified to provide such training according to standards set in rules adopted under section 5111.8811 of the Revised Code. 96599
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(c) It requires the individual to demonstrate successfully that the individual has learned the first aid taught in the course. 96603
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(3) That the individual meets any other requirements for the medicaid provider agreement specified in rules adopted under section 5111.8811 of the Revised Code. 96606
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Sec. 5111.882. A home care attendant shall complete not less than twelve hours of in-service continuing education regarding home care attendant services each year and provide the director of job and family services evidence satisfactory to the director that the attendant satisfied this requirement. The evidence shall be submitted to the director not later than the annual anniversary of the issuance of the home care attendant's initial medicaid provider agreement. 96609
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Sec. 5111.883. A home care attendant shall do all of the following: 96617
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(A) Maintain a clinical record for each consumer to whom the attendant provides home care attendant services in a manner that protects the consumer's privacy; 96619
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(B) Participate in a face-to-face visit every ninety days with all of the following to monitor the health and welfare of each of the consumers to whom the attendant provides home care attendant services: 96622
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(1) The consumer; 96626

(2) The consumer's authorized representative, if any; 96627

(3) A registered nurse who agrees to answer any questions that the attendant, consumer, or authorized representative has about consumer care needs, medications, and other issues. 96628
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(C) Document the activities of each visit required by division (B) of this section in the consumer's clinical record with the assistance of the registered nurse. 96631
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Sec. 5111.884. (A) A home care attendant may assist a consumer with nursing tasks or self-administration of medication only after the attendant does both of the following: 96634
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(1) Subject to division (B) of this section, completes consumer-specific training in how to provide the assistance that the authorizing health care professional authorizes the attendant to provide to the consumer; 96637
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(2) At the request of the consumer, consumer's authorized representative, or authorizing health care professional, successfully demonstrates that the attendant has learned how to provide the authorized assistance to the consumer. 96641
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(B) The training required by division (A)(1) of this section shall be provided by either of the following: 96645
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(1) The authorizing health care professional; 96647

(2) The consumer or consumer's authorized representative in cooperation with the authorizing health care professional. 96648
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Sec. 5111.885. A home care attendant shall comply with both of the following when assisting a consumer with nursing tasks or self-administration of medication: 96650
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(A) The written consent of the consumer or consumer's authorized representative provided to the director of job and family services under section 5111.886 of the Revised Code; 96653
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(B) The authorizing health care professional's written 96656

authorization provided to the director under section 5111.887 of 96657
the Revised Code. 96658

Sec. 5111.886. To consent to a home care attendant assisting 96659
a consumer with nursing tasks or self-administration of 96660
medication, the consumer or consumer's authorized representative 96661
shall provide the director of job and family services a written 96662
statement signed by the consumer or authorized representative 96663
under which the consumer or authorized representative consents to 96664
both of the following: 96665

(A) Having the attendant assist the consumer with nursing 96666
tasks or self-administration of medication; 96667

(B) Assuming responsibility for directing the attendant when 96668
the attendant assists the consumer with nursing tasks or 96669
self-administration of medication. 96670

Sec. 5111.887. To authorize a home care attendant to assist a 96671
consumer with nursing tasks or self-administration of medication, 96672
a health care professional shall provide the director of job and 96673
family services a written statement signed by the health care 96674
professional that includes all of the following: 96675

(A) The consumer's name and address; 96676

(B) A description of the nursing tasks or self-administration 96677
of medication with which the attendant is to assist the consumer, 96678
including, in the case of assistance with self-administration of 96679
medication, the name and dosage of the medication; 96680

(C) The times or intervals when the attendant is to assist 96681
the consumer with the self-administration of each dosage of the 96682
medication or nursing tasks; 96683

(D) The dates the attendant is to begin and cease providing 96684
the assistance; 96685

(E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions; 96686
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(F) At least one telephone number at which the attendant can reach the health care professional in an emergency; 96689
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(G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies; 96691
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(H) The health care professional's attestation of both of the following: 96695
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(1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant; 96697
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(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 96700
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Sec. 5111.888. When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 96708
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(A) Perform a task that is outside of the health care professional's scope of practice; 96712
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or 96714
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<u>schedule V drug unless both of the following apply:</u>	96716
<u>(1) The medication is administered orally, topically, or via</u>	96717
<u>a gastrostomy tube or jejunostomy tube, including through any of</u>	96718
<u>the following:</u>	96719
<u>(a) In the case of an oral medication, a metered dose</u>	96720
<u>inhaler;</u>	96721
<u>(b) In the case of a topical medication, including a</u>	96722
<u>transdermal medication, either of the following:</u>	96723
<u>(i) An eye, ear, or nose drop or spray;</u>	96724
<u>(ii) A vaginal or rectal suppository.</u>	96725
<u>(c) In the case of a gastrostomy tube or jejunostomy tube,</u>	96726
<u>only through a pre-programmed pump.</u>	96727
<u>(2) The medication is in its original container and the label</u>	96728
<u>attached to the container displays all of the following:</u>	96729
<u>(a) The consumer's full name in print;</u>	96730
<u>(b) The medication's dispensing date, which must not be more</u>	96731
<u>than twelve months before the date the attendant assists the</u>	96732
<u>consumer with self-administration of the medication;</u>	96733
<u>(c) The exact dosage and means of administration that match</u>	96734
<u>the health care professional's authorization to the attendant.</u>	96735
<u>(C) Assist the consumer with the self-administration of a</u>	96736
<u>schedule II, schedule III, schedule IV, or schedule V medication</u>	96737
<u>unless, in addition to meeting the requirements of division (B) of</u>	96738
<u>this section, all of the following apply:</u>	96739
<u>(1) The medication has a warning label on its container.</u>	96740
<u>(2) The attendant counts the medication in the consumer's or</u>	96741
<u>authorized representative's presence when the medication is</u>	96742
<u>administered to the consumer and records the count on a form used</u>	96743
<u>for the count as specified in rules adopted under section</u>	96744

5111.8811 of the Revised Code. 96745

(3) The attendant recounts the medication in the consumer's or authorized representative's presence at least monthly and reconciles the recount on a log located in the consumer's clinical record. 96746
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(4) The medication is stored separately from all other medications and is secured and locked at all times when not being administered to the consumer to prevent unauthorized access. 96750
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(D) Perform an intramuscular injection; 96753

(E) Perform a subcutaneous injection unless it is for a routine dose of insulin; 96754
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(F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin; 96756
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(G) Insert, remove, or discontinue an intravenous access device; 96758
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(H) Engage in intravenous medication administration; 96760

(I) Insert or initiate an infusion therapy; 96761

(J) Perform a central line dressing change. 96762

Sec. 5111.889. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code. 96763
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A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The 96769
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director shall forward a copy of each report to the board of 96774
nursing. 96775

Sec. 5111.8810. A consumer who is an adult may select an 96776
individual to act on the consumer's behalf for purposes regarding 96777
home care attendant services by submitting a written notice of the 96778
consumer's selection of an authorized representative to the 96779
director of job and family services. The notice shall specifically 96780
identify the individual the consumer selects as authorized 96781
representative and may limit what the authorized representative 96782
may do on the consumer's behalf regarding home care attendant 96783
services. A consumer may not select the consumer's home care 96784
attendant to be the consumer's authorized representative. 96785
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Sec. 5111.8811. The director of job and family services shall 96787
adopt rules under section 5111.85 of the Revised Code as necessary 96788
for the implementation of sections 5111.88 to 5111.8810 of the 96789
Revised Code. The rules shall be consistent with federal and state 96790
law. 96791

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 96792
the Revised Code: 96793

"Area agency on aging" has the same meaning as in section 96794
173.14 of the Revised Code. 96795

"Assisted living program" means the ~~medicaid waiver component~~ 96796
~~for which the director of job and family services is authorized by~~ 96797
program created under this section to request a medicaid waiver. 96798

"Assisted living services" means the following home and 96799
community-based services: personal care, homemaker, chore, 96800
attendant care, companion, medication oversight, and therapeutic 96801
social and recreational programming. 96802

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 96803
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"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 96805
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 96808
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"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 96813
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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 96815
96816

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 96817
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"State administrative agency" means the department of job and family services if the department of job and family services administers the assisted living program or the department of aging if the department of aging administers the assisted living program. 96819
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~~(B) The director of job and family services may submit a request to the United States secretary of health and human services under 42 U.S.C. 1396n to obtain a waiver of federal medicaid requirements that would otherwise be violated in the creation and implementation of a program under which~~ There is hereby created the assisted living program. The program shall provide assisted living services ~~are provided to not more than one thousand eight hundred~~ individuals who meet the program's eligibility requirements established under section 5111.891 of the Revised Code. The program may not serve more individuals than the 96824
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number that is set by the United States secretary of health and 96834
human services when the medicaid waiver authorizing the program is 96835
approved. The program shall be operated as a separate medicaid 96836
waiver component until the United States secretary approves the 96837
consolidated federal medicaid waiver sought under section 5111.861 96838
of the Revised Code. The program shall be part of the consolidated 96839
federal medicaid waiver sought under that section if the United 96840
States secretary approves the waiver. 96841

~~If the secretary approves the medicaid waiver requested under~~ 96842
~~this section and the~~ director of budget and management approves 96843
the contract, the department of job and family services shall 96844
enter into a contract with the department of aging under section 96845
5111.91 of the Revised Code that provides for the department of 96846
aging to administer the assisted living program. The contract 96847
shall include an estimate of the program's costs. 96848

The director of job and family services may adopt rules under 96849
section 5111.85 of the Revised Code regarding the assisted living 96850
program. The director of aging may adopt rules under Chapter 119. 96851
of the Revised Code regarding the program that the rules adopted 96852
by the director of job and family services authorize the director 96853
of aging to adopt. 96854

Sec. 5111.891. To be eligible for the assisted living 96855
program, an individual must meet all of the following 96856
requirements: 96857

(A) Need an intermediate level of care as determined under 96858
rule 5101:3-3-06 of the Administrative Code; 96859

(B) At the time the individual applies for the assisted 96860
living program, be one of the following: 96861

(1) A nursing facility resident who is seeking to move to a 96862
residential care facility and would remain in a nursing facility 96863

for long term care if not for the assisted living program; 96864

(2) A participant of any of the following medicaid waiver 96865
components who would move to a nursing facility if not for the 96866
assisted living program: 96867

(a) The PASSPORT program created under section 173.40 of the 96868
Revised Code; 96869

(b) The ~~medicaid waiver component called the choices program~~ 96870
~~that the department of aging administers~~ created under section 96871
173.402 of the Revised Code; 96872

(c) A medicaid waiver component that the department of job 96873
and family services administers. 96874

(3) A resident of a residential care facility who has resided 96875
in a residential care facility for at least six months immediately 96876
before the date the individual applies for the assisted living 96877
program. 96878

(C) At the time the individual receives assisted living 96879
services under the assisted living program, reside in a 96880
residential care facility that is authorized by a valid medicaid 96881
provider agreement to participate in the assisted living program, 96882
including both of the following: 96883

(1) A residential care facility that is owned or operated by 96884
a metropolitan housing authority that has a contract with the 96885
United States department of housing and urban development to 96886
receive an operating subsidy or rental assistance for the 96887
residents of the facility; 96888

(2) A county or district home licensed as a residential care 96889
facility. 96890

(D) Meet all other eligibility requirements for the assisted 96891
living program established in rules adopted under section 5111.85 96892
of the Revised Code. 96893

Sec. 5111.894. The state administrative agency may establish 96894
one or more waiting lists for the assisted living program. Only 96895
individuals eligible for the medicaid program may be placed on a 96896
waiting list. 96897

Each month, each area agency on aging shall determine whether 96898
any individual who resides in the area that the area agency on 96899
aging serves and is on a waiting list for the assisted living 96900
program has been admitted to a nursing facility. If an area agency 96901
on aging determines that such an individual has been admitted to a 96902
nursing facility and that there is a vacancy in a residential care 96903
facility participating in the assisted living program that is 96904
acceptable to the individual, the agency shall notify the 96905
long-term care consultation program administrator serving the area 96906
in which the individual resides about the determination. The 96907
administrator shall determine whether the assisted living program 96908
is appropriate for the individual and whether the individual would 96909
rather participate in the assisted living program than continue 96910
residing in the nursing facility. If the administrator determines 96911
that the assisted living program is appropriate for the individual 96912
and the individual would rather participate in the assisted living 96913
program than continue residing in the nursing facility, the 96914
administrator shall so notify the state administrative agency. 96915

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On receipt of the notice from the administrator, the state 96917
administrative agency shall approve the individual's enrollment in 96918
the assisted living program regardless of any waiting list for the 96919
assisted living program, unless the enrollment would cause the 96920
assisted living program to exceed ~~the~~ any limit on the number of 96921
individuals who may participate in the program as set by ~~section~~ 96922
5111.89 of the Revised Code the United States secretary of health 96923
and human services when the medicaid waiver authorizing the 96924
program is approved. Each quarter, the state administrative agency 96925

shall certify to the director of budget and management the 96926
estimated increase in costs of the assisted living program 96927
resulting from enrollment of individuals in the assisted living 96928
program pursuant to this section. 96929

~~Not later than the last day of each calendar year, the 96930
director of job and family services shall submit to the general 96931
assembly a report regarding the number of individuals enrolled in 96932
the assisted living program pursuant to this section and the costs 96933
incurred and savings achieved as a result of the enrollments. 96934~~

Sec. 5111.971. (A) As used in this section, "long-term care 96935
medicaid waiver component" means any of the following: 96936

(1) The PASSPORT program created under section 173.40 of the 96937
Revised Code; 96938

(2) ~~The medicaid waiver component called the choices program 96939
that the department of aging administers~~ created under section 96940
173.402 of the Revised Code; 96941

(3) A medicaid waiver component that the department of job 96942
and family services administers. 96943

(B) The director of job and family services shall submit a 96944
request to the United States secretary of health and human 96945
services for a waiver of federal medicaid requirements that would 96946
be otherwise violated in the creation of a pilot program under 96947
which not more than two hundred individuals who meet the pilot 96948
program's eligibility requirements specified in division (D) of 96949
this section receive a spending authorization to pay for the cost 96950
of medically necessary home and community-based services that the 96951
pilot program covers. The spending authorization shall be in an 96952
amount not exceeding seventy per cent of the average cost under 96953
the medicaid program for providing nursing facility services to an 96954
individual. An individual participating in the pilot program shall 96955

also receive necessary support services, including fiscal 96956
intermediary and other case management services, that the pilot 96957
program covers. 96958

(C) If the United States secretary of health and human 96959
services approves the waiver submitted under division (B) of this 96960
section, the department of job and family services shall enter 96961
into a contract with the department of aging under section 5111.91 96962
of the Revised Code that provides for the department of aging to 96963
administer the pilot program that the waiver authorizes. 96964

(D) To be eligible to participate in the pilot program 96965
created under division (B) of this section, an individual must 96966
meet all of the following requirements: 96967

(1) Need an intermediate level of care as determined under 96968
rule 5101:3-3-06 of the Administrative Code or a skilled level of 96969
care as determined under rule 5101:3-3-05 of the Administrative 96970
Code; 96971

(2) At the time the individual applies to participate in the 96972
pilot program, be one of the following: 96973

(a) A nursing facility resident who would remain in a nursing 96974
facility if not for the pilot program; 96975

(b) A participant of any long-term care medicaid waiver 96976
component who would move to a nursing facility if not for the 96977
pilot program. 96978

(3) Meet all other eligibility requirements for the pilot 96979
program established in rules adopted under section 5111.85 of the 96980
Revised Code. 96981

(E) The director of job and family services may adopt rules 96982
under section 5111.85 of the Revised Code as the director 96983
considers necessary to implement the pilot program created under 96984
division (B) of this section. The director of aging may adopt 96985

rules under Chapter 119. of the Revised Code as the director 96986
considers necessary for the pilot program's implementation. The 96987
rules may establish a list of medicaid-covered services not 96988
covered by the pilot program that an individual participating in 96989
the pilot program may not receive if the individual also receives 96990
medicaid-covered services outside of the pilot program. 96991

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the 96992
Revised Code: 96993

(A) "Intermediate care facility for the mentally retarded" 96994
has the same meaning as in section 5111.20 of the Revised Code, 96995
~~except that it does not include any such facility operated by the~~ 96996
~~department of mental retardation and developmental disabilities.~~ 96997

(B) "Medicaid" has the same meaning as in section 5111.01 of 96998
the Revised Code. 96999

Sec. 5112.31. The department of job and family services shall 97000
do all of the following: 97001

(A) For the purposes specified in sections 5112.37 ~~and,~~ 97002
5112.371, and 5112.372 of the Revised Code, annually assess each 97003
intermediate care facility for the mentally retarded a franchise 97004
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 97005
twenty-five cents multiplied by the product of the following: 97006

(1) The number of beds certified under Title XIX of the 97007
"Social Security Act" on the first day of May of the calendar year 97008
in which the assessment is determined pursuant to division (A) of 97009
section 5112.33 of the Revised Code; 97010

(2) The number of days in the fiscal year beginning on the 97011
first day of July of the same calendar year. 97012

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 97013
July thereafter, adjust fees determined under division (A) of this 97014

section in accordance with the composite inflation factor 97015
established in rules adopted under section 5112.39 of the Revised 97016
Code. 97017

(C) If the United States secretary of health and human 97018
services determines that the franchise permit fee established by 97019
sections 5112.30 to 5112.39 of the Revised Code would be an 97020
impermissible health care-related tax under section 1903(w) of the 97021
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 97022
necessary actions to cease implementation of those sections in 97023
accordance with rules adopted under section 5112.39 of the Revised 97024
Code. 97025

Sec. 5112.37. There is hereby created in the state treasury 97026
the home and community-based services for the mentally retarded 97027
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 97028
~~twenty-eight~~ eighty-nine hundredths per cent of all installment 97029
payments and penalties paid by an intermediate care facility for 97030
the mentally retarded under sections 5112.33 and 5112.34 of the 97031
Revised Code for state fiscal year 2010 shall be deposited into 97032
the fund. Seventy and sixty-seven hundredths per cent of all 97033
installment payments and penalties paid by an intermediate care 97034
facility for the mentally retarded under sections 5112.33 and 97035
5112.34 of the Revised Code for state fiscal year 2011 and 97036
thereafter shall be deposited into the fund. The department of job 97037
and family services shall distribute the money in the fund in 97038
accordance with rules adopted under section 5112.39 of the Revised 97039
Code. The departments of job and family services and mental 97040
retardation and developmental disabilities shall use the money for 97041
the medicaid program established under Chapter 5111. of the 97042
Revised Code and home and community-based services to mentally 97043
retarded and developmentally disabled persons. 97044

Sec. 5112.371. There is hereby created in the state treasury 97045

the children with intensive behavioral needs programs fund. ~~Five~~ 97046
~~Three~~ and ~~seventy-two~~ seventy-eight hundredths per cent of all 97047
installment payments and penalties paid by an intermediate care 97048
facility for the mentally retarded under sections 5112.33 and 97049
5112.34 of the Revised Code for state fiscal year 2010 shall be 97050
deposited in the fund. Three and fifty-seven hundredths per cent 97051
of all installment payments and penalties paid by an intermediate 97052
care facility for the mentally retarded under sections 5112.33 and 97053
5112.34 of the Revised Code for state fiscal year 2011 and 97054
thereafter shall be deposited into the fund. The money in the fund 97055
shall be used for the programs the director of mental retardation 97056
and developmental disabilities establishes under section 5123.0417 97057
of the Revised Code. 97058

Sec. 5112.372. There is hereby created in the state treasury 97059
the ODMR/DD operating and services fund. Twenty-one and 97060
thirty-three hundredths per cent of all installment payments and 97061
penalties paid by an intermediate care facility for the mentally 97062
retarded under sections 5112.33 and 5112.34 of the Revised Code 97063
for state fiscal year 2010 shall be deposited into the fund. 97064
Twenty-five and seventy-six hundredths per cent of all installment 97065
payments and penalties paid by an intermediate care facility for 97066
the mentally retarded under sections 5112.33 and 5112.34 of the 97067
Revised Code for state fiscal year 2011 and thereafter shall be 97068
deposited into the fund. The money in the fund shall be used for 97069
the expenses of the programs that the department of mental 97070
retardation and developmental disabilities administers and the 97071
department's administrative expenses. 97072

Sec. 5112.40. As used in sections 5112.40 to 5112.48 of the 97073
Revised Code: 97074

(A) "Assessment program year" means the twelve-month period 97075

beginning the first day of October of a calendar year and ending 97076
the last day of September of the following calendar year. 97077

(B) "Cost reporting period" means the period of time used by 97078
a hospital in reporting costs for purposes of the medicare 97079
program. 97080

(C) "Federal fiscal year" means the twelve-month period 97081
beginning the first day of October of a calendar year and ending 97082
the last day of September of the following calendar year. 97083

(D) "Hospital" means a nonfederal hospital to which any of 97084
the following applies: 97085

(1) The hospital is registered under section 3701.07 of the 97086
Revised Code as a general medical and surgical hospital or a 97087
pediatric general hospital and provides inpatient hospital 97088
services, as defined in 42 C.F.R. 440.10. 97089

(2) The hospital is recognized under the medicare program as 97090
a cancer hospital and is exempt from the medicare prospective 97091
payment system. 97092

(3) The hospital is a psychiatric hospital licensed under 97093
section 5119.20 of the Revised Code. 97094

(E) "Hospital care assurance program" means the program 97095
established under sections 5112.01 to 5112.21 of the Revised Code. 97096

(F) "Medicaid" has the same meaning as in section 5111.01 of 97097
the Revised Code. 97098

(G) "Medicare" means the program established under Title 97099
XVIII of the Social Security Act. 97100

(H) "State fiscal year" means the twelve-month period 97101
beginning the first day of July of a calendar year and ending the 97102
last day of June of the following calendar year. 97103

(I)(1) Except as provided in divisions (I)(2) and (3) of this 97104
section, "total facility costs" means the total costs to a 97105

hospital for all care provided to all patients, including the 97106
direct, indirect, and overhead costs to the hospital of all 97107
services, supplies, equipment, and capital related to the care of 97108
patients, regardless of whether patients are enrolled in a health 97109
insuring corporation. 97110

(2) "Total facility costs" excludes all of the following of a 97111
hospital's costs as shown on the cost-reporting data used for 97112
purposes of determining the hospital's assessment under section 97113
5112.41 of the Revised Code: 97114

(a) Skilled nursing services provided in distinct-part 97115
nursing facility units; 97116

(b) Home health services; 97117

(c) Hospice services; 97118

(d) Ambulance services; 97119

(e) Renting durable medical equipment; 97120

(f) Buying durable medical equipment. 97121

(3) "Total facility costs" excludes any costs excluded from a 97122
hospital's total facility costs pursuant to rules, if any, adopted 97123
under division (B) of section 5112.46 of the Revised Code. 97124

Sec. 5112.41. (A) For the purposes specified in section 97125
5112.45 of the Revised Code and subject to section 5112.48 of the 97126
Revised Code, there is hereby imposed an assessment on all 97127
hospitals each assessment program year. The amount of a hospital's 97128
assessment for an assessment program year shall equal the 97129
percentage specified in division (B) of this section of the 97130
hospital's total facility costs for the period of time specified 97131
in division (C) of this section. The amount of a hospital's total 97132
facility costs shall be derived from cost-reporting data for the 97133
hospital submitted to the department of job and family services 97134
for purposes of the hospital care assurance program. The 97135

cost-reporting data used to determine a hospital's assessment is 97136
subject to the same type of adjustments made to the data under the 97137
hospital care assurance program. 97138

(B) The percentage specified in this division is the 97139
following: 97140

(1) For the first assessment program year beginning after the 97141
effective date of this section, one and fifty-two hundredths per 97142
cent; 97143

(2) For the second assessment program year after the 97144
effective date of this section and each successive assessment 97145
program year, one and sixty-one hundredths per cent. 97146

(C) The period of time specified in this division is the 97147
hospital's cost reporting period that ends in the state fiscal 97148
year that ends in the federal fiscal year that precedes the 97149
federal fiscal year that precedes the assessment program year for 97150
which the assessment is imposed. 97151

(D) The assessment imposed by this section on a hospital is 97152
in addition to the assessment imposed by section 5112.06 of the 97153
Revised Code. 97154

Sec. 5112.42. (A) Before or during each assessment program 97155
year, the department of job and family services shall mail to each 97156
hospital by certified mail, return receipt requested, the 97157
preliminary determination of the amount that the hospital is 97158
assessed under section 5112.41 of the Revised Code for the 97159
assessment program year. Except as provided in division (B) of 97160
this section, the preliminary determination becomes the final 97161
determination for the assessment program year fifteen days after 97162
the preliminary determination is mailed to the hospital. 97163

(B) A hospital may request that the department reconsider the 97164
preliminary determination mailed to the hospital under division 97165

(A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is mailed to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5112.41 of the Revised Code for the assessment program year. 97166
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(C) The department shall mail to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5112.43 of the Revised Code, any amount of its assessment that is not in dispute. 97177
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Sec. 5112.43. Each hospital shall pay the amount it is assessed under section 5112.41 of the Revised Code in three equal installments due on the fifteenth day of December, the fifteenth day of March, and the fifteenth day of June of each assessment program year unless rules adopted under section 5112.46 of the Revised Code establish a different payment schedule. 97184
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Sec. 5112.44. The department of job and family services may audit a hospital to ensure that the hospital properly pays the amount it is assessed under section 5112.41 of the Revised Code. The department shall take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not pay. 97190
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Sec. 5112.45. There is hereby created in the state treasury 97196
the hospital assessment fund. All installment payments made by 97197
hospitals under section 5112.43 of the Revised Code and all 97198
recoveries the department of job and family services makes under 97199
section 5112.44 of the Revised Code shall be deposited into the 97200
fund. All investment earnings of the fund shall be credited to the 97201
fund. The department shall use money in the fund to pay for the 97202
costs of the medicaid program, including the program's 97203
administrative costs. Of the amounts deposited into the fund 97204
during the first assessment program year beginning after the 97205
effective date of this section, sixteen and forty-five hundredths 97206
per cent shall be used for the hospital inpatient and outpatient 97207
supplemental upper payment limit program created under section 97208
5112.451 of the Revised Code. Of the amounts deposited into the 97209
fund during the second assessment program year beginning after the 97210
effective date of this section and each successive assessment 97211
program year, fourteen and ninety-one hundredths per cent shall be 97212
used for the hospital inpatient and outpatient supplemental upper 97213
payment limit program. 97214

Sec. 5112.451. The director of job and family services shall 97215
submit a medicaid state plan amendment to the United States 97216
secretary of health and human services to create the hospital 97217
inpatient and outpatient supplemental upper payment limit program. 97218
If the United States secretary approves the medicaid state plan 97219
amendment, the program shall make supplemental medicaid payments 97220
to hospitals for inpatient services and outpatient services 97221
covered by medicaid with funds made available for the program 97222
under section 5112.45 of the Revised Code and federal matching 97223
funds available for the program. 97224

Sec. 5112.46. (A) The director of job and family services may 97225

adopt, amend, and rescind rules in accordance with Chapter 119. of 97226
the Revised Code as necessary to implement sections 5112.40 to 97227
5112.48 of the Revised Code. 97228

(B) The rules adopted under this section may provide that a 97229
hospital's total facility costs for the purpose of the assessment 97230
under section 5112.41 of the Revised Code exclude any of the 97231
following: 97232

(1) A hospital's costs associated with providing care to 97233
recipients of any of the following: 97234

(a) The medicaid program; 97235

(b) The medicare program; 97236

(c) The disability financial assistance program established 97237
under Chapter 5115. of the Revised Code; 97238

(d) The disability medical assistance program established 97239
under Chapter 5115. of the Revised Code; 97240

(e) The program for medically handicapped children 97241
established under section 3701.023 of the Revised Code; 97242

(f) Services provided under the maternal and child health 97243
services block grant established under Title V of the Social 97244
Security Act. 97245

(2) Any other category of hospital costs the director deems 97246
appropriate under federal law and regulations governing the 97247
medicaid program. 97248

Sec. 5112.47. The director of job and family services shall 97249
implement the assessment imposed by section 5112.41 of the Revised 97250
Code in a manner that does not cause a reduction in federal 97251
financial participation for the medicaid program under 42 U.S.C. 97252
1396b(w). 97253

Sec. 5112.48. If the United States secretary of health and human services determines that the assessment imposed by section 5112.41 of the Revised Code is an impermissible health care-related tax under 42 U.S.C. 1396b(w), the director of job and family services shall take all necessary actions to cease implementation of sections 5112.40 to 5112.47 of the Revised Code and shall promptly refund to each hospital the amount of money in the hospital assessment fund at the time the refund is to be made that the hospital paid under section 5112.43 of the Revised Code, plus any corresponding investment earnings on that amount.

Sec. 5115.03. (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code governing the disability financial assistance program. The rules may establish or specify any or all of the following:

(1) Maximum payment amounts under the disability financial assistance program, based on state appropriations for the program;

(2) Limits on the length of time an individual may receive disability financial assistance;

(3) Limits on the total number of individuals in the state who may receive disability financial assistance;

(4) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements for disability financial assistance;

(5) Procedures for disregarding amounts of earned and unearned income for the purpose of determining eligibility for disability financial assistance and the amount of assistance to be provided;

(6) Procedures for including the income and resources, or a certain amount of the income and resources, of a member of an individual's family when determining eligibility for disability

financial assistance and the amount of assistance to be provided. 97284

(B) In establishing or specifying eligibility requirements 97285
for disability financial assistance, the director shall exclude 97286
the value of any tuition payment contract entered into under 97287
section 3334.09 of the Revised Code or any scholarship awarded 97288
under section 3334.18 of the Revised Code and the amount of 97289
payments made ~~by the Ohio tuition trust authority~~ under section 97290
3334.09 of the Revised Code pursuant to the contract or 97291
scholarship. The director shall not require any individual to 97292
terminate a tuition payment contract entered into under Chapter 97293
3334. of the Revised Code as a condition of eligibility for 97294
disability financial assistance. The director shall consider as 97295
income any refund paid under section 3334.10 of the Revised Code. 97296

(C) Notwithstanding section 3109.01 of the Revised Code, when 97297
a disability financial assistance applicant or recipient who is at 97298
least eighteen but under twenty-two years of age resides with the 97299
applicant's or recipient's parents, the income of the parents 97300
shall be taken into account in determining the applicant's or 97301
recipient's financial eligibility. In the rules adopted under this 97302
section, the director shall specify procedures for determining the 97303
amount of income to be attributed to applicants and recipients in 97304
this age category. 97305

(D) For purposes of limiting the cost of the disability 97306
financial assistance program, the director may do either or both 97307
of the following: 97308

(1) Adopt rules in accordance with section 111.15 of the 97309
Revised Code that revise the program's eligibility requirements, 97310
the maximum payment amounts, or any other requirement or standard 97311
established or specified in the rules adopted by the director; 97312

(2) Suspend acceptance of applications for disability 97313
financial assistance. While a suspension is in effect, no person 97314

shall receive a determination or redetermination of eligibility 97315
for disability financial assistance unless the person was 97316
receiving the assistance during the month immediately preceding 97317
the suspension's effective date or the person submitted an 97318
application prior to the suspension's effective date and receives 97319
a determination of eligibility based on that application. The 97320
director may adopt rules in accordance with section 111.15 of the 97321
Revised Code establishing requirements and specifying procedures 97322
applicable to the suspension of acceptance of applications. 97323

Sec. 5119.16. As used in this section, "free clinic" has the 97324
same meaning as in section 2305.2341 of the Revised Code. 97325

(A) The department of mental health ~~is hereby designated to~~ 97326
may provide certain goods and services for the department of 97327
mental health, the department of mental retardation and 97328
developmental disabilities, the department of rehabilitation and 97329
correction, the department of youth services, and other state, 97330
county, or municipal agencies requesting such goods and services 97331
when the department of mental health determines that it is in the 97332
public interest, and considers it advisable, to provide these 97333
goods and services. The department of mental health also may 97334
provide goods and services to agencies operated by the United 97335
States government and to public or private nonprofit agencies, 97336
other than free clinics, that are funded in whole or in part by 97337
the state if the public or private nonprofit agencies are 97338
designated for participation in this program by the director of 97339
mental health for community mental health agencies, the director 97340
of mental retardation and developmental disabilities for community 97341
mental retardation and developmental disabilities agencies, the 97342
director of rehabilitation and correction for community 97343
rehabilitation and correction agencies, or the director of youth 97344
services for community youth services agencies. 97345

Designated community agencies shall receive goods and 97346
services through the department of mental health only in those 97347
cases where the designating state agency certifies that providing 97348
such goods and services to the agency will conserve public 97349
resources to the benefit of the public and where the provision of 97350
such goods and services is considered feasible by the department 97351
of mental health. 97352

(B) The department of mental health may permit free clinics 97353
to purchase certain goods and services to the extent the purchases 97354
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 97355
et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 97356
U.S.C. 13c, as amended. 97357

(C) The goods and services ~~to~~ that may be provided by the 97358
department of mental health under divisions (A) and (B) of this 97359
section may include: 97360

(1) Procurement, storage, processing, and distribution of 97361
food and professional consultation on food operations; 97362

(2) Procurement, storage, and distribution of medical and 97363
laboratory supplies, dental supplies, medical records, forms, 97364
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 97365
~~Revised Code;~~ 97366

(3) Procurement, storage, repackaging, distribution, and 97367
dispensing of drugs, the provision of professional pharmacy 97368
consultation, and drug information services; 97369

(4) Other goods and services ~~as may be agreed to.~~ 97370

(D) The department of mental health ~~shall~~ may provide the 97371
goods and services designated in division (C) of this section to 97372
its institutions and to state-operated community-based mental 97373
health services. 97374

(E) After consultation with and advice from the director of 97375

mental retardation and developmental disabilities, the director of 97376
rehabilitation and correction, and the director of youth services, 97377
the department of mental health ~~shall~~ may provide the goods and 97378
services designated in division (C) of this section to the 97379
department of mental retardation and developmental disabilities, 97380
the department of rehabilitation and correction, and the 97381
department of youth services. 97382

(F) The cost of administration of this section shall be 97383
determined by the department of mental health and paid by the 97384
agencies or free clinics receiving the goods and services to the 97385
department for deposit in the state treasury to the credit of the 97386
mental health fund, which is hereby created. The fund shall be 97387
used to pay the cost of administration of this section to the 97388
department. 97389

~~(G) If the goods or services designated in division (C) of 97390
this section are not provided in a satisfactory manner by the 97391
department of mental health to the agencies described in division 97392
(A) of this section, the director of mental retardation and 97393
developmental disabilities, the director of rehabilitation and 97394
correction, the director of youth services, or the managing 97395
officer of a department of mental health institution shall attempt 97396
to resolve unsatisfactory service with the director of mental 97397
health. If, after such attempt, the provision of goods or services 97398
continues to be unsatisfactory, the director or officer shall 97399
notify the director of mental health. If within thirty days of 97400
such notice the department of mental health does not provide the 97401
specified goods and services in a satisfactory manner, the 97402
director of mental retardation and developmental disabilities, the 97403
director of rehabilitation and correction, the director of youth 97404
services, or the managing officer of the department of mental 97405
health institution shall notify the director of mental health of 97406
the director's or managing officer's intent to cease purchasing 97407~~

~~goods and services from the department. Following a sixty day 97408
cancellation period from the date of such notice, the department 97409
of mental retardation, department of rehabilitation and 97410
correction, department of youth services, or the department of 97411
mental health institution may obtain the goods and services from a 97412
source other than the department of mental health, if the 97413
department certifies to the department of administrative services 97414
that the requirements of this division have been met. 97415~~

~~(H)~~ Whenever a state agency fails to make a payment for goods 97416
and services provided under this section within thirty-one days 97417
after the date the payment was due, the office of budget and 97418
management may transfer moneys from the state agency to the 97419
department of mental health. The amount transferred shall not 97420
exceed the amount of overdue payments. Prior to making a transfer 97421
under this division, the office of budget and management shall 97422
apply any credits the state agency has accumulated in payments for 97423
goods and services provided under this section. 97424

~~(I)~~(H) Purchases of goods and services under this section are 97425
not subject to section 307.86 of the Revised Code. 97426

Sec. 5119.61. Any provision in this chapter that refers to a 97427
board of alcohol, drug addiction, and mental health services also 97428
refers to the community mental health board in an alcohol, drug 97429
addiction, and mental health service district that has a community 97430
mental health board. 97431

The director of mental health with respect to all facilities 97432
and programs established and operated under Chapter 340. of the 97433
Revised Code for mentally ill and emotionally disturbed persons, 97434
shall do all of the following: 97435

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 97436
that may be necessary to carry out the purposes of Chapter 340. 97437
and sections 5119.61 to 5119.63 of the Revised Code. 97438

- (1) The rules shall include all of the following: 97439
- (a) Rules governing a community mental health agency's 97440
services under section 340.091 of the Revised Code to an 97441
individual referred to the agency under division (C)(2) of section 97442
173.35 of the Revised Code; 97443
- (b) For the purpose of division (A)(16) of section 340.03 of 97444
the Revised Code, rules governing the duties of mental health 97445
agencies and boards of alcohol, drug addiction, and mental health 97446
services under section 3722.18 of the Revised Code regarding 97447
referrals of individuals with mental illness or severe mental 97448
disability to adult care facilities and effective arrangements for 97449
ongoing mental health services for the individuals. The rules 97450
shall do at least the following: 97451
- (i) Provide for agencies and boards to participate fully in 97452
the procedures owners and managers of adult care facilities must 97453
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 97454
Code; 97455
- (ii) Specify the manner in which boards are accountable for 97456
ensuring that ongoing mental health services are effectively 97457
arranged for individuals with mental illness or severe mental 97458
disability who are referred by the board or mental health agency 97459
under contract with the board to an adult care facility. 97460
- (c) Rules governing a board of alcohol, drug addiction, and 97461
mental health services when making a report to the director of 97462
health under section 3722.17 of the Revised Code regarding the 97463
quality of care and services provided by an adult care facility to 97464
a person with mental illness or a severe mental disability. 97465
- (2) Rules may be adopted to govern the method of paying a 97466
community mental health facility, as defined in section 5111.023 97467
of the Revised Code, for providing services listed in division (B) 97468
of that section. Such rules must be consistent with the contract 97469

entered into between the departments of job and family services 97470
and mental health under section 5111.91 of the Revised Code and 97471
include requirements ensuring appropriate service utilization. 97472

(B) Review and evaluate, and, taking into account the 97473
findings and recommendations of the board of alcohol, drug 97474
addiction, and mental health services of the district served by 97475
the program and the requirements and priorities of the state 97476
mental health plan, including the needs of residents of the 97477
district now residing in state mental institutions, approve and 97478
allocate funds to support community programs, and make 97479
recommendations for needed improvements to boards of alcohol, drug 97480
addiction, and mental health services; 97481

(C) Withhold state and federal funds for any program, in 97482
whole or in part, from a board of alcohol, drug addiction, and 97483
mental health services in the event of failure of that program to 97484
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 97485
or 5119.62 of the Revised Code or rules of the department of 97486
mental health. The director shall identify the areas of 97487
noncompliance and the action necessary to achieve compliance. The 97488
director shall offer technical assistance to the board to achieve 97489
compliance. The director shall give the board a reasonable time 97490
within which to comply or to present its position that it is in 97491
compliance. Before withholding funds, a hearing shall be conducted 97492
to determine if there are continuing violations and that either 97493
assistance is rejected or the board is unable to achieve 97494
compliance. Subsequent to the hearing process, if it is determined 97495
that compliance has not been achieved, the director may allocate 97496
all or part of the withheld funds to a public or private agency to 97497
provide the services not in compliance until the time that there 97498
is compliance. The director shall establish rules pursuant to 97499
Chapter 119. of the Revised Code to implement this division. 97500

(D) Withhold state or federal funds from a board of alcohol, 97501

drug addiction, and mental health services that denies available 97502
service on the basis of religion, race, color, creed, sex, 97503
national origin, age, disability as defined in section 4112.01 of 97504
the Revised Code, developmental disability, or the inability to 97505
pay; 97506

(E) Provide consultative services to community mental health 97507
agencies with the knowledge and cooperation of the board of 97508
alcohol, drug addiction, and mental health services; 97509

(F) Provide to boards of alcohol, drug addiction, and mental 97510
health services state or federal funds, in addition to those 97511
allocated under section 5119.62 of the Revised Code, for special 97512
programs or projects the director considers necessary but for 97513
which local funds are not available; 97514

(G) Establish criteria by which a board of alcohol, drug 97515
addiction, and mental health services reviews and evaluates the 97516
quality, effectiveness, and efficiency of services provided 97517
through its community mental health plan. The criteria shall 97518
include requirements ensuring appropriate service utilization. The 97519
department shall assess a board's evaluation of services and the 97520
compliance of each board with this section, Chapter 340. or 97521
section 5119.62 of the Revised Code, and other state or federal 97522
law and regulations. The department, in cooperation with the 97523
board, periodically shall review and evaluate the quality, 97524
effectiveness, and efficiency of services provided through each 97525
board. The department shall collect information that is necessary 97526
to perform these functions. 97527

(H) Develop and operate a community mental health information 97528
system or systems. 97529

Boards of alcohol, drug abuse, and mental health services 97530
shall submit information requested by the department in the form 97531
and manner prescribed by the department. Information collected by 97532

the department shall include, but not be limited to, all of the 97533
following: 97534

(1) Information regarding units of services provided in whole 97535
or in part under contract with a board, including diagnosis and 97536
special needs, demographic information, the number of units of 97537
service provided, past treatment, financial status, and service 97538
dates in accordance with rules adopted by the department in 97539
accordance with Chapter 119. of the Revised Code; 97540

(2) Financial information other than price or price-related 97541
data regarding expenditures of boards and community mental health 97542
agencies, including units of service provided, budgeted and actual 97543
expenses by type, and sources of funds. 97544

Boards shall submit the information specified in division 97545
(H)(1) of this section no less frequently than annually for each 97546
client, and each time the client's case is opened or closed. The 97547
department shall not collect any personal information ~~for the~~ 97548
~~purpose of identifying by name any person who receives a service~~ 97549
~~through a board of alcohol, drug addiction, and mental health~~ 97550
~~services, from the boards except as required or permitted by state~~ 97551
~~or federal law to validate appropriate reimbursement. For the~~ 97552
~~purposes of division (H)(1) of this section, the department shall~~ 97553
~~use an identification system that is consistent with applicable~~ 97554
~~nationally recognized standards for purposes related to payment,~~ 97555
health care operations, program and service evaluation, reporting 97556
activities, research, system administration, and oversight. 97557

(I) Review each board's community mental health plan 97558
submitted pursuant to section 340.03 of the Revised Code and 97559
approve or disapprove it in whole or in part. Periodically, in 97560
consultation with representatives of boards and after considering 97561
the recommendations of the medical director, the director shall 97562
issue criteria for determining when a plan is complete, criteria 97563
for plan approval or disapproval, and provisions for conditional 97564

approval. The factors that the director considers may include, but 97565
are not limited to, the following: 97566

(1) The mental health needs of all persons residing within 97567
the board's service district, especially severely mentally 97568
disabled children, adolescents, and adults; 97569

(2) The demonstrated quality, effectiveness, efficiency, and 97570
cultural relevance of the services provided in each service 97571
district, the extent to which any services are duplicative of 97572
other available services, and whether the services meet the needs 97573
identified above; 97574

(3) The adequacy of the board's accounting for the 97575
expenditure of funds. 97576

If the director disapproves all or part of any plan, the 97577
director shall provide the board an opportunity to present its 97578
position. The director shall inform the board of the reasons for 97579
the disapproval and of the criteria that must be met before the 97580
plan may be approved. The director shall give the board a 97581
reasonable time within which to meet the criteria, and shall offer 97582
technical assistance to the board to help it meet the criteria. 97583

If the approval of a plan remains in dispute thirty days 97584
prior to the conclusion of the fiscal year in which the board's 97585
current plan is scheduled to expire, the board or the director may 97586
request that the dispute be submitted to a mutually agreed upon 97587
third-party mediator with the cost to be shared by the board and 97588
the department. The mediator shall issue to the board and the 97589
department recommendations for resolution of the dispute. Prior to 97590
the conclusion of the fiscal year in which the current plan is 97591
scheduled to expire, the director, taking into consideration the 97592
recommendations of the mediator, shall make a final determination 97593
and approve or disapprove the plan, in whole or in part. 97594

Sec. 5119.613. For purposes of Chapter 3722. of the Revised Code, the director of mental health shall approve a standardized form to be used in all areas of this state by adult care facilities and boards of alcohol, drug addiction, and mental health services when entering into mental health resident program participation agreements. As part of approving the form, the director shall specify the requirements that adult care facilities must meet in order to be authorized to admit residents who are receiving or are eligible for publicly funded mental health services.

Sec. 5119.621. (A)(1) When the director of mental health provides state or federal funds under section 5119.62 of the Revised Code to a board of alcohol, drug addiction, and mental health services for local management of mental health services, the director shall establish a limit on the amount or portion of the funds that may be used for administrative purposes and specify the permissible uses of the funds for administrative purposes.

(2) In establishing the limit on the amount or portion of the funds that may be used for administrative purposes, the director shall take into account both of the following:

(a) The board's community mental health plan approved under division (I) of section 5119.61 of the Revised Code;

(b) The board's total budget for mental health services.

(3) In specifying the permissible uses of the funds for administrative purposes, the director shall establish general categories that describe the function for which the funds may be used. The categories may include any of the following:

(a) Continuous quality improvement;

(b) Utilization review;

<u>(c) Resource development;</u>	97625
<u>(d) Fiscal administration;</u>	97626
<u>(e) General administration;</u>	97627
<u>(f) Other functions required under Chapter 340. of the Revised Code.</u>	97628 97629
<u>(4) A board shall account for its use of the funds for administrative purposes by submitting an annual report to the director. The report shall include details about the board's use of the funds according to the general categories of permissible uses established by the director.</u>	97630 97631 97632 97633 97634
<u>(B) By submitting a written application to the director, a board may seek a variance or waiver regarding the amount or portion established under division (A)(1) of this section as the maximum that may be used for administrative purposes. The director has sole discretion in granting or denying the variance or waiver. The director's determination is final.</u>	97635 97636 97637 97638 97639 97640
<u>(C) The director may deny state or federal funds to a board that exceeds the limit established under division (A)(1) of this section.</u>	97641 97642 97643
Sec. 5119.622. <u>(A) Notwithstanding the provisions of section 5119.62 of the Revised Code referring to the allocation of funds appropriated from the general revenue fund for local management of mental health services to separate boards of alcohol, drug addiction, and mental health services, the director of mental health may allocate the funds to groups of two or more boards, but only if the boards included in a proposed group of boards agree to the group allocation in lieu of separate allocations.</u>	97644 97645 97646 97647 97648 97649 97650 97651 97652
<u>(B) If funds for local management of mental health services are allocated to groups of boards pursuant to division (A) of this</u>	97653 97654

section, the director shall require the boards included in each 97655
group to timely submit to the director a joint plan for the 97656
provision of mental health services and use of the funds. 97657

(C) The director shall, at the request of a single board or 97658
group of two or more boards, consider a proposal for mental health 97659
services to be funded on a regional or statewide basis. 97660

(D)(1) Notwithstanding the provisions of section 5119.621 of 97661
the Revised Code referring to the director's authority to 97662
establish for separate boards a limit on the amount or portion of 97663
state or federal funds provided under section 5119.62 of the 97664
Revised Code that may be used for administrative purposes, the 97665
director may specify a maximum amount or portion of such funds 97666
that may be used by the group of boards for administrative 97667
purposes if the conditions in division (A) of this section are 97668
satisfied. 97669

(2) To accommodate the establishment of a maximum amount or 97670
portion of state or federal funds that may be used by a group of 97671
boards for administrative purposes pursuant to division (D)(1) of 97672
this section, the director shall make all necessary adjustments in 97673
the procedures specified under section 5119.621 of the Revised 97674
Code. 97675

(E) In addition to the adjustments made by the director under 97676
this section, all references in the Revised Code to the provision 97677
of state or federal funds to separate boards or to the use of 97678
state or federal funds by separate boards for administrative 97679
purposes constitute references to groups of boards as the director 97680
considers necessary to accommodate the provision of state or 97681
federal funds to groups of boards under this section. 97682

Sec. 5120.032. (A) No later than January 1, 1998, the 97683
department of rehabilitation and correction ~~shall~~ may develop and 97684
implement intensive program prisons for male and female prisoners 97685

other than prisoners described in division (B)(2) of this section. 97686
The intensive program prisons, if developed and implemented, shall 97687
include institutions at which imprisonment of the type described 97688
in division (B)(2)(a) of section 5120.031 of the Revised Code is 97689
provided and prisons that focus on educational achievement, 97690
vocational training, alcohol and other drug abuse treatment, 97691
community service and conservation work, and other intensive 97692
regimens or combinations of intensive regimens. 97693

(B)(1)(a) Except as provided in division (B)(2) of this 97694
section, if one or more intensive program prisons are established 97695
under this section, if an offender is sentenced to a term of 97696
imprisonment under the custody of the department, if the 97697
sentencing court either recommends the prisoner for placement in 97698
~~the~~ an intensive program prison under this section or makes no 97699
recommendation on placement of the prisoner, and if the department 97700
determines that the prisoner is eligible for placement in an 97701
intensive program prison under this section, the department may 97702
place the prisoner in an intensive program prison established 97703
pursuant to division (A) of this section. If the sentencing court 97704
disapproves placement of the prisoner in an intensive program 97705
prison, the department shall not place the prisoner in any 97706
intensive program prison. 97707

If the sentencing court recommends a prisoner for placement 97708
in an intensive program prison and if the department subsequently 97709
places the prisoner in the recommended prison, the department 97710
shall notify the court of the prisoner's placement in the 97711
recommended intensive program prison and shall include with the 97712
notice a brief description of the placement. 97713

If the sentencing court recommends placement of a prisoner in 97714
an intensive program prison and the department for any reason does 97715
not subsequently place the prisoner in the recommended prison, the 97716
department shall send a notice to the court indicating why the 97717

prisoner was not placed in the recommended prison. 97718

If the sentencing court does not make a recommendation on the 97719
placement of a prisoner in an intensive program prison and if the 97720
department determines that the prisoner is eligible for placement 97721
in a prison of that nature, the department shall screen the 97722
prisoner and determine if the prisoner is suited for the prison. 97723
If the prisoner is suited for ~~the~~ an intensive program prison, at 97724
least three weeks prior to placing the prisoner in the prison, the 97725
department shall notify the sentencing court of the proposed 97726
placement of the prisoner in the intensive program prison and 97727
shall include with the notice a brief description of the 97728
placement. The court shall have ten days from receipt of the 97729
notice to disapprove the placement. If the sentencing court 97730
disapproves the placement, the department shall not proceed with 97731
it. If the sentencing court does not timely disapprove of the 97732
placement, the department may proceed with plans for it. 97733

If the department determines that a prisoner is not eligible 97734
for placement in an intensive program prison, the department shall 97735
not place the prisoner in any intensive program prison. 97736

(b) The department may reduce the stated prison term of a 97737
prisoner upon the prisoner's successful completion of a ninety-day 97738
period in an intensive program prison. A prisoner whose term has 97739
been so reduced shall be required to serve an intermediate, 97740
transitional type of detention followed by a release under 97741
post-release control sanctions or, in the alternative, shall be 97742
placed under post-release control sanctions, as described in 97743
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 97744
either case, the placement under post-release control sanctions 97745
shall be under terms set by the parole board in accordance with 97746
section 2967.28 of the Revised Code and shall be subject to the 97747
provisions of that section and section 2929.141 of the Revised 97748
Code with respect to a violation of any post-release control 97749

sanction. 97750

(2) A prisoner who is in any of the following categories is 97751
not eligible to participate in an intensive program prison 97752
established pursuant to division (A) of this section: 97753

(a) The prisoner is serving a prison term for aggravated 97754
murder, murder, or a felony of the first or second degree or a 97755
comparable offense under the law in effect prior to July 1, 1996, 97756
or the prisoner previously has been imprisoned for aggravated 97757
murder, murder, or a felony of the first or second degree or a 97758
comparable offense under the law in effect prior to July 1, 1996. 97759

(b) The prisoner is serving a mandatory prison term, as 97760
defined in section 2929.01 of the Revised Code. 97761

(c) The prisoner is serving a prison term for a felony of the 97762
third, fourth, or fifth degree that either is a sex offense, an 97763
offense betraying public trust, or an offense in which the 97764
prisoner caused or attempted to cause actual physical harm to a 97765
person, the prisoner is serving a prison term for a comparable 97766
offense under the law in effect prior to July 1, 1996, or the 97767
prisoner previously has been imprisoned for an offense of that 97768
type or a comparable offense under the law in effect prior to July 97769
1, 1996. 97770

(d) The prisoner is serving a mandatory prison term in prison 97771
for a third or fourth degree felony OVI offense, as defined in 97772
section 2929.01 of the Revised Code, that was imposed pursuant to 97773
division (G)(2) of section 2929.13 of the Revised Code. 97774

(C) Upon the implementation of intensive program prisons 97775
pursuant to division (A) of this section, the department at all 97776
times shall maintain intensive program prisons sufficient in 97777
number to reduce the prison terms of at least three hundred fifty 97778
prisoners who are eligible for reduction of their stated prison 97779
terms as a result of their completion of a regimen in an intensive 97780

program prison under this section. 97781

Sec. 5120.033. (A) As used in this section, "third degree 97782
felony OVI offense" and "fourth degree felony OVI offense" have 97783
the same meanings as in section 2929.01 of the Revised Code. 97784

(B) Within eighteen months after October 17, 1996, the 97785
department of rehabilitation and correction ~~shall~~ may develop and 97786
implement intensive program prisons for male and female prisoners 97787
who are sentenced pursuant to division (G)(2) of section 2929.13 97788
of the Revised Code to a mandatory prison term for a third or 97789
fourth degree felony OVI offense. ~~The~~ If one or more intensive 97790
program prisons are established under this section, the department 97791
~~shall~~ may contract pursuant to section 9.06 of the Revised Code 97792
for the private operation and management of the initial intensive 97793
program prison established under this section and may contract 97794
pursuant to that section for the private operation and management 97795
of any other intensive program prison established under this 97796
section. The intensive program prisons, if established under this 97797
section, shall include prisons that focus on educational 97798
achievement, vocational training, alcohol and other drug abuse 97799
treatment, community service and conservation work, and other 97800
intensive regimens or combinations of intensive regimens. 97801

(C) Except as provided in division (D) of this section, the 97802
department may place a prisoner who is sentenced to a mandatory 97803
prison term for a third or fourth degree felony OVI offense in an 97804
intensive program prison established pursuant to division (B) of 97805
this section if the sentencing judge, upon notification by the 97806
department of its intent to place the prisoner in an intensive 97807
program prison, does not notify the department that the judge 97808
disapproves the placement. If the stated prison term imposed on a 97809
prisoner who is so placed is longer than the mandatory prison term 97810
that is required to be imposed on the prisoner, the department may 97811

reduce the stated prison term upon the prisoner's successful 97812
completion of the prisoner's mandatory prison term in an intensive 97813
program prison. A prisoner whose term has been so reduced shall be 97814
required to serve an intermediate, transitional type of detention 97815
followed by a release under post-release control sanctions or, in 97816
the alternative, shall be placed under post-release control 97817
sanctions, as described in division (B)(2)(b)(ii) of section 97818
5120.031 of the Revised Code. In either case, the placement under 97819
post-release control sanctions shall be under terms set by the 97820
parole board in accordance with section 2967.28 of the Revised 97821
Code and shall be subject to the provisions of that section and 97822
section 2929.141 of the Revised Code with respect to a violation 97823
of any post-release control sanction. ~~Upon the establishment of~~ 97824
~~the initial~~ If one or more intensive program ~~prison~~ prisons are 97825
established pursuant to division (B) of this section ~~that is and~~ 97826
if as described in that division the initial intensive program 97827
prison is to be privately operated and managed by a contractor 97828
pursuant to a contract the department entered into under section 97829
9.06 of the Revised Code, upon the establishment of that initial 97830
intensive program prison the department shall comply with 97831
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 97832
in placing prisoners in intensive program prisons under this 97833
section. 97834

(D) A prisoner who is sentenced to a mandatory prison term 97835
for a third or fourth degree felony OVI offense is not eligible to 97836
participate in an intensive program prison established under 97837
division (B) of this section if any of the following applies 97838
regarding the prisoner: 97839

(1) In addition to the mandatory prison term for the third or 97840
fourth degree felony OVI offense, the prisoner also is serving a 97841
prison term of a type described in division (B)(2)(a), (b), or (c) 97842
of section 5120.032 of the Revised Code. 97843

(2) The prisoner previously has been imprisoned for an 97844
offense of a type described in division (B)(2)(a) or (c) of 97845
section 5120.032 of the Revised Code or a comparable offense under 97846
the law in effect prior to July 1, 1996. 97847

(E) Intensive program prisons established under division (B) 97848
of this section are not subject to section 5120.032 of the Revised 97849
Code. 97850

Sec. 5120.09. Under the supervision and control of the 97851
director of rehabilitation and correction, the division of 97852
business administration shall do all of the following: 97853

(A) Submit the budgets for the several divisions of the 97854
department of rehabilitation and correction, as prepared by the 97855
respective chiefs of those divisions, to the director. The 97856
director, with the assistance of the chief of the division of 97857
business administration, shall compile a departmental budget that 97858
contains all proposals submitted by the chiefs of the divisions 97859
and shall forward the departmental budget to the governor with 97860
comments and recommendations that the director considers 97861
necessary. 97862

(B) Maintain accounts and records and compile statistics that 97863
the director prescribes; 97864

(C) Under the control of the director, coordinate and make 97865
the necessary purchases and requisitions for the department and 97866
its divisions, except ~~as provided under~~ when goods and services 97867
are provided to the department as described in section 5119.16 of 97868
the Revised Code; 97869

(D) Administer within this state federal criminal justice 97870
acts that the governor requires the department to administer. In 97871
order to improve the criminal justice system of this state, the 97872
division of business administration shall apply for, allocate, 97873

disburse, and account for grants that are made available pursuant 97874
to those federal criminal justice acts and grants that are made 97875
available from other federal government sources, state government 97876
sources, or private sources. As used in this division, "criminal 97877
justice system" and "federal criminal justice acts" have the same 97878
meanings as in section 5502.61 of the Revised Code. 97879

(E) Audit the activities of governmental entities, persons as 97880
defined in section 1.59 of the Revised Code, and other types of 97881
nongovernmental entities that are financed in whole or in part by 97882
funds that the department allocates or disburses and that are 97883
derived from grants described in division (D) of this section; 97884

(F) Enter into contracts, including contracts with federal, 97885
state, or local governmental entities, persons as defined in 97886
section 1.59 of the Revised Code, foundations, and other types of 97887
nongovernmental entities, that are necessary for the department to 97888
carry out its duties and that neither the director nor another 97889
section of the Revised Code authorizes another division of the 97890
department to enter; 97891

(G) Exercise other powers and perform other duties that the 97892
director may assign to the division of business administration. 97893

Sec. 5120.135. (A) As used in this section, "laboratory 97894
services" includes the performance of medical laboratory analysis; 97895
professional laboratory and pathologist consultation; the 97896
procurement, storage, and distribution of laboratory supplies; and 97897
the performance of phlebotomy services. 97898

(B) The department of rehabilitation and correction ~~shall~~ may 97899
provide laboratory services to all of the following: 97900

(1) The departments of mental health, mental retardation and 97901
developmental disabilities, youth services, and rehabilitation and 97902
correction. ~~The department of rehabilitation and correction may~~ 97903

~~also provide laboratory services to other;~~ 97904

(2) Other state, county, or municipal agencies and to private 97905
persons that request laboratory services if the department of 97906
rehabilitation and correction determines that the provision of 97907
laboratory services is in the public interest and considers it 97908
advisable to provide such services. ~~The department of~~ 97909
~~rehabilitation and correction may also provide laboratory services~~ 97910
~~to agencies;~~ 97911

(3) Agencies operated by the United States government and to 97912
public and private entities funded in whole or in part by the 97913
state if the director of rehabilitation and correction designates 97914
them as eligible to receive ~~such~~ laboratory services. 97915

(c) The department of rehabilitation and correction shall 97916
provide laboratory services from a laboratory that complies with 97917
the standards for certification set by the United States 97918
department of health and human services under the "Clinical 97919
Laboratory Improvement Amendments of 1988," 102 Stat. 293, 42 97920
U.S.C.A. 263a. In addition, the laboratory shall maintain 97921
accreditation or certification with an appropriate accrediting or 97922
certifying organization as considered necessary by the recipients 97923
of its laboratory services and as authorized by the director of 97924
rehabilitation and correction. 97925

~~(C)~~(D) The cost of administering this section shall be 97926
determined by the department of rehabilitation and correction and 97927
shall be paid by entities that receive laboratory services to the 97928
department for deposit in the state treasury to the credit of the 97929
laboratory services fund, which is hereby created. The fund shall 97930
be used to pay the costs the department incurs in administering 97931
this section. 97932

~~(D) If the department of rehabilitation and correction does~~ 97933
~~not provide laboratory services under this section in a~~ 97934

~~satisfactory manner to the department of mental retardation and 97935
developmental disabilities, youth services, or mental health, the 97936
director of mental retardation and developmental disabilities, 97937
youth services, or mental health shall attempt to resolve the 97938
matter of the unsatisfactory provision of services with the 97939
director of rehabilitation and correction. If, after this attempt, 97940
the provision of laboratory services continues to be 97941
unsatisfactory, the director of mental retardation and 97942
developmental disabilities, youth services, or mental health shall 97943
notify the director of rehabilitation and correction regarding the 97944
continued unsatisfactory provision of laboratory services. If, 97945
within thirty days after the director receives this notice, the 97946
department of rehabilitation and correction does not provide the 97947
specified laboratory services in a satisfactory manner, the 97948
director of mental retardation and developmental disabilities, 97949
youth services, or mental health shall notify the director of 97950
rehabilitation and correction of the notifying director's intent 97951
to cease obtaining laboratory services from the department of 97952
rehabilitation and correction. Following the end of a cancellation 97953
period of sixty days that begins on the date of the notice, the 97954
department that sent the notice may obtain laboratory services 97955
from a provider other than the department of rehabilitation and 97956
correction, if the department that sent the notice certifies to 97957
the department of administrative services that the requirements of 97958
this division have been met. 97959~~

(E) Whenever a state agency fails to make a payment for 97960
laboratory services provided to it by the department of 97961
rehabilitation and correction under this section within thirty-one 97962
days after the date the payment was due, the office of budget and 97963
management may transfer moneys from that state agency to the 97964
department of rehabilitation and correction for deposit to the 97965
credit of the laboratory services fund. The amount transferred 97966
shall not exceed the amount of the overdue payments. Prior to 97967

making a transfer under this division, the office shall apply any 97968
credits the state agency has accumulated in payment for laboratory 97969
services provided under this section. 97970

Sec. 5122.31. (A) All certificates, applications, records, 97971
and reports made for the purpose of this chapter and sections 97972
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 97973
Code, other than court journal entries or court docket entries, 97974
and directly or indirectly identifying a patient or former patient 97975
or person whose hospitalization has been sought under this 97976
chapter, shall be kept confidential and shall not be disclosed by 97977
any person except: 97978

(1) If the person identified, or the person's legal guardian, 97979
if any, or if the person is a minor, the person's parent or legal 97980
guardian, consents, and if the disclosure is in the best interests 97981
of the person, as may be determined by the court for judicial 97982
records and by the chief clinical officer for medical records; 97983

(2) When disclosure is provided for in this chapter or 97984
section 5123.60 of the Revised Code; 97985

(3) That hospitals, boards of alcohol, drug addiction, and 97986
mental health services, and community mental health agencies may 97987
release necessary medical information to insurers and other 97988
third-party payers, including government entities responsible for 97989
processing and authorizing payment, to obtain payment for goods 97990
and services furnished to the patient; 97991

(4) Pursuant to a court order signed by a judge; 97992

(5) That a patient shall be granted access to the patient's 97993
own psychiatric and medical records, unless access specifically is 97994
restricted in a patient's treatment plan for clear treatment 97995
reasons; 97996

(6) That hospitals and other institutions and facilities 97997

within the department of mental health may exchange psychiatric 97998
records and other pertinent information with other hospitals, 97999
institutions, and facilities of the department, and with community 98000
mental health agencies and boards of alcohol, drug addiction, and 98001
mental health services with which the department has a current 98002
agreement for patient care or services. Records and information 98003
that may be released pursuant to this division shall be limited to 98004
medication history, physical health status and history, financial 98005
status, summary of course of treatment in the hospital, summary of 98006
treatment needs, and a discharge summary, if any. 98007

(7) That hospitals within the department, other institutions 98008
and facilities within the department, and community mental health 98009
agencies may exchange psychiatric records and other pertinent 98010
information with other providers of treatment and health services 98011
if the purpose of the exchange is to facilitate continuity of care 98012
for a patient; 98013

(8) That a patient's family member who is involved in the 98014
provision, planning, and monitoring of services to the patient may 98015
receive medication information, a summary of the patient's 98016
diagnosis and prognosis, and a list of the services and personnel 98017
available to assist the patient and the patient's family, if the 98018
patient's treating physician determines that the disclosure would 98019
be in the best interests of the patient. No such disclosure shall 98020
be made unless the patient is notified first and receives the 98021
information and does not object to the disclosure. 98022

~~(8)~~(9) That community mental health agencies may exchange 98023
psychiatric records and certain other information with the board 98024
of alcohol, drug addiction, and mental health services and other 98025
agencies in order to provide services to a person involuntarily 98026
committed to a board. Release of records under this division shall 98027
be limited to medication history, physical health status and 98028
history, financial status, summary of course of treatment, summary 98029

of treatment needs, and discharge summary, if any. 98030

~~(9)~~ (10) That information may be disclosed to the executor or 98031
the administrator of an estate of a deceased patient when the 98032
information is necessary to administer the estate; 98033

~~(10)~~ (11) That records in the possession of the Ohio 98034
historical society may be released to the closest living relative 98035
of a deceased patient upon request of that relative; 98036

~~(11)~~ (12) That information may be disclosed to staff members 98037
of the appropriate board or to staff members designated by the 98038
director of mental health for the purpose of evaluating the 98039
quality, effectiveness, and efficiency of services and determining 98040
if the services meet minimum standards. Information obtained 98041
during such evaluations shall not be retained with the name of any 98042
patient. 98043

~~(12)~~ (13) That records pertaining to the patient's diagnosis, 98044
course of treatment, treatment needs, and prognosis shall be 98045
disclosed and released to the appropriate prosecuting attorney if 98046
the patient was committed pursuant to section 2945.38, 2945.39, 98047
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 98048
attorney designated by the board for proceedings pursuant to 98049
involuntary commitment under this chapter. 98050

~~(13)~~ (14) That the department of mental health may exchange 98051
psychiatric hospitalization records, other mental health treatment 98052
records, and other pertinent information with the department of 98053
rehabilitation and correction to ensure continuity of care for 98054
inmates who are receiving mental health services in an institution 98055
of the department of rehabilitation and correction. The department 98056
shall not disclose those records unless the inmate is notified, 98057
receives the information, and does not object to the disclosure. 98058
The release of records under this division is limited to records 98059
regarding an inmate's medication history, physical health status 98060

and history, summary of course of treatment, summary of treatment 98061
needs, and a discharge summary, if any. 98062

~~(14)~~(15) That a community mental health agency that ceases to 98063
operate may transfer to either a community mental health agency 98064
that assumes its caseload or to the board of alcohol, drug 98065
addiction, and mental health services of the service district in 98066
which the patient resided at the time services were most recently 98067
provided any treatment records that have not been transferred 98068
elsewhere at the patient's request. 98069

(B) Before records are disclosed pursuant to divisions 98070
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 98071
records shall attempt to obtain the patient's consent for the 98072
disclosure. No person shall reveal the contents of a medical 98073
record of a patient except as authorized by law. 98074

(C) The managing officer of a hospital who releases necessary 98075
medical information under division (A)(3) of this section to allow 98076
an insurance carrier or other third party payor to comply with 98077
section 5121.43 of the Revised Code shall neither be subject to 98078
criminal nor civil liability. 98079

Sec. 5123.049. The director of mental retardation and 98080
developmental disabilities shall adopt rules in accordance with 98081
Chapter 119. of the Revised Code governing the authorization and 98082
payment of home and community-based services and medicaid case 98083
management services. The rules shall provide for private providers 98084
of the services to receive one hundred per cent of the medicaid 98085
allowable payment amount and for government providers of the 98086
services to receive the federal share of the medicaid allowable 98087
payment, less the amount withheld as a fee under section 5123.0412 98088
of the Revised Code ~~and any amount that may be required by rules~~ 98089
~~adopted under section 5123.0413 of the Revised Code to be~~ 98090
~~deposited into the state MR/DD risk fund.~~ The rules shall 98091

establish the process by which county boards of mental retardation 98092
and developmental disabilities shall certify and provide the 98093
nonfederal share of medicaid expenditures that the county board is 98094
required by sections 5126.059 and 5126.0510 of the Revised Code to 98095
pay. The process shall require a county board to certify that the 98096
county board has funding available at one time for two months 98097
costs for those expenditures. The process may permit a county 98098
board to certify that the county board has funding available at 98099
one time for more than two months costs for those expenditures. 98100

Sec. 5123.0412. (A) The department of mental retardation and 98101
developmental disabilities shall charge each county board of 98102
mental retardation and developmental disabilities an annual fee 98103
equal to one and one-half per cent of the total value of all 98104
medicaid paid claims for home and community-based services 98105
provided during the year to an individual eligible for services 98106
from the county board. No county board shall pass the cost of a 98107
fee charged to the county board under this section on to another 98108
provider of these services. 98109

(B) The fees collected under this section shall be deposited 98110
into the ODMR/DD administration and oversight fund and the ODJFS 98111
administration and oversight fund, both of which are hereby 98112
created in the state treasury. The portion of the fees to be 98113
deposited into the ODMR/DD administration and oversight fund and 98114
the portion of the fees to be deposited into the ODJFS 98115
administration and oversight fund shall be the portion specified 98116
in an interagency agreement entered into under division (C) of 98117
this section. The department of mental retardation and 98118
developmental disabilities shall use the money in the ODMR/DD 98119
administration and oversight fund and the department of job and 98120
family services shall use the money in the ODJFS administration 98121
and oversight fund for both of the following purposes: 98122

(1) The Medicaid administrative costs, including 98123
administrative and oversight costs of medicaid case management 98124
services and home and community-based services. The administrative 98125
and oversight costs of medicaid case management services and home 98126
and community-based services shall include costs for staff, 98127
systems, and other resources the departments need and dedicate 98128
solely to the following duties associated with the services: 98129
98130

(a) Eligibility determinations; 98131

(b) Training; 98132

(c) Fiscal management; 98133

(d) Claims processing; 98134

(e) Quality assurance oversight; 98135

(f) Other duties the departments identify. 98136

(2) Providing technical support to county boards' local 98137
administrative authority under section 5126.055 of the Revised 98138
Code for the services. 98139

(C) The departments of mental retardation and developmental 98140
disabilities and job and family services shall enter into an 98141
interagency agreement to do both of the following: 98142

(1) Specify which portion of the fees collected under this 98143
section is to be deposited into the ODMR/DD administration and 98144
oversight fund and which portion is to be deposited into the ODJFS 98145
administration and oversight fund; 98146

(2) Provide for the departments to coordinate the staff whose 98147
costs are paid for with money in the ODMR/DD administration and 98148
oversight fund and the ODJFS administration and oversight fund. 98149

(D) The departments shall submit an annual report to the 98150
director of budget and management certifying how the departments 98151
spent the money in the ODMR/DD administration and oversight fund 98152

and the ODJFS administration and oversight fund for the purposes 98153
specified in division (B) of this section. 98154

Sec. 5123.0413. ~~(A) The department of mental retardation and 98155
developmental disabilities, in consultation with the department of 98156
job and family services, office of budget and management, and 98157
county boards of mental retardation and developmental 98158
disabilities, shall adopt rules in accordance with Chapter 119. of 98159
the Revised Code no later than January 1, 2002, establishing a 98160
method of paying for extraordinary costs, including extraordinary 98161
costs for services to individuals with mental retardation or other 98162
developmental disability, and ensure the availability of adequate 98163
funds to establish both of the following in the event a county 98164
property tax levy for services for individuals with mental 98165
retardation or other developmental disability fails. The rules may 98166
provide for using and managing either or both of the following:~~ 98167

~~(1) A state MR/DD risk fund, which is hereby created in the 98168
state treasury;~~ 98169

~~(2) A state insurance against MR/DD risk fund, which is 98170
hereby created in the state treasury.~~ 98171

~~(B) Beginning January 1, 2002, the department of job and 98172
family services may not request approval from the United States 98173
secretary of health and human services to increase the number of 98174
slots for home and community based services until the rules 98175
required by division (A) of this section are in effect;~~ 98176

(A) A method of paying for home and community-based services; 98177

(B) A method of reducing the number of individuals a county 98178
board would otherwise be required by section 5126.0512 of the 98179
Revised Code to ensure are enrolled in a medicaid waiver component 98180
under which home and community-based services are provided. 98181

Sec. 5126.044. (A) As used in this section, ~~"eligible:~~ 98182

(1) "Eligible person" has the same meaning as in section 98183
5126.03 of the Revised Code. 98184

(2) "Treatment" means the provision, coordination, or 98185
management of services provided to an eligible person. 98186

(3) "Payment" means activities undertaken by a service 98187
provider or governmental entity to obtain or provide reimbursement 98188
for services to an eligible person. 98189

(B) Except as provided in division ~~(D)~~(C) of this section, no 98190
person shall disclose the identity of an individual who requests 98191
programs or services under this chapter or release a record or 98192
report regarding an eligible person that is maintained by a county 98193
board of mental retardation and developmental disabilities or an 98194
entity under contract with a county board unless one of the 98195
following circumstances exists: 98196

(1) The individual, eligible person, or the individual's 98197
guardian, or, if the individual is a minor, the individual's 98198
parent or guardian, makes a written request to the county board or 98199
entity for or approves in writing disclosure of the individual's 98200
identity or release of the record or report regarding the eligible 98201
person. 98202

(2) Disclosure of the identity of an individual is needed for 98203
approval of a direct services contract under section 5126.032 or 98204
5126.033 of the Revised Code. The county board shall release only 98205
the individual's name and the general nature of the services to be 98206
provided. 98207

(3) Disclosure of the identity of the individual is needed to 98208
ascertain that the county board's waiting lists for programs or 98209
services are being maintained in accordance with section 5126.042 98210
of the Revised Code and the rules adopted under that section. The 98211
county board shall release only the individual's name, the general 98212
nature of the programs or services to be provided the individual, 98213

the individual's rank on each waiting list that includes the 98214
individual, and any circumstances under which the individual was 98215
given priority when placed on a waiting list. 98216

(4) Disclosure of the identity of an individual who is an 98217
eligible person is needed for treatment of or payment for services 98218
provided to the individual. 98219

~~(C) A board or entity that discloses an individual's identity 98220~~
~~or releases a record or report regarding an eligible person shall 98221~~
~~maintain a record of when and to whom the disclosure or release 98222~~
~~was made. 98223~~

~~(D)~~(1) At the request of an eligible person or the person's 98224
guardian or, if the eligible person is a minor, the person's 98225
parent or guardian, a county board or entity under contract with a 98226
county board shall provide the person who made the request access 98227
to records and reports regarding the eligible person. On written 98228
request, the county board or entity shall provide copies of the 98229
records and reports to the eligible person, guardian, or parent. 98230
The county board or entity may charge a reasonable fee to cover 98231
the costs of copying. The county board or entity may waive the fee 98232
in cases of hardship. 98233

(2) A county board shall provide access to any waiting list 98234
or record or report regarding an eligible person maintained by the 98235
board to any state agency responsible for monitoring and reviewing 98236
programs and services provided or arranged by the county board, 98237
any state agency involved in the coordination of services for an 98238
eligible person, and any agency under contract with the department 98239
of mental retardation and developmental disabilities for the 98240
provision of protective service pursuant to section 5123.56 of the 98241
Revised Code. 98242

(3) When an eligible person who requests programs or services 98243
under this chapter dies, the county board or entity under contract 98244

with the county board, shall, on written request, provide to both 98245
of the following persons any reports and records in the board or 98246
entity's possession concerning the eligible person: 98247

(a) If the report or records are necessary to administer the 98248
estate of the person who is the subject of the reports or records, 98249
to the executor or administrator of the person's estate; 98250

(b) To the guardian of the person who is the subject of the 98251
reports or records or, if the individual had no guardian at the 98252
time of death, to a person in the first applicable of the 98253
following categories: 98254

(i) The person's spouse; 98255

(ii) The person's children; 98256

(iii) The person's parents; 98257

(iv) The person's brothers or sisters; 98258

(v) The person's uncles or aunts; 98259

(vi) The person's closest relative by blood or adoption; 98260

(vii) The person's closest relative by marriage. 98261

The county board or entity shall provide the reports and 98262
records as required by division ~~(D)~~(C)(3) of this section not 98263
later than thirty days after receipt of the request. 98264

~~(E)~~(D) A county board shall notify an eligible person, the 98265
person's guardian, or, if the eligible person is a minor, the 98266
person's parent or guardian, prior to destroying any record or 98267
report regarding the eligible person. 98268

Sec. 5126.05. (A) Subject to the rules established by the 98269
director of mental retardation and developmental disabilities 98270
pursuant to Chapter 119. of the Revised Code for programs and 98271
services offered pursuant to this chapter, and subject to the 98272
rules established by the state board of education pursuant to 98273

Chapter 119. of the Revised Code for programs and services offered 98274
pursuant to Chapter 3323. of the Revised Code, the county board of 98275
mental retardation and developmental disabilities shall: 98276

(1) Administer and operate facilities, programs, and services 98277
as provided by this chapter and Chapter 3323. of the Revised Code 98278
and establish policies for their administration and operation; 98279

(2) Coordinate, monitor, and evaluate existing services and 98280
facilities available to individuals with mental retardation and 98281
developmental disabilities; 98282

(3) Provide early childhood services, supportive home 98283
services, and adult services, according to the plan and priorities 98284
developed under section 5126.04 of the Revised Code; 98285

(4) Provide or contract for special education services 98286
pursuant to Chapters 3306., 3317. and 3323. of the Revised Code 98287
and ensure that related services, as defined in section 3323.01 of 98288
the Revised Code, are available according to the plan and 98289
priorities developed under section 5126.04 of the Revised Code; 98290

(5) Adopt a budget, authorize expenditures for the purposes 98291
specified in this chapter and do so in accordance with section 98292
319.16 of the Revised Code, approve attendance of board members 98293
and employees at professional meetings and approve expenditures 98294
for attendance, and exercise such powers and duties as are 98295
prescribed by the director; 98296

(6) Submit annual reports of its work and expenditures, 98297
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 98298
the director, the superintendent of public instruction, and the 98299
board of county commissioners at the close of the fiscal year and 98300
at such other times as may reasonably be requested; 98301

(7) Authorize all positions of employment, establish 98302
compensation, including but not limited to salary schedules and 98303
fringe benefits for all board employees, approve contracts of 98304

employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.

(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults enrolled in programs and services offered under section 5126.12 with transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 of the Revised Code.

(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.

(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

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

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

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

individuals; and the projected annualized cost for services; 98367

(b) The source of funds available to the county board to pay 98368
the nonfederal share of medicaid expenditures that the county 98369
board is required by sections 5126.059 and 5126.0510 of the 98370
Revised Code to pay; 98371

(c) Any other applicable information or conditions that the 98372
department of mental retardation and developmental disabilities 98373
requires as a condition of approving the component under section 98374
5123.046 of the Revised Code. 98375

(2) (A preliminary implementation component that specifies 98376
the number of individuals to be provided, during the first year 98377
that the plan is in effect, home and community-based services 98378
pursuant to the priority given to them under divisions (D)(1) and 98379
(2) of section 5126.042 of the Revised Code and the types of home 98380
and community-based services the individuals are to receive; 98381

(3) A component that provides for the implementation of 98382
medicaid case management services and home and community-based 98383
services for individuals who begin to receive the services on or 98384
after the date the plan is approved under section 5123.046 of the 98385
Revised Code. A county board shall include all of the following in 98386
the component: 98387

(a) If the department of mental retardation and developmental 98388
disabilities or department of job and family services requires, an 98389
agreement to pay the nonfederal share of medicaid expenditures 98390
that the county board is required by sections 5126.059 and 98391
5126.0510 of the Revised Code to pay; 98392

(b) How the services are to be phased in over the period the 98393
plan covers, including how the county board will serve individuals 98394
on a waiting list established under division (C) of section 98395
5126.042 who are given priority status under division (D)(1) of 98396
that section; 98397

(c) Any agreement or commitment regarding the county board's 98398
funding of home and community-based services that the county board 98399
has with the department at the time the county board develops the 98400
component; 98401

(d) Assurances adequate to the department that the county 98402
board will comply with all of the following requirements: 98403

(i) To provide the types of home and community-based services 98404
specified in the preliminary implementation component required by 98405
division (A)(2) of this section to at least the number of 98406
individuals specified in that component; 98407

(ii) To use any additional funds the county board receives 98408
for the services to improve the county board's resource 98409
capabilities for supporting such services available in the county 98410
at the time the component is developed and to expand the services 98411
to accommodate the unmet need for those services in the county; 98412

(iii) To employ or contract with a business manager ~~who is~~ 98413
~~either a new employee who has earned at least a bachelor's degree~~ 98414
~~in business administration or a current employee who has the~~ 98415
~~equivalent experience of a bachelor's degree in business~~ 98416
~~administration~~ or enter into an agreement with another county 98417
board of mental retardation and developmental disabilities that 98418
employs or contracts with a business manager to have the business 98419
manager serve both county boards. ~~If the county board will employ~~ 98420
~~a new employee, the county board shall include in the component a~~ 98421
~~timeline for employing the employee.~~ No superintendent of a county 98422
board may serve as the county board's business manager. 98423

(iv) To employ or contract with a medicaid services manager 98424
~~who is either a new employee who has earned at least a bachelor's~~ 98425
~~degree or a current employee who has the equivalent experience of~~ 98426
~~a bachelor's degree~~ or enter into an agreement with another county 98427
board of mental retardation and developmental disabilities that 98428

~~employs or contracts with a medicaid services manager to have the
medicaid services manager serve both county boards. If the county
board will employ a new employee, the county board shall include
in the component a timeline for employing the employee. Two or
three county boards that have a combined total enrollment in
county board services not exceeding one thousand individuals as
determined pursuant to certifications made under division (B) of
section 5126.12 of the Revised Code may satisfy this requirement
by sharing the services of a medicaid services manager or using
the services of a medicaid services manager employed by or under
contract with a regional council that the county boards establish
under section 5126.13 of the Revised Code. No superintendent of a
county board may serve as the county board's medicaid services
manager.~~

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

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

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

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

(1) Perform assessments and evaluations of the individual. As

part of the assessment and evaluation process, the county board 98460
shall do all of the following: 98461

(a) Make a recommendation to the department of mental 98462
retardation and developmental disabilities on whether the 98463
department should approve or deny the individual's application for 98464
the services, including on the basis of whether the individual 98465
needs the level of care an intermediate care facility for the 98466
mentally retarded provides; 98467

(b) If the individual's application is denied because of the 98468
county board's recommendation and the individual requests a 98469
hearing under section 5101.35 of the Revised Code, present, with 98470
the department of mental retardation and developmental 98471
disabilities or department of job and family services, whichever 98472
denies the application, the reasons for the recommendation and 98473
denial at the hearing; 98474

(c) If the individual's application is approved, recommend to 98475
the departments of mental retardation and developmental 98476
disabilities and job and family services the services that should 98477
be included in the individual's individualized service plan and, 98478
if either department approves, reduces, denies, or terminates a 98479
service included in the individual's individualized service plan 98480
under section 5111.871 of the Revised Code because of the county 98481
board's recommendation, present, with the department that made the 98482
approval, reduction, denial, or termination, the reasons for the 98483
recommendation and approval, reduction, denial, or termination at 98484
a hearing under section 5101.35 of the Revised Code. 98485

(2) In accordance with the rules adopted under section 98486
5126.046 of the Revised Code, perform the county board's duties 98487
under that section regarding assisting the individual's right to 98488
choose a qualified and willing provider of the services and, at a 98489
hearing under section 5101.35 of the Revised Code, present 98490
evidence of the process for appropriate assistance in choosing 98491

providers; 98492

(3) If the county board is certified under section 5123.161 98493
of the Revised Code to provide the services and agrees to provide 98494
the services to the individual and the individual chooses the 98495
county board to provide the services, furnish, in accordance with 98496
the county board's medicaid provider agreement and for the 98497
authorized reimbursement rate, the services the individual 98498
requires; 98499

(4) Monitor the services provided to the individual and 98500
ensure the individual's health, safety, and welfare. The 98501
monitoring shall include quality assurance activities. If the 98502
county board provides the services, the department of mental 98503
retardation and developmental disabilities shall also monitor the 98504
services. 98505

(5) Develop, with the individual and the provider of the 98506
individual's services, an effective individualized service plan 98507
that includes coordination of services, recommend that the 98508
departments of mental retardation and developmental disabilities 98509
and job and family services approve the plan, and implement the 98510
plan unless either department disapproves it+. The individualized 98511
service plan shall include a summary page, agreed to by the county 98512
board, provider, and individual receiving services, that clearly 98513
outlines the amount, duration, and scope of services to be 98514
provided under the plan. 98515

(6) Have an investigative agent conduct investigations under 98516
section 5126.313 of the Revised Code that concern the individual; 98517

(7) Have a service and support administrator perform the 98518
duties under division (B)(9) of section 5126.15 of the Revised 98519
Code that concern the individual. 98520

(B) A county board shall perform its medicaid local 98521
administrative authority under this section in accordance with all 98522

of the following:	98523
(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code;	98524 98525 98526
(2) All applicable federal and state laws;	98527
(3) All applicable policies of the departments of mental retardation and developmental disabilities and job and family services and the United States department of health and human services;	98528 98529 98530 98531
(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency;	98532 98533 98534
(5) The department of mental retardation and developmental disabilities' oversight.	98535 98536
(C) The departments of mental retardation and developmental disabilities and job and family services shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.	98537 98538 98539 98540 98541 98542 98543 98544 98545 98546 98547
(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and	98548 98549 98550 98551 98552 98553

developmental disabilities. The notice shall include the tasks and 98554
responsibilities that the contract gives to the person or 98555
government entity. The person or government entity shall comply in 98556
full with all requirements to which the county board is subject 98557
regarding the person or government entity's tasks and 98558
responsibilities under the contract. The county board remains 98559
ultimately responsible for the tasks and responsibilities. 98560

(E) A county board that has medicaid local administrative 98561
authority under this section shall, through the departments of 98562
mental retardation and developmental disabilities and job and 98563
family services, reply to, and cooperate in arranging compliance 98564
with, a program or fiscal audit or program violation exception 98565
that a state or federal audit or review discovers. The department 98566
of job and family services shall timely notify the department of 98567
mental retardation and developmental disabilities and the county 98568
board of any adverse findings. After receiving the notice, the 98569
county board, in conjunction with the department of mental 98570
retardation and developmental disabilities, shall cooperate fully 98571
with the department of job and family services and timely prepare 98572
and send to the department a written plan of correction or 98573
response to the adverse findings. The county board is liable for 98574
any adverse findings that result from an action it takes or fails 98575
to take in its implementation of medicaid local administrative 98576
authority. 98577

(F) If the department of mental retardation and developmental 98578
disabilities or department of job and family services determines 98579
that a county board's implementation of its medicaid local 98580
administrative authority under this section is deficient, the 98581
department that makes the determination shall require that county 98582
board do the following: 98583

(1) If the deficiency affects the health, safety, or welfare 98584
of an individual with mental retardation or other developmental 98585

disability, correct the deficiency within twenty-four hours; 98586

(2) If the deficiency does not affect the health, safety, or 98587
welfare of an individual with mental retardation or other 98588
developmental disability, receive technical assistance from the 98589
department or submit a plan of correction to the department that 98590
is acceptable to the department within sixty days and correct the 98591
deficiency within the time required by the plan of correction. 98592

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 98593
component" means a medicaid waiver component as defined in section 98594
5111.85 of the Revised Code under which home and community-based 98595
services are provided. 98596

(B) Effective July 1, 2007, and except as provided in rules 98597
adopted under section 5123.0413 of the Revised Code, each county 98598
board of mental retardation and developmental disabilities shall 98599
ensure, for each medicaid waiver component, that the number of 98600
individuals eligible under section 5126.041 of the Revised Code 98601
for services from the county board who are enrolled in a medicaid 98602
waiver component is no less than the sum of the following: 98603

(1) The number of individuals eligible for services from the 98604
county board who are enrolled in the medicaid waiver component on 98605
June 30, 2007; 98606

(2) The number of medicaid waiver component slots the county 98607
board requested before July 1, 2007, that were assigned to the 98608
county board before that date but in which no individual was 98609
enrolled before that date. 98610

(C) An individual enrolled in a medicaid waiver component 98611
after March 1, 2007, due to an emergency reserve capacity waiver 98612
assignment shall not be counted in determining the number of 98613
individuals a county board must ensure under division (B) of this 98614
section are enrolled in a medicaid waiver component. 98615

(D) An individual who is enrolled in a medicaid waiver component to comply with the terms of the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be excluded in determining whether a county board has complied with division (B) of this section.

(E) A county board shall make as many requests for individuals to be enrolled in a medicaid waiver component as necessary for the county board to comply with division (B) of this section.

Sec. 5126.19. (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund based on allocations to county boards of mental retardation and developmental disabilities. The director may distribute all or part of the funding directly to a county board, the persons who provide the services for which the funding is granted, or persons with mental retardation or developmental disabilities who are to receive those services.

(B) Funding granted under division (A) of this section shall be granted according to the availability of moneys in the fund and priorities established by the director. Funding may be granted for any of the following purposes:

(1) Behavioral or short-term interventions for persons with mental retardation or developmental disabilities that assist them in remaining in the community by preventing institutionalization;

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;

(3) Family support services provided under section 5126.11 of the Revised Code;

(4) Supported living, as defined in section 5126.01 of the Revised Code; 98646
98647

(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community; 98648
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(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services; 98654
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(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization. 98661
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(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use one million dollars for payments under section 5126.18 of the Revised Code, two million dollars for subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to a county board in an amount equal to the same percentage of the total amount allocated to the county board the immediately preceding state fiscal year. 98664
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~~(D) In addition to making grants under division (A) of this~~ 98676

~~section, the director may use money available in the trust fund 98677
for the same purposes that rules adopted under section 5123.0413 98678
of the Revised Code provide for money in the state MR/DD risk fund 98679
and the state insurance against MR/DD risk fund, both created 98680
under that section, to be used. 98681~~

Sec. 5126.24. (A) As used in this section: 98682

(1) "License" means an educator license issued by the state 98683
board of education under section 3319.22 of the Revised Code or a 98684
certificate issued by the department of mental retardation and 98685
developmental disabilities. 98686

(2) "Teacher" means a person employed by a county board of 98687
mental retardation and developmental disabilities in a position 98688
that requires a license. 98689

(3) "Nonteaching employee" means a person employed by a 98690
county board of mental retardation and developmental disabilities 98691
in a position that does not require a license. 98692

(4) "Years of service" includes all service described in 98693
division (A) of section 3317.13 of the Revised Code. 98694

(B) Subject to rules established by the director of mental 98695
retardation and developmental disabilities pursuant to Chapter 98696
119. of the Revised Code, each county board of mental retardation 98697
and developmental disabilities shall annually adopt separate 98698
salary schedules for teachers and nonteaching employees. 98699

(C) The teachers' salary schedule shall provide for 98700
increments based on training and years of service. The board may 98701
establish its own service requirements provided no teacher 98702
receives less than the salary the teacher would be paid under 98703
section 3317.13 of the Revised Code if the teacher were employed 98704
by a school district board of education and provided full credit 98705
for a minimum of five years of actual teaching and military 98706

experience as defined in division (A) of such section is given to 98707
each teacher. 98708

Each teacher who has completed training that would qualify 98709
the teacher for a higher salary bracket pursuant to this section 98710
shall file by the fifteenth day of September with the fiscal 98711
officer of the board, satisfactory evidence of the completion of 98712
such additional training. The fiscal officer shall then 98713
immediately place the teacher, pursuant to this section, in the 98714
proper salary bracket in accordance with training and years of 98715
service. No teacher shall be paid less than the salary to which 98716
the teacher would be entitled under section 3317.13 of the Revised 98717
Code if the teacher were employed by a school district board of 98718
education. 98719

The superintendent of each county board, on or before the 98720
fifteenth day of October of each year, shall certify to the state 98721
board of education the name of each teacher employed, on an annual 98722
salary, in each special education program operated pursuant to 98723
section 3323.09 of the Revised Code during the first full school 98724
week of October. The superintendent further shall certify, for 98725
each teacher, the number of years of training completed at a 98726
recognized college, the degrees earned from a college recognized 98727
by the state board, the type of license held, the number of months 98728
employed by the board, the annual salary, and other information 98729
that the state board may request. 98730

(D) The nonteaching employees' salary schedule established by 98731
the board shall be based on training, experience, and 98732
qualifications with initial salaries no less than salaries in 98733
effect on July 1, 1985. Each board shall prepare and may amend 98734
from time to time, specifications descriptive of duties, 98735
responsibilities, requirements, and desirable qualifications of 98736
the classifications of employees required to perform the duties 98737
specified in the salary schedule. All nonteaching employees shall 98738

be notified of the position classification to which they are 98739
assigned and the salary for the classification. The compensation 98740
of all nonteaching employees working for a particular board shall 98741
be uniform for like positions except as compensation would be 98742
affected by salary increments based upon length of service. 98743

On the fifteenth day of October of each year the nonteaching 98744
employees' salary schedule and list of job classifications and 98745
salaries in effect on that date shall be filed by each board with 98746
the superintendent of public instruction. If such salary schedule 98747
and classification plan is not filed, the superintendent of public 98748
instruction shall order the board to file such schedule and list 98749
forthwith. If this condition is not corrected within ten days 98750
after receipt of the order from the superintendent, no money shall 98751
be distributed to the district under Chapter 3306. or 3317. of the 98752
Revised Code until the superintendent has satisfactory evidence of 98753
the board's full compliance with such order. 98754

Sec. 5139.43. (A) The department of youth services shall 98755
operate a felony delinquent care and custody program that shall be 98756
operated in accordance with the formula developed pursuant to 98757
section 5139.41 of the Revised Code, subject to the conditions 98758
specified in this section. 98759

(B)(1) Each juvenile court shall use the moneys disbursed to 98760
it by the department of youth services pursuant to division (B) of 98761
section 5139.41 of the Revised Code in accordance with the 98762
applicable provisions of division (B)(2) of this section and shall 98763
transmit the moneys to the county treasurer for deposit in 98764
accordance with this division. The county treasurer shall create 98765
in the county treasury a fund that shall be known as the felony 98766
delinquent care and custody fund and shall deposit in that fund 98767
the moneys disbursed to the juvenile court pursuant to division 98768
(B) of section 5139.41 of the Revised Code. The county treasurer 98769

also shall deposit into that fund the state subsidy funds granted 98770
to the county pursuant to section 5139.34 of the Revised Code. The 98771
moneys disbursed to the juvenile court pursuant to division (B) of 98772
section 5139.41 of the Revised Code and deposited pursuant to this 98773
division in the felony delinquent care and custody fund shall not 98774
be commingled with any other county funds except state subsidy 98775
funds granted to the county pursuant to section 5139.34 of the 98776
Revised Code; shall not be used for any capital construction 98777
projects; upon an order of the juvenile court and subject to 98778
appropriation by the board of county commissioners, shall be 98779
disbursed to the juvenile court for use in accordance with the 98780
applicable provisions of division (B)(2) of this section; shall 98781
not revert to the county general fund at the end of any fiscal 98782
year; and shall carry over in the felony delinquent care and 98783
custody fund from the end of any fiscal year to the next fiscal 98784
year. ~~At~~The maximum balance carry-over at the end of each 98785
respective fiscal year, beginning June 30, 2008, the balance in 98786
the felony delinquent care and custody fund in any county shall 98787
not exceed the total moneys from funds allocated to the county 98788
pursuant to sections 5139.34 and 5139.41 of the Revised Code 98789
during in the previous fiscal year shall not exceed an amount to 98790
be calculated as provided in the formula set forth in this 98791
division, unless that county has applied for and been granted an 98792
exemption by the director of youth services. Beginning June 30, 98793
2008, the maximum balance carry-over at the end of each respective 98794
fiscal year shall be determined by the following formula: for 98795
fiscal year 2008, the maximum balance carry-over shall be one 98796
hundred per cent of the allocation for fiscal year 2007, to be 98797
applied in determining the fiscal year 2009 allocation; for fiscal 98798
year 2009, it shall be fifty per cent of the allocation for fiscal 98799
year 2008, to be applied in determining the fiscal year 2010 98800
allocation; for fiscal year 2010, it shall be twenty-five per cent 98801
of the allocation for fiscal year 2009, to be applied in 98802

determining the fiscal year 2011 allocation; and for each fiscal 98803
year subsequent to fiscal year 2010, it shall be twenty-five per 98804
cent of the allocation for the immediately preceding fiscal year, 98805
to be applied in determining the allocation for the next immediate 98806
fiscal year. The department shall withhold from future payments to 98807
a county an amount equal to any moneys in the felony delinquent 98808
care and custody fund of the county that exceed the total ~~moneys~~ 98809
~~allocated pursuant to those sections to the county during the~~ 98810
~~preceding fiscal year~~ maximum balance carry-over that applies for 98811
that county for the fiscal year in which the payments are being 98812
made and shall reallocate the withheld amount. The department 98813
shall adopt rules for the withholding and reallocation of moneys 98814
disbursed under sections 5139.34 and 5139.41 of the Revised Code 98815
and for the criteria and process for a county to obtain an 98816
exemption from the withholding requirement. The moneys disbursed 98817
to the juvenile court pursuant to division (B) of section 5139.41 98818
of the Revised Code and deposited pursuant to this division in the 98819
felony delinquent care and custody fund shall be in addition to, 98820
and shall not be used to reduce, any usual annual increase in 98821
county funding that the juvenile court is eligible to receive or 98822
the current level of county funding of the juvenile court and of 98823
any programs or services for delinquent children, unruly children, 98824
or juvenile traffic offenders. 98825

(2)(a) A county and the juvenile court that serves the county 98826
shall use the moneys in its felony delinquent care and custody 98827
fund in accordance with rules that the department of youth 98828
services adopts pursuant to division (D) of section 5139.04 of the 98829
Revised Code and as follows: 98830

(i) The moneys in the fund that represent state subsidy funds 98831
granted to the county pursuant to section 5139.34 of the Revised 98832
Code shall be used to aid in the support of prevention, early 98833
intervention, diversion, treatment, and rehabilitation programs 98834

that are provided for alleged or adjudicated unruly children or 98835
delinquent children or for children who are at risk of becoming 98836
unruly children or delinquent children. The county shall not use 98837
for capital improvements more than fifteen per cent of the moneys 98838
in the fund that represent the applicable annual grant of those 98839
state subsidy funds. 98840

(ii) The moneys in the fund that were disbursed to the 98841
juvenile court pursuant to division (B) of section 5139.41 of the 98842
Revised Code and deposited pursuant to division (B)(1) of this 98843
section in the fund shall be used to provide programs and services 98844
for the training, treatment, or rehabilitation of felony 98845
delinquents that are alternatives to their commitment to the 98846
department, including, but not limited to, community residential 98847
programs, day treatment centers, services within the home, and 98848
electronic monitoring, and shall be used in connection with 98849
training, treatment, rehabilitation, early intervention, or other 98850
programs or services for any delinquent child, unruly child, or 98851
juvenile traffic offender who is under the jurisdiction of the 98852
juvenile court. 98853

The fund also may be used for prevention, early intervention, 98854
diversion, treatment, and rehabilitation programs that are 98855
provided for alleged or adjudicated unruly children, delinquent 98856
children, or juvenile traffic offenders or for children who are at 98857
risk of becoming unruly children, delinquent children, or juvenile 98858
traffic offenders. Consistent with division (B)(1) of this 98859
section, a county and the juvenile court of a county shall not use 98860
any of those moneys for capital construction projects. 98861

(iii) Moneys in the fund shall not be used to support 98862
programs or services that do not comply with federal juvenile 98863
justice and delinquency prevention core requirements or to support 98864
programs or services that research has shown to be ineffective. 98865

(iv) The county and the juvenile court that serves the county 98866

may use moneys in the fund to provide out-of-home placement of 98867
children only in detention centers, community rehabilitation 98868
centers, or community corrections facilities approved by the 98869
department pursuant to standards adopted by the department, 98870
licensed by an authorized state agency, or accredited by the 98871
American correctional association or another national organization 98872
recognized by the department. 98873

(b) Each juvenile court shall comply with division (B)(3)(d) 98874
of this section as implemented by the department. If a juvenile 98875
court fails to comply with division (B)(3)(d) of this section, the 98876
department shall not be required to make any disbursements in 98877
accordance with division (C) or (D) of section 5139.41 or division 98878
(C)(2) of section 5139.34 of the Revised Code. 98879

(3) In accordance with rules adopted by the department 98880
pursuant to division (D) of section 5139.04 of the Revised Code, 98881
each juvenile court and the county served by that juvenile court 98882
shall do all of the following that apply: 98883

(a) The juvenile court shall prepare an annual grant 98884
agreement and application for funding that satisfies the 98885
requirements of this section and section 5139.34 of the Revised 98886
Code and that pertains to the use, upon an order of the juvenile 98887
court and subject to appropriation by the board of county 98888
commissioners, of the moneys in its felony delinquent care and 98889
custody fund for specified programs, care, and services as 98890
described in division (B)(2)(a) of this section, shall submit that 98891
agreement and application to the county family and children first 98892
council, the regional family and children first council, or the 98893
local intersystem services to children cluster as described in 98894
sections 121.37 and 121.38 of the Revised Code, whichever is 98895
applicable, and shall file that agreement and application with the 98896
department for its approval. The annual grant agreement and 98897
application for funding shall include a method of ensuring equal 98898

access for minority youth to the programs, care, and services 98899
specified in it. 98900

The department may approve an annual grant agreement and 98901
application for funding only if the juvenile court involved has 98902
complied with the preparation, submission, and filing requirements 98903
described in division (B)(3)(a) of this section. If the juvenile 98904
court complies with those requirements and the department approves 98905
that agreement and application, the juvenile court and the county 98906
served by the juvenile court may expend the state subsidy funds 98907
granted to the county pursuant to section 5139.34 of the Revised 98908
Code only in accordance with division (B)(2)(a) of this section, 98909
the rules pertaining to state subsidy funds that the department 98910
adopts pursuant to division (D) of section 5139.04 of the Revised 98911
Code, and the approved agreement and application. 98912

(b) By the thirty-first day of August of each year, the 98913
juvenile court shall file with the department a report that 98914
contains all of the statistical and other information for each 98915
month of the prior state fiscal year. If the juvenile court fails 98916
to file the report required by division (B)(3)(b) of this section 98917
by the thirty-first day of August of any year, the department 98918
shall not disburse any payment of state subsidy funds to which the 98919
county otherwise is entitled pursuant to section 5139.34 of the 98920
Revised Code and shall not disburse pursuant to division (B) of 98921
section 5139.41 of the Revised Code the applicable allocation 98922
until the juvenile court fully complies with division (B)(3)(b) of 98923
this section. 98924

(c) If the department requires the juvenile court to prepare 98925
monthly statistical reports and to submit the reports on forms 98926
provided by the department, the juvenile court shall file those 98927
reports with the department on the forms so provided. If the 98928
juvenile court fails to prepare and submit those monthly 98929
statistical reports within the department's timelines, the 98930

department shall not disburse any payment of state subsidy funds 98931
to which the county otherwise is entitled pursuant to section 98932
5139.34 of the Revised Code and shall not disburse pursuant to 98933
division (B) of section 5139.41 of the Revised Code the applicable 98934
allocation until the juvenile court fully complies with division 98935
(B)(3)(c) of this section. If the juvenile court fails to prepare 98936
and submit those monthly statistical reports within one hundred 98937
eighty days of the date the department establishes for their 98938
submission, the department shall not disburse any payment of state 98939
subsidy funds to which the county otherwise is entitled pursuant 98940
to section 5139.34 of the Revised Code and shall not disburse 98941
pursuant to division (B) of section 5139.41 of the Revised Code 98942
the applicable allocation, and the state subsidy funds and the 98943
remainder of the applicable allocation shall revert to the 98944
department. If a juvenile court states in a monthly statistical 98945
report that the juvenile court adjudicated within a state fiscal 98946
year five hundred or more children to be delinquent children for 98947
committing acts that would be felonies if committed by adults and 98948
if the department determines that the data in the report may be 98949
inaccurate, the juvenile court shall have an independent auditor 98950
or other qualified entity certify the accuracy of the data on a 98951
date determined by the department. 98952

(d) If the department requires the juvenile court and the 98953
county to participate in a fiscal monitoring program or another 98954
monitoring program that is conducted by the department to ensure 98955
compliance by the juvenile court and the county with division (B) 98956
of this section, the juvenile court and the county shall 98957
participate in the program and fully comply with any guidelines 98958
for the performance of audits adopted by the department pursuant 98959
to that program and all requests made by the department pursuant 98960
to that program for information necessary to reconcile fiscal 98961
accounting. If an audit that is performed pursuant to a fiscal 98962
monitoring program or another monitoring program described in this 98963

division determines that the juvenile court or the county used 98964
moneys in the county's felony delinquent care and custody fund for 98965
expenses that are not authorized under division (B) of this 98966
section, within forty-five days after the department notifies the 98967
county of the unauthorized expenditures, the county either shall 98968
repay the amount of the unauthorized expenditures from the county 98969
general revenue fund to the state's general revenue fund or shall 98970
file a written appeal with the department. If an appeal is timely 98971
filed, the director of the department shall render a decision on 98972
the appeal and shall notify the appellant county or its juvenile 98973
court of that decision within forty-five days after the date that 98974
the appeal is filed. If the director denies an appeal, the 98975
county's fiscal agent shall repay the amount of the unauthorized 98976
expenditures from the county general revenue fund to the state's 98977
general revenue fund within thirty days after receiving the 98978
director's notification of the appeal decision. 98979

(C) The determination of which county a reduction of the care 98980
and custody allocation will be charged against for a particular 98981
youth shall be made as outlined below for all youths who do not 98982
qualify as public safety beds. The determination of which county a 98983
reduction of the care and custody allocation will be charged 98984
against shall be made as follows until each youth is released: 98985
98986

(1) In the event of a commitment, the reduction shall be 98987
charged against the committing county. 98988

(2) In the event of a recommitment, the reduction shall be 98989
charged against the original committing county until the 98990
expiration of the minimum period of institutionalization under the 98991
original order of commitment or until the date on which the youth 98992
is admitted to the department of youth services pursuant to the 98993
order of recommitment, whichever is later. Reductions of the 98994
allocation shall be charged against the county that recommitted 98995

the youth after the minimum expiration date of the original 98996
commitment. 98997

(3) In the event of a revocation of a release on parole, the 98998
reduction shall be charged against the county that revokes the 98999
youth's parole. 99000

(D) A juvenile court is not precluded by its allocation 99001
amount for the care and custody of felony delinquents from 99002
committing a felony delinquent to the department of youth services 99003
for care and custody in an institution or a community corrections 99004
facility when the juvenile court determines that the commitment is 99005
appropriate. 99006

Sec. 5155.38. As used in this section, "long-term care bed" 99007
has the same meaning as in section 3702.51 of the Revised Code. 99008

The operator of each county home and each county nursing home 99009
shall, not later than November 1, 2009, certify to the director of 99010
health the number of long-term care beds that were in operation in 99011
the home on July 1, 1993. The certification shall be accompanied 99012
by any documentation requested by the director. 99013

Sec. 5501.04. The following divisions are hereby established 99014
in the department of transportation: 99015

(A) The division of business services; 99016

(B) The division of engineering policy; 99017

(C) The division of finance; 99018

(D) The division of human resources; 99019

(E) The division of information technology; 99020

(F) The division of multi-modal planning and programs; 99021

(G) The division of project management; 99022

(H) The division of equal opportunity. 99023

The director of transportation shall distribute the duties, 99024
powers, and functions of the department among the divisions of the 99025
department. 99026

Each division shall be headed by a deputy director, whose 99027
title shall be designated by the director, and shall include those 99028
other officers and employees as may be necessary to carry out the 99029
work of the division. The director shall appoint the deputy 99030
director of each division, who shall be in the unclassified civil 99031
service of the state and shall serve at the pleasure of the 99032
director. The director shall supervise the work of each division 99033
and shall be responsible for the determination of general policies 99034
in the performance of the duties, powers, and functions of the 99035
department and of each division. The director shall have complete 99036
executive charge of the department, shall be responsible for the 99037
organization, direction, and supervision of the work of the 99038
department and the performance of the duties, powers, and 99039
functions assigned to each division, and may establish necessary 99040
administrative units therein. The deputy director of each 99041
division, with the approval of the director and subject to Chapter 99042
124. of the Revised Code, shall appoint the necessary employees of 99043
the division and may remove such employees for cause. 99044

The division of equal opportunity shall ensure that minority 99045
groups and all groups protected by state and federal civil rights 99046
laws are afforded equal opportunity to be recruited, trained, and 99047
work in the employment of or on projects of the department of 99048
transportation, and to participate in contracts awarded by the 99049
department. The director of transportation each year shall report 99050
to the governor and the general assembly on the division's 99051
activities and accomplishments. 99052

Sec. 5502.01. (A) The department of public safety shall 99053
administer and enforce the laws relating to the registration, 99054

licensing, sale, and operation of motor vehicles and the laws 99055
pertaining to the licensing of drivers of motor vehicles. 99056

The department shall compile, analyze, and publish statistics 99057
relative to motor vehicle accidents and the causes of them, 99058
prepare and conduct educational programs for the purpose of 99059
promoting safety in the operation of motor vehicles on the 99060
highways, and conduct research and studies for the purpose of 99061
promoting safety on the highways of this state. 99062

(B) The department shall administer the laws and rules 99063
relative to trauma and emergency medical services specified in 99064
Chapter 4765. of the Revised Code. 99065

(C) The department shall administer and enforce the laws 99066
contained in Chapters 4301. and 4303. of the Revised Code and 99067
enforce the rules and orders of the liquor control commission 99068
pertaining to retail liquor permit holders. 99069

(D) The department shall administer the laws governing the 99070
state emergency management agency and shall enforce all additional 99071
duties and responsibilities as prescribed in the Revised Code 99072
related to emergency management services. 99073

(E) The department shall conduct investigations pursuant to 99074
Chapter 5101. of the Revised Code in support of the duty of the 99075
department of job and family services to administer ~~food stamp~~ 99076
~~programs~~ the supplemental nutrition assistance program throughout 99077
this state. The department of public safety shall conduct 99078
investigations necessary to protect the state's property rights 99079
and interests in the ~~food stamp~~ supplemental nutrition assistance 99080
program. 99081

(F) The department of public safety shall enforce compliance 99082
with orders and rules of the public utilities commission and 99083
applicable laws in accordance with Chapters 4919., 4921., and 99084
4923. of the Revised Code regarding commercial motor vehicle 99085

transportation safety, economic, and hazardous materials 99086
requirements. 99087

(G) Notwithstanding Chapter 4117. of the Revised Code, the 99088
department of public safety may establish requirements for its 99089
enforcement personnel, including its enforcement agents described 99090
in section 5502.14 of the Revised Code, that include standards of 99091
conduct, work rules and procedures, and criteria for eligibility 99092
as law enforcement personnel. 99093

(H) The department shall administer, maintain, and operate 99094
the Ohio criminal justice network. The Ohio criminal justice 99095
network shall be a computer network that supports state and local 99096
criminal justice activities. The network shall be an electronic 99097
repository for various data, which may include arrest warrants, 99098
notices of persons wanted by law enforcement agencies, criminal 99099
records, prison inmate records, stolen vehicle records, vehicle 99100
operator's licenses, and vehicle registrations and titles. 99101

(I) The department shall coordinate all homeland security 99102
activities of all state agencies and shall be a liaison between 99103
state agencies and local entities for those activities and related 99104
purposes. 99105

(J) Beginning July 1, 2004, the department shall administer 99106
and enforce the laws relative to private investigators and 99107
security service providers specified in Chapter 4749. of the 99108
Revised Code. 99109

(K) The department shall administer criminal justice services 99110
in accordance with sections 5502.61 to 5502.66 of the Revised 99111
Code. 99112

Sec. 5502.12. The accident reports submitted pursuant to 99113
section 5502.11 of the Revised Code shall be for the use of the 99114
director of public safety for purposes of statistical, safety, and 99115

other studies. The law enforcement agency that submitted a report 99116
shall furnish a copy of such report and associated documents to 99117
any person claiming an interest arising out of a motor vehicle 99118
accident, or to the person's attorney, upon the payment of a 99119
nonrefundable fee ~~that shall not exceed~~ of four dollars. With 99120
respect to accidents investigated by the state highway patrol, the 99121
director of public safety shall furnish to such person all related 99122
reports and statements upon the payment of a nonrefundable fee of 99123
four dollars. The cost of photographs or any other electronic 99124
format shall be a four-dollar fee in addition to the nonrefundable 99125
four-dollar fee for the accident report, whether the report was 99126
submitted by the state highway patrol or another law enforcement 99127
agency. 99128

Such state highway patrol reports, statements, and 99129
photographs, in the discretion of the director of public safety, 99130
may be withheld until all criminal prosecution has been concluded; 99131
the director of public safety may require proof, satisfactory to 99132
the director, of the right of any applicant to be furnished such 99133
documents. 99134

Sec. 5502.14. (A) As used in this section, "felony" has the 99135
same meaning as in section 109.511 of the Revised Code. 99136

(B)(1) Any person who is employed by the department of public 99137
safety and designated by the director of public safety to enforce 99138
Title XLIII of the Revised Code, the rules adopted under it, and 99139
the laws and rules regulating the use of ~~food stamps~~ supplemental 99140
nutrition assistance program benefits shall be known as an 99141
enforcement agent. The employment by the department of public 99142
safety and the designation by the director of public safety of a 99143
person as an enforcement agent shall be subject to division (D) of 99144
this section. An enforcement agent has the authority vested in 99145
peace officers pursuant to section 2935.03 of the Revised Code to 99146

keep the peace, to enforce all applicable laws and rules on any 99147
retail liquor permit premises, or on any other premises of public 99148
or private property, where a violation of Title XLIII of the 99149
Revised Code or any rule adopted under it is occurring, and to 99150
enforce all laws and rules governing the use of ~~food stamp coupons~~ 99151
supplemental nutrition assistance program benefits, women, 99152
infants, and children's coupons, electronically transferred 99153
benefits, or any other access device that is used alone or in 99154
conjunction with another access device to obtain payments, 99155
allotments, benefits, money, goods, or other things of value, or 99156
that can be used to initiate a transfer of funds, pursuant to the 99157
~~food stamp~~ supplemental nutrition assistance program established 99158
under the "~~Food Stamp and Nutrition~~ Act of 1977," ~~91 Stat. 958,~~ 99159
2008 (7 U.S.C.A. 2011, as amended, et seq.) or any supplemental 99160
food program administered by any department of this state pursuant 99161
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 99162
1786. Enforcement agents, in enforcing compliance with the laws 99163
and rules described in this division, may keep the peace and make 99164
arrests for violations of those laws and rules. 99165

(2) In addition to the authority conferred by division (B)(1) 99166
of this section, an enforcement agent also may execute search 99167
warrants and seize and take into custody any contraband, as 99168
defined in section 2901.01 of the Revised Code, or any property 99169
that is otherwise necessary for evidentiary purposes related to 99170
any violations of the laws or rules described in division (B)(1) 99171
of this section. An enforcement agent may enter public or private 99172
premises where activity alleged to violate the laws or rules 99173
described in division (B)(1) of this section is occurring. 99174

(3) Enforcement agents who are on, immediately adjacent to, 99175
or across from retail liquor permit premises and who are 99176
performing investigative duties relating to that premises, 99177
enforcement agents who are on premises that are not liquor permit 99178

premises but on which a violation of Title XLIII of the Revised 99179
Code or any rule adopted under it allegedly is occurring, and 99180
enforcement agents who view a suspected violation of Title XLIII 99181
of the Revised Code, of a rule adopted under it, or of another law 99182
or rule described in division (B)(1) of this section have the 99183
authority to enforce the laws and rules described in division 99184
(B)(1) of this section, authority to enforce any section in Title 99185
XXIX of the Revised Code or any other section of the Revised Code 99186
listed in section 5502.13 of the Revised Code if they witness a 99187
violation of the section under any of the circumstances described 99188
in this division, and authority to make arrests for violations of 99189
the laws and rules described in division (B)(1) of this section 99190
and violations of any of those sections. 99191

(4) The jurisdiction of an enforcement agent under division 99192
(B) of this section shall be concurrent with that of the peace 99193
officers of the county, township, or municipal corporation in 99194
which the violation occurs. 99195

(C) Enforcement agents of the department of public safety who 99196
are engaged in the enforcement of the laws and rules described in 99197
division (B)(1) of this section may carry concealed weapons when 99198
conducting undercover investigations pursuant to their authority 99199
as law enforcement officers and while acting within the scope of 99200
their authority pursuant to this chapter. 99201

(D)(1) The department of public safety shall not employ, and 99202
the director of public safety shall not designate, a person as an 99203
enforcement agent on a permanent basis, on a temporary basis, for 99204
a probationary term, or on other than a permanent basis if the 99205
person previously has been convicted of or has pleaded guilty to a 99206
felony. 99207

(2)(a) The department of public safety shall terminate the 99208
employment of a person who is designated as an enforcement agent 99209
and who does either of the following: 99210

(i) Pleads guilty to a felony; 99211

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 99212
plea agreement as provided in division (D) of section 2929.43 of 99213
the Revised Code in which the enforcement agent agrees to 99214
surrender the certificate awarded to that agent under section 99215
109.77 of the Revised Code. 99216

(b) The department shall suspend the employment of a person 99217
who is designated as an enforcement agent if the person is 99218
convicted, after trial, of a felony. If the enforcement agent 99219
files an appeal from that conviction and the conviction is upheld 99220
by the highest court to which the appeal is taken or if no timely 99221
appeal is filed, the department shall terminate the employment of 99222
that agent. If the enforcement agent files an appeal that results 99223
in that agent's acquittal of the felony or conviction of a 99224
misdemeanor, or in the dismissal of the felony charge against the 99225
agent, the department shall reinstate the agent. An enforcement 99226
agent who is reinstated under division (D)(2)(b) of this section 99227
shall not receive any back pay unless the conviction of that agent 99228
of the felony was reversed on appeal, or the felony charge was 99229
dismissed, because the court found insufficient evidence to 99230
convict the agent of the felony. 99231

(3) Division (D) of this section does not apply regarding an 99232
offense that was committed prior to January 1, 1997. 99233

(4) The suspension or termination of the employment of a 99234
person designated as an enforcement agent under division (D)(2) of 99235
this section shall be in accordance with Chapter 119. of the 99236
Revised Code. 99237

Sec. 5502.15. Any funding provided or made available by the 99238
United States or by any agency designated and authorized by the 99239
United States government for the purposes of enforcing compliance 99240
with ~~food stamp~~ supplemental nutrition assistance program laws 99241

shall be expended by the department of public safety for those 99242
purposes. 99243

Sec. 5505.15. (A)(1) A member of the state highway patrol 99244
retirement system shall contribute ten per cent of the member's 99245
annual salary to the state highway patrol retirement fund. The 99246
amount shall be deducted by the employer from the employee's 99247
salary for each payroll period. 99248

(2) The total contributions arising from deductions made 99249
prior to January 1, 1966, from the salaries of members in the 99250
employ of the state highway patrol and standing to the credit of 99251
their individual accounts in the retirement fund shall be 99252
transferred and credited to their respective individual accounts 99253
in the employees' savings fund. 99254

(B) The state shall annually pay into the employer 99255
accumulation fund, in monthly or less frequent installments as the 99256
state highway patrol retirement board requires, ~~an amount that~~ 99257
~~shall be a certain percentage of the total salaries paid~~ 99258
~~contributing members and shall be known as the "employer~~ 99259
~~contribution."~~ The employer contribution shall be an amount equal 99260
to twenty-six and one-half per cent of the total salaries paid 99261
contributing members. If a member severs connection with the 99262
patrol or is dismissed, the employer contribution shall remain in 99263
the retirement system. 99264

The rate percentage of the employer contribution shall be 99265
certified by the board to the director of budget and management 99266
and shall not be lower than nine per cent of the total salaries 99267
paid contributing members and shall not exceed three times the 99268
rate percentage being deducted from the annual salaries of 99269
contributing members. The board shall prepare and submit to the 99270
director, on or before the first day of November of each 99271
even-numbered year, an estimate of the amounts necessary to pay 99272

the state's obligations accruing during the biennium beginning the 99273
first day of July of the following year. Such amounts shall be 99274
included in the budget and allocated as certified by the board. 99275

Sec. 5505.152. (A) As used in this section, "entry age normal 99276
actuarial cost method" means an actuarial cost method under which 99277
the actuarial present value of the projected benefits of each 99278
individual included in the valuation is allocated on a level basis 99279
over the earnings or service of the individual between the entry 99280
age and the assumed exit age, with the portion of the actuarial 99281
present value that is allocated to the valuation year to be the 99282
normal cost and the portion of the actuarial present value not 99283
provided for at the valuation date by the actuarial present value 99284
of future normal costs to be the actuarial accrued liability. 99285
Under this method, the actuarial gains or losses are reflected as 99286
they occur in a decrease or increase in the unfunded actuarial 99287
accrued liability. 99288

(B) The Ohio retirement study council shall annually review 99289
the adequacy of the contribution rates provided under divisions 99290
(A) and (B) of section 5505.15 of the Revised Code and the 99291
contribution rates recommended in a report by the actuary of the 99292
state highway patrol retirement system for the forthcoming year. 99293

The actuarial calculations used by the actuary shall be based 99294
on the entry age normal actuarial cost method, and the adequacy of 99295
the contribution rates shall be reported on the basis of that 99296
method. The Ohio retirement study council shall make 99297
recommendations to the general assembly that it finds necessary 99298
for the proper financing of the benefits of the state highway 99299
patrol retirement system. 99300

Sec. 5701.11. The effective date to which this section refers 99301
is the effective date of this section as amended by ~~Sub.~~ H.B. 458 99302

1 of the ~~127th~~ 128th general assembly. 99303

(A)(1) Except as provided under division (A)(2) or (B) of 99304
this section, any reference in Title LVII of the Revised Code to 99305
the Internal Revenue Code, to the Internal Revenue Code "as 99306
amended," to other laws of the United States, or to other laws of 99307
the United States, "as amended," means the Internal Revenue Code 99308
or other laws of the United States as they exist on the effective 99309
date. 99310

(2) This section does not apply to any reference in Title 99311
LVII of the Revised Code to the Internal Revenue Code as of a date 99312
certain specifying the day, month, and year, or to other laws of 99313
the United States as of a date certain specifying the day, month, 99314
and year. 99315

(B)(1) For purposes of applying section 5733.04, 5745.01, or 99316
5747.01 of the Revised Code to a taxpayer's taxable year ending 99317
after December ~~21, 2007~~ 30, 2008, and before the effective date, a 99318
taxpayer may irrevocably elect to incorporate the provisions of 99319
the Internal Revenue Code or other laws of the United States that 99320
are in effect for federal income tax purposes for that taxable 99321
year if those provisions differ from the provisions that, under 99322
division (A) of this section, would otherwise apply. The filing by 99323
the taxpayer for that taxable year of a report or return that 99324
incorporates the provisions of the Internal Revenue Code or other 99325
laws of the United States applicable for federal income tax 99326
purposes for that taxable year, and that does not include any 99327
adjustments to reverse the effects of any differences between 99328
those provisions and the provisions that would otherwise apply, 99329
constitutes the making of an irrevocable election under this 99330
division for that taxable year. 99331

(2) Elections under prior versions of division (B)(1) of this 99332
section remain in effect for the taxable years to which they 99333

apply. 99334

Sec. 5703.05. All powers, duties, and functions of the 99335
department of taxation are vested in and shall be performed by the 99336
tax commissioner, which powers, duties, and functions shall 99337
include, but shall not be limited to, the following: 99338

(A) Prescribing all blank forms which the department is 99339
authorized to prescribe, and to provide such forms and distribute 99340
the same as required by law and the rules of the department. The 99341
tax commissioner shall include a mail-in registration form 99342
prescribed in section 3503.14 of the Revised Code within the 99343
return and instructions for the tax levied in odd-numbered years 99344
under section 5747.02 of the Revised Code, beginning with the tax 99345
levied for 1995. The secretary of state shall bear all costs for 99346
the inclusion of the mail-in registration form. That form shall be 99347
addressed for return to the office of the secretary of state. 99348

(B) Exercising the authority provided by law, including 99349
orders from bankruptcy courts, relative to remitting or refunding 99350
taxes or assessments, including penalties and interest thereon, 99351
illegally or erroneously assessed or collected, or for any other 99352
reason overpaid, and in addition, the commissioner may on written 99353
application of any person, firm, or corporation claiming to have 99354
overpaid to the treasurer of state at any time within five years 99355
prior to the making of such application any tax payable under any 99356
law which the department of taxation is required to administer 99357
which does not contain any provision for refund, or on the 99358
commissioner's own motion investigate the facts and make in 99359
triplicate a written statement of the commissioner's findings, 99360
and, if the commissioner finds that there has been an overpayment, 99361
issue in triplicate a certificate of abatement payable to the 99362
taxpayer, the taxpayer's assigns, or legal representative which 99363
shows the amount of the overpayment and the kind of tax overpaid. 99364

One copy of such statement shall be entered on the journal of the commissioner, one shall be certified to the attorney general, and one certified copy shall be delivered to the taxpayer. All copies of the certificate of abatement shall be transmitted to the attorney general, and if the attorney general finds it to be correct the attorney general shall so certify on each copy, and deliver one copy to the taxpayer, one copy to the commissioner, and the third copy to the treasurer of state. Except as provided in sections 5725.08 and 5725.16 of the Revised Code the taxpayer's copy of any certificates of abatement may be tendered by the payee or transferee thereof to the treasurer of state as payment, to the extent of the amount thereof, of any tax payable to the treasurer of state.

(C) Exercising the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(D) Exercising the authority provided by law relative to the use of alternative tax bases by taxpayers in the making of personal property tax returns;

(E) Exercising the authority provided by law relative to authorizing the prepayment of taxes on retail sales of tangible personal property or on the storage, use, or consumption of personal property, and waiving the collection of such taxes from the consumers;

(F) Exercising the authority provided by law to revoke licenses;

(G) Maintaining a continuous study of the practical operation of all taxation and revenue laws of the state, the manner in which and extent to which such laws provide revenues for the support of the state and its political subdivisions, the probable effect upon such revenue of possible changes in existing laws, and the possible enactment of measures providing for other forms of

taxation. For this purpose the commissioner may establish and 99396
maintain a division of research and statistics, ~~and may appoint~~ 99397
~~necessary employees who shall be in the unclassified civil~~ 99398
~~service; the.~~ The results of such study shall be available to the 99399
members of the general assembly and the public. 99400

(H) Making all tax assessments, valuations, findings, 99401
determinations, computations, and orders the department of 99402
taxation is by law authorized and required to make and, pursuant 99403
to time limitations provided by law, on the commissioner's own 99404
motion, reviewing, redetermining, or correcting any tax 99405
assessments, valuations, findings, determinations, computations, 99406
or orders the commissioner has made, but the commissioner shall 99407
not review, redetermine, or correct any tax assessment, valuation, 99408
finding, determination, computation, or order which the 99409
commissioner has made as to which an appeal or application for 99410
rehearing, review, redetermination, or correction has been filed 99411
with the board of tax appeals, unless such appeal or application 99412
is withdrawn by the appellant or applicant or dismissed; 99413

(I) Appointing not more than five deputy tax commissioners, 99414
who, under such regulations as the rules of the department of 99415
taxation prescribe, may act for the commissioner in the 99416
performance of such duties as the commissioner prescribes in the 99417
administration of the laws which the commissioner is authorized 99418
and required to administer, and who shall serve in the 99419
unclassified civil service at the pleasure of the commissioner, 99420
but if a person who holds a position in the classified service is 99421
appointed, it shall not affect the civil service status of such 99422
person. The commissioner may designate not more than two of the 99423
deputy commissioners to act as commissioner in case of the 99424
absence, disability, or recusal of the commissioner or vacancy in 99425
the office of commissioner. The commissioner may adopt rules 99426
relating to the order of precedence of such designated deputy 99427

commissioners and to their assumption and administration of the 99428
office of commissioner. 99429

(J) Appointing and prescribing the duties of all other 99430
employees of the department of taxation necessary in the 99431
performance of the work of the department which the tax 99432
commissioner is by law authorized and required to perform, and 99433
creating such divisions or sections of employees as, in the 99434
commissioner's judgment, is proper; 99435

(K) Organizing the work of the department, which the 99436
commissioner is by law authorized and required to perform, so 99437
that, in the commissioner's judgment, an efficient and economical 99438
administration of the laws will result; 99439

(L) Maintaining a journal, which is open to public 99440
inspection, in which the tax commissioner shall keep a record of 99441
all final determinations of the commissioner; 99442

(M) Adopting and promulgating, in the manner provided by 99443
section 5703.14 of the Revised Code, all rules of the department, 99444
including rules for the administration of sections 3517.16, 99445
3517.17, and 5747.081 of the Revised Code; 99446

(N) Destroying any or all returns or assessment certificates 99447
in the manner authorized by law; 99448

(O) Adopting rules, in accordance with division (B) of 99449
section 325.31 of the Revised Code, governing the expenditure of 99450
moneys from the real estate assessment fund under that division. 99451

Sec. 5703.37. ~~Whenever~~ (A)(1) Except as provided in division 99452
(B) of this section, whenever service of a notice or order is 99453
required in the manner provided in this section, a ~~certified~~ copy 99454
of the ~~order or~~ notice or order shall be served upon the person 99455
affected thereby either by personal service or by certified mail- 99456
~~Within the time specified in an order of the department of~~ 99457

~~taxation, every person upon whom it is served, if required by the order, shall notify the department, by personal service, certified mail, or a delivery service authorized under section 5703.056 of the Revised Code, whether the terms of the order are accepted and will be obeyed that notifies the tax commissioner of the date of delivery.~~

(2) With the permission of the person affected by the notice or order, the commissioner may enter into a written agreement to deliver a notice or order by alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service. An assessment is deemed final for the purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that

the notice or order is served. 99490

(2) If mailing of a notice or order by certified mail is 99491
returned for some cause other than an undeliverable address, the 99492
tax commissioner shall resend the notice or order by ordinary 99493
mail. The notice or order shall show the date the commissioner 99494
sends the notice or order and include the following statement: 99495

"This notice or order is deemed to be served on the addressee 99496
under applicable law ten days from the date this notice or order 99497
was mailed by the commissioner as shown on the notice or order, 99498
and all periods within which an appeal may be filed apply from and 99499
after that date." 99500

Unless the mailing is returned because of an undeliverable 99501
address, the mailing of that information is prima-facie evidence 99502
that delivery of the notice or order was completed ten days after 99503
the commissioner sent the notice or order by ordinary mail and 99504
that the notice or order was served. 99505

If the ordinary mail is subsequently returned because of an 99506
undeliverable address, the commissioner shall proceed under 99507
division (B)(1)(a) of this section. A person may challenge the 99508
presumption of delivery and service under this division in 99509
accordance with division (C) of this section. 99510

(C)(1) A person disputing the presumption of delivery and 99511
service under division (B) of this section bears the burden of 99512
proving by a preponderance of the evidence that the address to 99513
which the notice or order was sent was not an address with which 99514
the person was associated at the time the commissioner originally 99515
mailed the notice or order by certified mail. For the purposes of 99516
this section, a person is associated with an address if the person 99517
was residing or receiving legal documents at the address, or if a 99518
business was conducted at the address either by the person or the 99519
person's agent, or by any other person affiliated with the 99520

business, if the person owned or controlled at least twenty per cent of the business' ownership interests having voting rights. 99521
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(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general must either enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code, or send to the tax commissioner the person's petition for reassessment for action under the procedures prescribed by this title for petitions for reassessment. 99523
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(D) Nothing in this section prohibits the tax commissioner or the commissioner's designee from delivering a notice or order by personal service. 99531
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(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section, but such a claim remains certified for subsequent collection by the attorney general for the purposes of this section and section 131.02 of the Revised Code. 99534
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(F) As used in this section: 99541

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service. 99542
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(2) "Undeliverable address" means an address to which the United States postal service is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order. 99547
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Sec. 5703.80. There is hereby created in the state treasury 99551
the property tax administration fund. All money to the credit of 99552
the fund shall be used to defray the costs incurred by the 99553
department of taxation in administering the taxation of property 99554
and the equalization of real property valuation. 99555

Each fiscal year between the first and fifteenth days of 99556
July, the tax commissioner shall compute the following amounts for 99557
the property in each taxing district in each county, and certify 99558
to the director of budget and management the sum of those amounts 99559
for all taxing districts in all counties: 99560

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two 99561
hundredths of one per cent of the total amount by which taxes 99562
charged against real property on the general tax list of real and 99563
public utility property were reduced under section 319.302 of the 99564
Revised Code for the preceding tax year; 99565

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ 99566
forty-eight hundredths of one per cent of the total amount by 99567
which taxes charged against real property on the general tax list 99568
of real and public utility property were reduced under section 99569
319.302 of the Revised Code for the preceding tax year; 99570

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one 99571
per cent of the total amount of taxes charged and payable against 99572
public utility personal property on the general tax list of real 99573
and public utility property for the preceding tax year and of the 99574
total amount of taxes charged and payable against tangible 99575
personal property on the general tax list of personal property of 99576
the preceding tax year and for which returns were filed with the 99577
tax commissioner under section 5711.13 of the Revised Code; 99578

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ 99579
~~hundredths~~ nine hundred fifty-one thousandths of one per cent of 99580
the total amount of taxes charged and payable against public 99581

utility personal property on the general tax list of real and 99582
public utility property for the preceding tax year and of the 99583
total amount of taxes charged and payable against tangible 99584
personal property on the general tax list of personal property of 99585
the preceding tax year and for which returns were filed with the 99586
tax commissioner under section 5711.13 of the Revised Code; 99587

~~(E) For fiscal year 2008, six tenths of one per cent of the 99588
total amount of taxes charged and payable against public utility 99589
personal property on the general tax list of real and public 99590
utility property for the preceding tax year and of the total 99591
amount of taxes charged and payable against tangible personal 99592
property on the general tax list of personal property of the 99593
preceding tax year and for which returns were filed with the tax 99594
commissioner under section 5711.13 of the Revised Code; 99595~~

~~(F) For fiscal year 2009 and thereafter, seven hundred 99596
twenty five one thousandths of one per cent of the total amount of 99597
taxes charged and payable against public utility personal property 99598
on the general tax list of real and public utility property for 99599
the preceding tax year and of the total amount of taxes charged 99600
and payable against tangible personal property on the general tax 99601
list of personal property of the preceding tax year and for which 99602
returns were filed with the tax commissioner under section 5711.13 99603
of the Revised Code. 99604~~

After receiving the tax commissioner's certification, the 99605
director of budget and management shall transfer from the general 99606
revenue fund to the property tax administration fund one-fourth of 99607
the amount certified on or before each of the following days: the 99608
first days of August, November, February, and May. 99609

On or before the thirtieth day of June of the fiscal year, 99610
the tax commissioner shall certify to the director of budget and 99611
management the sum of the amounts by which the amounts computed 99612
for a taxing district under this section exceeded the 99613

distributions to the taxing district under division (F) of section 99614
321.24 of the Revised Code, and the director shall transfer that 99615
sum from the property tax administration fund to the general 99616
revenue fund. 99617

Sec. 5705.214. Not more than three elections during any 99618
calendar year shall include the questions by a school district of 99619
tax levies proposed under any one or any combination of the 99620
following sections: sections 5705.194, 5705.199, 5705.21, 99621
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 99622
Revised Code. 99623

Sec. 5705.219. (A) As used in this section: 99624

(1) "Eligible school district" means a city, local, or 99625
exempted village school district in which the taxes charged and 99626
payable for current expenses on residential/agricultural real 99627
property in the tax year preceding the year in which the levy 99628
authorized by this section will be submitted for elector approval 99629
or rejection are greater than two per cent of the taxable value of 99630
the residential/agricultural real property. 99631

(2) "Residential/agricultural real property" and 99632
"nonresidential/agricultural real property" means the property 99633
classified as such under section 5713.041 of the Revised Code. 99634

(3) "Effective tax rate" and "taxes charged and payable" have 99635
the same meanings as in division (B) of section 319.301 of the 99636
Revised Code. 99637

(B) On or after January 1, 2010, but before January 1, 2015, 99638
the board of education of an eligible school district, by a vote 99639
of two-thirds of all its members, may adopt a resolution proposing 99640
to convert existing levies imposed for the purpose of current 99641
expenses into a levy raising a specified amount of tax money by 99642
repealing all or a portion of one or more of those existing levies 99643

and imposing a levy in excess of the ten-mill limitation that will 99644
raise a specified amount of money for current expenses of the 99645
district. 99646

The board of education shall certify a copy of the resolution 99647
to the tax commissioner not later than ninety days before the 99648
election upon which the repeal and levy authorized by this section 99649
will be proposed to the electors. Within ten days after receiving 99650
the copy of the resolution, the tax commissioner shall determine 99651
each of the following and certify the determinations to the board 99652
of education: 99653

(1) The dollar amount to be raised by the proposed levy, 99654
which shall be the product of: 99655

(a) The difference between the aggregate effective tax rate 99656
for residential/agricultural real property for the tax year 99657
preceding the year in which the repeal and levy will be proposed 99658
to the electors and twenty mills per dollar of taxable value; 99659

(b) The total taxable value of all property on the tax list 99660
of real and public utility property for the tax year preceding the 99661
year in which the repeal and levy will be proposed to the 99662
electors. 99663

(2) The estimated tax rate of the proposed levy. 99664

(3) The existing levies and any portion of an existing levy 99665
to be repealed upon approval of the question. Levies shall be 99666
repealed in reverse chronological order from most recently imposed 99667
to least recently imposed until the sum of the effective tax rates 99668
repealed for residential/agricultural real property is equal to 99669
the difference calculated in division (B)(1)(a) of this section. 99670

(4) The sum of the following: 99671

(a) The total taxable value of nonresidential/agricultural 99672
real property for the tax year preceding the year in which the 99673

repeal and levy will be proposed to the electors multiplied by the 99674
difference between (i) the aggregate effective tax rate for 99675
nonresidential/agricultural real property for the existing levies 99676
and any portion of an existing levy to be repealed and (ii) the 99677
amount determined under division (B)(1)(a) of this section, but 99678
not less than zero; 99679

(b) The total taxable value of public utility tangible 99680
personal property for the tax year preceding the year in which the 99681
repeal and levy will be proposed to the electors multiplied by the 99682
difference between (i) the aggregate voted tax rate for the 99683
existing levies and any portion of an existing levy to be repealed 99684
and (ii) the amount determined under division (B)(1)(a) of this 99685
section, but not less than zero. 99686

(C) Upon receipt of the certification from the tax 99687
commissioner under division (B) of this section, a majority of the 99688
members of the board of education may adopt a resolution proposing 99689
the repeal of the existing levies as identified in the 99690
certification and the imposition of a levy in excess of the 99691
ten-mill limitation that will raise annually the amount certified 99692
by the commissioner. If the board determines that the tax should 99693
be for an amount less than that certified by the commissioner, the 99694
board, before January 1, 2015, may request that the commissioner 99695
redetermine the rate under division (B)(2) of this section on the 99696
basis of the lesser amount the levy is to raise as specified by 99697
the board. The amount certified under division (B)(4) and the 99698
levies to be repealed as certified under division (B)(3) of this 99699
section shall not be redetermined. Within ten days after receiving 99700
a timely request specifying the lesser amount to be raised by the 99701
levy, the commissioner shall redetermine the rate and recertify it 99702
to the board as otherwise provided in division (B) of this 99703
section. Only one such request may be made by the board of 99704
education of an eligible school district. 99705

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code. No publication of the resolution is necessary other than that provided for in the notice of election. Section 5705.196 of the Revised Code shall govern the matters concerning the election. The submission of a question to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) The form of the ballot to be used at the election provided for in this section shall be as follows:

"Shall the existing levy of . . . (insert the voted millage rate of the levy to be repealed), currently being charged against residential and agricultural property by the . . . (insert the name of school district) at a rate of . . . (insert the residential/agricultural real property effective tax rate of the levy being repealed) for the purpose of . . . (insert the purpose of the existing levy) be repealed, and shall a levy be imposed by the . . . (insert the name of school district) in excess of the ten-mill limitation for the necessary requirements of the school district in the sum of . . . (insert the annual amount the levy is to produce), estimated by the tax commissioner to require . . . (insert the number of mills) mills for each one dollar of valuation, which amounts to . . . (insert the rate expressed in

dollars and cents) for each one hundred dollars of valuation for 99738
the initial year of the tax, for a period of . . . (insert the 99739
number of years the levy is to be imposed, or that it will be 99740
levied for a continuing period of time), commencing in . . . 99741
(insert the first year the tax is to be levied), first due in 99742
calendar year . . . (insert the first calendar year in which the 99743
tax shall be due)? 99744

	FOR THE REPEAL AND TAX	
	AGAINST THE REPEAL AND TAX	"

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If the question submitted is a proposal to repeal all or a 99749
portion of more than one existing levy, the form of the ballot 99750
shall be modified by substituting the statement "shall the 99751
existing levy of" with "shall existing levies of" and inserting 99752
the aggregate voted and aggregate effective tax rates to be 99753
repealed. 99754

(E) If a majority of the electors voting on the question 99755
submitted in an election vote in favor of the repeal and levy, the 99756
result shall be certified immediately after the canvass by the 99757
board of elections to the board of education. The board of 99758
education may make the levy necessary to raise the amount 99759
specified in the resolution for the purpose stated in the 99760
resolution and shall certify it to the county auditor, who shall 99761
extend it on the current year tax lists for collection. After the 99762
first year, the levy shall be included in the annual tax budget 99763
that is certified to the county budget commission. 99764

(F) A levy imposed under this section for a continuing period 99765
of time may be decreased or repealed pursuant to section 5705.261 99766
of the Revised Code. If a levy imposed under this section is 99767
decreased, the amount calculated under division (B)(4) of this 99768

section and paid under section 5705.2110 of the Revised Code shall 99769
be decreased by the same proportion as the levy is decreased. If 99770
the levy is repealed, no further payments shall be made to the 99771
district under that section. 99772

(G) At any time, the board of education, by a vote of 99773
two-thirds of all of its members, may adopt a resolution to renew 99774
a tax levied under this section. The resolution shall provide for 99775
levying the tax and specifically all of the following: 99776

(1) That the tax shall be called, and designated on the 99777
ballot as, a renewal levy; 99778

(2) The amount of the renewal tax, which shall be no more 99779
than the amount of tax previously collected; 99780

(3) The number of years, not to exceed ten, that the renewal 99781
tax will be levied, or that it will be levied for a continuing 99782
period of time; 99783

(4) That the purpose of the renewal tax is for current 99784
expenses. 99785

(H) The form of the ballot to be used at the election on the 99786
question of renewing a levy under this section shall be as 99787
follows: 99788

"Shall a tax levy renewing an existing levy of . . . (insert 99789
the annual dollar amount the levy is to produce each year), 99790
estimated to require . . . (insert the number of mills) mills for 99791
each one dollar of valuation be imposed by the . . . (insert the 99792
name of school district) for the purpose of current expenses for a 99793
period of . . . (insert the number of years the levy is to be 99794
imposed, or that it will be levied for a continuing period of 99795
time), commencing in . . . (insert the first year the tax is to be 99796
levied), first due in calendar year . . . (insert the first 99797
calendar year in which the tax shall be due)? 99798

	<u>FOR THE RENEWAL OF THE TAX</u>	
	<u>LEVY</u>	
	<u>AGAINST THE RENEWAL OF THE</u>	"
	<u>TAX LEVY</u>	

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If the levy submitted is to be for less than the amount of
money previously collected, the form of the ballot shall be
modified to add "and reducing" after "renewing" and to add before
"estimated to require" the statement "be approved at a tax rate
necessary to produce . . . (insert the lower annual dollar amount
the levy is to produce each year)."

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Sec. 5705.2110. (A) For purposes of this section:

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(1) "Carryover property" has the same meaning as in section
319.301 of the Revised Code.

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(2) "Residential/agricultural real property" has the same
meaning as in section 5705.219 of the Revised Code.

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(B) For each city, local, or exempted village school district
in which the tax authorized by section 5705.219 of the Revised
Code has been approved by electors in the preceding year, the tax
commissioner, not later than the twenty-eighth day of February,
shall certify to the department of education the amount determined
in division (B)(4) of section 5705.219 of the Revised Code. Not
later than the twenty-eighth day of February of each year
thereafter for twelve years, the commissioner shall certify an
amount equal to the difference between the amount certified in the
preceding year under this division and the product of ten mills
per dollar multiplied by the excess, if any, of the value of
carryover property for residential/agricultural real property for
the preceding tax year over the value of carryover property for

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residential/agricultural real property in the second preceding tax 99827
year. If the amount to be certified in any year is zero, in the 99828
commissioner's certification the commissioner shall state that no 99829
further certifications shall be forthcoming. 99830

(C) Not later than the last day of April and of October 99831
beginning in the first year in which a certification under 99832
division (B) of this section is received, the department of 99833
education shall pay to the school district for which the 99834
certification is made one-half of the amount most recently 99835
certified by the tax commissioner. 99836

Sec. 5705.29. This section does not apply to a subdivision or 99837
taxing unit for which the county budget commission has waived the 99838
requirement to adopt a tax budget pursuant to section 5705.281 of 99839
the Revised Code. The tax budget shall present the following 99840
information in such detail as is prescribed by the auditor of 99841
state: 99842

(A)(1) A statement of the necessary current operating 99843
expenses for the ensuing fiscal year for each department and 99844
division of the subdivision, classified as to personal services 99845
and other expenses, and the fund from which such expenditures are 99846
to be made. Except in the case of a school district, this estimate 99847
may include a contingent expense not designated for any particular 99848
purpose, and not to exceed three per cent of the total amount of 99849
appropriations for current expenses. In the case of a school 99850
district, this estimate may include a contingent expense not 99851
designated for any particular purpose and not to exceed thirteen 99852
per cent of the total amount of appropriations for current 99853
expenses. 99854

(2) A statement of the expenditures for the ensuing fiscal 99855
year necessary for permanent improvements, exclusive of any 99856
expense to be paid from bond issues, classified as to the 99857

improvements contemplated by the subdivision and the fund from 99858
which such expenditures are to be made; 99859

(3) The amounts required for the payment of final judgments; 99860

(4) A statement of expenditures for the ensuing fiscal year 99861
necessary for any purpose for which a special levy is authorized, 99862
and the fund from which such expenditures are to be made; 99863

(5) Comparative statements, so far as possible, in parallel 99864
columns of corresponding items of expenditures for the current 99865
fiscal year and the two preceding fiscal years. 99866

(B)(1) An estimate of receipts from other sources than the 99867
general property tax during the ensuing fiscal year, which shall 99868
include an estimate of unencumbered balances at the end of the 99869
current fiscal year, and the funds to which such estimated 99870
receipts are credited; 99871

(2) The amount each fund requires from the general property 99872
tax, which shall be the difference between the contemplated 99873
expenditure from the fund and the estimated receipts, as provided 99874
in this section. The section of the Revised Code under which the 99875
tax is authorized shall be set forth. 99876

(3) Comparative statements, so far as possible, in parallel 99877
columns of taxes and other revenues for the current fiscal year 99878
and the two preceding fiscal years. 99879

(C)(1) The amount required for debt charges; 99880

(2) The estimated receipts from sources other than the tax 99881
levy for payment of such debt charges, including the proceeds of 99882
refunding bonds to be issued to refund bonds maturing in the next 99883
succeeding fiscal year; 99884

(3) The net amount for which a tax levy shall be made, 99885
classified as to bonds authorized and issued prior to January 1, 99886
1922, and those authorized and issued subsequent to such date, and 99887

as to what portion of the levy will be within and what in excess 99888
of the ten-mill limitation. 99889

(D) An estimate of amounts from taxes authorized to be levied 99890
in excess of the ten-mill limitation on the tax rate, and the fund 99891
to which such amounts will be credited, together with the sections 99892
of the Revised Code under which each such tax is exempted from all 99893
limitations on the tax rate. 99894

(E)(1) A board of education may include in its budget for the 99895
fiscal year in which a levy proposed under section 5705.194, 99896
5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or the original levy 99897
under section 5705.212 of the Revised Code is first extended on 99898
the tax list and duplicate an estimate of expenditures to be known 99899
as a voluntary contingency reserve balance, which shall not be 99900
greater than twenty-five per cent of the total amount of the levy 99901
estimated to be available for appropriation in such year. 99902

(2) A board of education may include in its budget for the 99903
fiscal year following the year in which a levy proposed under 99904
section 5705.194, 5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or 99905
the original levy under section 5705.212 of the Revised Code is 99906
first extended on the tax list and duplicate an estimate of 99907
expenditures to be known as a voluntary contingency reserve 99908
balance, which shall not be greater than twenty per cent of the 99909
amount of the levy estimated to be available for appropriation in 99910
such year. 99911

(3) Except as provided in division (E)(4) of this section, 99912
the full amount of any reserve balance the board includes in its 99913
budget shall be retained by the county auditor and county 99914
treasurer out of the first semiannual settlement of taxes until 99915
the beginning of the next succeeding fiscal year, and thereupon, 99916
with the depository interest apportioned thereto, it shall be 99917
turned over to the board of education, to be used for the purposes 99918
of such fiscal year. 99919

(4) A board of education, by a two-thirds vote of all members of the board, may appropriate any amount withheld as a voluntary contingency reserve balance during the fiscal year for any lawful purpose, provided that prior to such appropriation the board of education has authorized the expenditure of all amounts appropriated for contingencies under section 5705.40 of the Revised Code. Upon request by the board of education, the county auditor shall draw a warrant on the district's account in the county treasury payable to the district in the amount requested.

(F)(1) A board of education may include a spending reserve in its budget for fiscal years ending on or before June 30, 2002. The spending reserve shall consist of an estimate of expenditures not to exceed the district's spending reserve balance. A district's spending reserve balance is the amount by which the designated percentage of the district's estimated personal property taxes to be settled during the calendar year in which the fiscal year ends exceeds the estimated amount of personal property taxes to be so settled and received by the district during that fiscal year. Moneys from a spending reserve shall be appropriated in accordance with section 133.301 of the Revised Code.

(2) For the purposes of computing a school district's spending reserve balance for a fiscal year, the designated percentage shall be as follows:

Fiscal year ending in:	Designated percentage	
1998	50%	99944
1999	40%	99945
2000	30%	99946
2001	20%	99947
2002	10%	99948

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance

account. Except as otherwise provided in this division, the county 99952
budget commission shall not consider the amount in a reserve 99953
balance account of a township, county, or municipal corporation as 99954
an unencumbered balance or as revenue for the purposes of division 99955
(E)(3) or (4) of section 5747.51 of the Revised Code. The county 99956
budget commission may require documentation of the reasonableness 99957
of the reserve balance held in any reserve balance account. The 99958
commission shall consider any amount in a reserve balance account 99959
that it determines to be unreasonable as unencumbered and as 99960
revenue for the purposes of section 5747.51 of the Revised Code 99961
and may take such amounts into consideration when determining 99962
whether to reduce the taxing authority of a subdivision. 99963

Sec. 5705.341. Any person required to pay taxes on real, 99964
public utility, or tangible personal property in any taxing 99965
district or other political subdivision of this state may appeal 99966
to the board of tax appeals from the action of the county budget 99967
commission of any county which relates to the fixing of uniform 99968
rates of taxation and the rate necessary to be levied by each 99969
taxing authority within its subdivision or taxing unit and which 99970
action has been certified by the county budget commission to the 99971
taxing authority of any political subdivision or other taxing 99972
district within the county. 99973

Such appeal shall be in writing and shall set forth the tax 99974
rate complained of and the reason that such a tax rate is not 99975
necessary to produce the revenue needed by the taxing district or 99976
political subdivision for the ensuing fiscal year as those needs 99977
are set out in the tax budget of said taxing unit or, if adoption 99978
of a tax budget was waived under section 5705.281 of the Revised 99979
Code, as set out in such other information the district or 99980
subdivision was required to provide under that section, or that 99981
the action of the budget commission appealed from does not 99982
otherwise comply with sections 5705.01 to 5705.47 of the Revised 99983

Code. The notice of appeal shall be filed with the board of tax 99984
appeals, and a true copy thereof shall be filed with the tax 99985
commissioner, the county auditor, and with the fiscal officer of 99986
each taxing district or political subdivision authorized to levy 99987
the tax complained of, and such notice of appeal and copies 99988
thereof must be filed within thirty days after the budget 99989
commission has certified its action as provided by section 5705.34 99990
of the Revised Code. Such notice of appeal and the copies thereof 99991
may be filed either in person or by certified mail. If filed by 99992
certified mail, the date of the United States postmark placed on 99993
the sender's receipt by the postal employee to whom the notice of 99994
appeal is presented shall be treated as the date of filing. 99995

Prior to filing the appeal provided by this section, the 99996
appellant shall deposit with the county auditor of the county or, 99997
in the event the appeal concerns joint taxing districts in two or 99998
more counties, with the county auditor of the county with the 99999
greatest valuation of taxable property the sum of five hundred 100000
dollars to cover the costs of the proceeding. The county auditor 100001
shall forthwith issue a pay-in order and pay such money into the 100002
county treasury to the credit of the general fund. The appellant 100003
shall produce the receipt of the county treasurer for such deposit 100004
and shall file such receipt with the notice of appeal. 100005

The board of tax appeals shall forthwith consider the matter 100006
presented on appeal from the action of the county budget 100007
commission and may modify any action of the commission with 100008
reference to the fixing of tax rates, to the end that no tax rate 100009
shall be levied above that necessary to produce the revenue needed 100010
by the taxing district or political subdivision for the ensuing 100011
fiscal year and to the end that the action of the budget 100012
commission appealed from shall otherwise be in conformity with 100013
sections 5705.01 to 5705.47 of the Revised Code. The findings of 100014
the board of tax appeals shall be substituted for the findings of 100015

the budget commission and shall be ~~certified~~ sent to the county 100016
auditor and the taxing authority of the taxing district or 100017
political subdivision affected as the action of such budget 100018
commission under sections 5705.01 to 5705.47 of the Revised Code 100019
and to the tax commissioner. 100020

The board of tax appeals shall promptly prepare a cost bill 100021
listing the expenses incurred by the board in conducting any 100022
hearing on the appeal and certify the cost bill to the county 100023
auditor of the county receiving the deposit for costs, who shall 100024
forthwith draw a warrant on the general fund of the county in 100025
favor of the person or persons named in the bill of costs 100026
certified by the board of tax appeals. 100027

In the event the appellant prevails, the board of tax appeals 100028
promptly shall direct the county auditor to refund the deposit to 100029
the appellant and the costs shall be taxed to the taxing district 100030
or political subdivision involved in the appeal. The county 100031
auditor shall withhold from any funds then or thereafter in the 100032
auditor's possession belonging to the taxing district or political 100033
subdivision named in the order of the board of tax appeals and 100034
shall reimburse the general fund of the county. 100035

If the appellant fails, the costs shall be deducted from the 100036
deposit provided for in this section and any balance which remains 100037
shall be refunded promptly to the appellant by warrant of the 100038
county auditor drawn on the general fund of the county. 100039

Nothing in this section or any section of the Revised Code 100040
shall permit or require the levying of any rate of taxation, 100041
whether within the ten-mill limitation or whether the levy has 100042
been approved by the electors of the taxing district, the 100043
political subdivision, or the charter of a municipal corporation 100044
in excess of such ten-mill limitation, unless such rate of 100045
taxation for the ensuing fiscal year is clearly required by a 100046
budget of the taxing district or political subdivision properly 100047

and lawfully adopted under this chapter, or by other information 100048
that must be provided under section 5705.281 of the Revised Code 100049
if a tax budget was waived. 100050

In the event more than one appeal is filed involving the same 100051
taxing district or political subdivision, all such appeals may be 100052
consolidated by the board of tax appeals and heard at the same 100053
time. 100054

Nothing herein contained shall be construed to bar or 100055
prohibit the tax commissioner from initiating an investigation or 100056
hearing on the commissioner's own motion. 100057

The tax commissioner shall adopt and issue such orders, 100058
rules, and instructions, not inconsistent with law, as the 100059
commissioner deems necessary, as to the exercise of the powers and 100060
the discharge of the duties of any particular county budget 100061
commission, county auditor, or other officer which relate to the 100062
budget, the assessment of property, or the levy and collection of 100063
taxes. The commissioner shall cause the orders and instructions 100064
issued by the commissioner to be obeyed. 100065

Sec. 5705.37. The taxing authority of any subdivision, or the 100066
board of trustees of any public library, nonprofit corporation, or 100067
library association maintaining a free public library that has 100068
adopted and certified rules under section 5705.28 of the Revised 100069
Code, that is dissatisfied with any action of the county budget 100070
commission may, through its fiscal officer, appeal to the board of 100071
tax appeals within thirty days after the receipt by the 100072
subdivision of the official certificate or notice of the 100073
commission's action. In like manner, but through its clerk, any 100074
park district may appeal to the board of tax appeals. An appeal 100075
under this section shall be taken by the filing of a notice of 100076
appeal, either in person or by certified mail, express mail, or 100077
authorized delivery service as provided in section 5703.056 of the 100078

Revised Code, with the board and with the commission. If notice of appeal is filed by certified mail, express mail, or authorized delivery service, date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. Upon receipt of the notice of appeal, the commission, by certified mail, shall notify all persons who were parties to the proceeding before the commission of the filing of the notice of appeal and shall file proof of notice with the board of tax appeals. The secretary of the commission shall forthwith certify to the board a transcript of the full and accurate record of all proceedings before the commission, together with all evidence presented in the proceedings or considered by the commission, pertaining to the action from which the appeal is taken. The secretary of the commission also shall certify to the board any additional information that the board may request.

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The board of tax appeals, in a de novo proceeding, shall forthwith consider the matter presented to the commission, and may modify any action of the commission with reference to the budget, the estimate of revenues and balances, the allocation of the public library fund, or the fixing of tax rates. The finding of the board of tax appeals shall be substituted for the findings of the commission, and shall be ~~certified~~ sent to the tax commissioner, the county auditor, and the taxing authority of the subdivision affected, or to the board of public library trustees affected, as the action of the commission under sections 5705.01 to 5705.47 of the Revised Code.

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This section does not give the board of tax appeals any authority to place any tax levy authorized by law within the ten-mill limitation outside of that limitation, or to reduce any levy below any minimum fixed by law.

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Sec. 5709.62. (A) In any municipal corporation that is 100111
defined by the United States office of management and budget as a 100112
principal city of a metropolitan statistical area, the legislative 100113
authority of the municipal corporation may designate one or more 100114
areas within its municipal corporation as proposed enterprise 100115
zones. Upon designating an area, the legislative authority shall 100116
petition the director of development for certification of the area 100117
as having the characteristics set forth in division (A)(1) of 100118
section 5709.61 of the Revised Code as amended by Substitute 100119
Senate Bill No. 19 of the 120th general assembly. Except as 100120
otherwise provided in division (E) of this section, on and after 100121
July 1, 1994, legislative authorities shall not enter into 100122
agreements under this section unless the legislative authority has 100123
petitioned the director and the director has certified the zone 100124
under this section as amended by that act; however, all agreements 100125
entered into under this section as it existed prior to July 1, 100126
1994, and the incentives granted under those agreements shall 100127
remain in effect for the period agreed to under those agreements. 100128
Within sixty days after receiving such a petition, the director 100129
shall determine whether the area has the characteristics set forth 100130
in division (A)(1) of section 5709.61 of the Revised Code, and 100131
shall forward the findings to the legislative authority of the 100132
municipal corporation. If the director certifies the area as 100133
having those characteristics, and thereby certifies it as a zone, 100134
the legislative authority may enter into an agreement with an 100135
enterprise under division (C) of this section. 100136

(B) Any enterprise that wishes to enter into an agreement 100137
with a municipal corporation under division (C) of this section 100138
shall submit a proposal to the legislative authority of the 100139
municipal corporation on a form prescribed by the director of 100140
development, together with the application fee established under 100141
section 5709.68 of the Revised Code. The form shall require the 100142

following information: 100143

(1) An estimate of the number of new employees whom the 100144
enterprise intends to hire, or of the number of employees whom the 100145
enterprise intends to retain, within the zone at a facility that 100146
is a project site, and an estimate of the amount of payroll of the 100147
enterprise attributable to these employees; 100148

(2) An estimate of the amount to be invested by the 100149
enterprise to establish, expand, renovate, or occupy a facility, 100150
including investment in new buildings, additions or improvements 100151
to existing buildings, machinery, equipment, furniture, fixtures, 100152
and inventory; 100153

(3) A listing of the enterprise's current investment, if any, 100154
in a facility as of the date of the proposal's submission. 100155

The enterprise shall review and update the listings required 100156
under this division to reflect material changes, and any agreement 100157
entered into under division (C) of this section shall set forth 100158
final estimates and listings as of the time the agreement is 100159
entered into. The legislative authority may, on a separate form 100160
and at any time, require any additional information necessary to 100161
determine whether an enterprise is in compliance with an agreement 100162
and to collect the information required to be reported under 100163
section 5709.68 of the Revised Code. 100164

(C) Upon receipt and investigation of a proposal under 100165
division (B) of this section, if the legislative authority finds 100166
that the enterprise submitting the proposal is qualified by 100167
financial responsibility and business experience to create and 100168
preserve employment opportunities in the zone and improve the 100169
economic climate of the municipal corporation, the legislative 100170
authority, on or before October 15, ~~2009~~ 2010, may do one of the 100171
following: 100172

(1) Enter into an agreement with the enterprise under which 100173

the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the assessed value of tangible personal property first used in business at the project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except that, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the legislative authority;

(c) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.

(2) Enter into an agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the purposes of property taxation to

establish, expand, renovate, or occupy the remediated facility, 100206
and to hire new employees or preserve employment opportunities for 100207
existing employees at the remediated facility, in return for one 100208
or more of the following incentives: 100209

(a) Exemption for a specified number of years, not to exceed 100210
fifteen, of a specified portion, not to exceed fifty per cent, of 100211
the assessed valuation of the real property of the facility prior 100212
to remediation; 100213

(b) Exemption for a specified number of years, not to exceed 100214
fifteen, of a specified portion, not to exceed one hundred per 100215
cent, of the increase in the assessed valuation of the real 100216
property of the facility during or after remediation; 100217

(c) The incentive under division (C)(1)(a) of this section, 100218
except that the percentage of the assessed value of such property 100219
exempted from taxation shall not exceed one hundred per cent; 100220

(d) The incentive under division (C)(1)(c) of this section. 100221

(3) Enter into an agreement with an enterprise that plans to 100222
purchase and operate a large manufacturing facility that has 100223
ceased operation or announced its intention to cease operation, in 100224
return for exemption for a specified number of years, not to 100225
exceed fifteen, of a specified portion, up to one hundred per 100226
cent, of the assessed value of tangible personal property used in 100227
business at the project site as a result of the agreement, or of 100228
the assessed valuation of real property constituting the project 100229
site, or both. 100230

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 100231
section, the portion of the assessed value of tangible personal 100232
property or of the increase in the assessed valuation of real 100233
property exempted from taxation under those divisions may exceed 100234
seventy-five per cent in any year for which that portion is 100235
exempted if the average percentage exempted for all years in which 100236

the agreement is in effect does not exceed sixty per cent, or if 100237
the board of education of the city, local, or exempted village 100238
school district within the territory of which the property is or 100239
will be located approves a percentage in excess of seventy-five 100240
per cent. 100241

(2) Notwithstanding any provision of the Revised Code to the 100242
contrary, the exemptions described in divisions (C)(1)(a), (b), 100243
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 100244
be for up to fifteen years if the board of education of the city, 100245
local, or exempted village school district within the territory of 100246
which the property is or will be located approves a number of 100247
years in excess of ten. 100248

(3) For the purpose of obtaining the approval of a city, 100249
local, or exempted village school district under division (D)(1) 100250
or (2) of this section, the legislative authority shall deliver to 100251
the board of education a notice not later than forty-five days 100252
prior to approving the agreement, excluding Saturdays, Sundays, 100253
and legal holidays as defined in section 1.14 of the Revised Code. 100254
The notice shall state the percentage to be exempted, an estimate 100255
of the true value of the property to be exempted, and the number 100256
of years the property is to be exempted. The board of education, 100257
by resolution adopted by a majority of the board, shall approve or 100258
disapprove the agreement and certify a copy of the resolution to 100259
the legislative authority not later than fourteen days prior to 100260
the date stipulated by the legislative authority as the date upon 100261
which approval of the agreement is to be formally considered by 100262
the legislative authority. The board of education may include in 100263
the resolution conditions under which the board would approve the 100264
agreement, including the execution of an agreement to compensate 100265
the school district under division (B) of section 5709.82 of the 100266
Revised Code. The legislative authority may approve the agreement 100267
at any time after the board of education certifies its resolution 100268

approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's approval of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such approval as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) The legislative authority shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(E) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before October 15, ~~2009~~ 2010, the legislative authority that designated a zone to which this division applies may enter into an agreement with an enterprise if the legislative authority finds that the enterprise satisfies one of the criteria described in divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state

and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the director of development revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an

agreement entered into under this section shall require that the 100331
enterprise pay an annual fee equal to the greater of one per cent 100332
of the dollar value of incentives offered under the agreement or 100333
five hundred dollars; provided, however, that if the value of the 100334
incentives exceeds two hundred fifty thousand dollars, the fee 100335
shall not exceed two thousand five hundred dollars. The fee shall 100336
be payable to the legislative authority once per year for each 100337
year the agreement is effective on the days and in the form 100338
specified in the agreement. Fees paid shall be deposited in a 100339
special fund created for such purpose by the legislative authority 100340
and shall be used by the legislative authority exclusively for the 100341
purpose of complying with section 5709.68 of the Revised Code and 100342
by the tax incentive review council created under section 5709.85 100343
of the Revised Code exclusively for the purposes of performing the 100344
duties prescribed under that section. The legislative authority 100345
may waive or reduce the amount of the fee charged against an 100346
enterprise, but such a waiver or reduction does not affect the 100347
obligations of the legislative authority or the tax incentive 100348
review council to comply with section 5709.68 or 5709.85 of the 100349
Revised Code. 100350

(H) When an agreement is entered into pursuant to this 100351
section, the legislative authority authorizing the agreement shall 100352
forward a copy of the agreement to the director of development and 100353
to the tax commissioner within fifteen days after the agreement is 100354
entered into. If any agreement includes terms not provided for in 100355
section 5709.631 of the Revised Code affecting the revenue of a 100356
city, local, or exempted village school district or causing 100357
revenue to be foregone by the district, including any compensation 100358
to be paid to the school district pursuant to section 5709.82 of 100359
the Revised Code, those terms also shall be forwarded in writing 100360
to the director of development along with the copy of the 100361
agreement forwarded under this division. 100362

(I) After an agreement is entered into, the enterprise shall 100363
file with each personal property tax return required to be filed, 100364
or annual report required to be filed under section 5727.08 of the 100365
Revised Code, while the agreement is in effect, an informational 100366
return, on a form prescribed by the tax commissioner for that 100367
purpose, setting forth separately the property, and related costs 100368
and values, exempted from taxation under the agreement. 100369

(J) Enterprises may agree to give preference to residents of 100370
the zone within which the agreement applies relative to residents 100371
of this state who do not reside in the zone when hiring new 100372
employees under the agreement. 100373

(K) An agreement entered into under this section may include 100374
a provision requiring the enterprise to create one or more 100375
temporary internship positions for students enrolled in a course 100376
of study at a school or other educational institution in the 100377
vicinity, and to create a scholarship or provide another form of 100378
educational financial assistance for students holding such a 100379
position in exchange for the student's commitment to work for the 100380
enterprise at the completion of the internship. 100381

(L) The tax commissioner's authority in determining the 100382
accuracy of any exemption granted by an agreement entered into 100383
under this section is limited to divisions (C)(1)(a) and (b), 100384
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 100385
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 100386
and, as authorized by law, to enforcing any modification to, or 100387
revocation of, that agreement by the legislative authority of a 100388
municipal corporation or the director of development. 100389

Sec. 5709.63. (A) With the consent of the legislative 100390
authority of each affected municipal corporation or of a board of 100391
township trustees, a board of county commissioners may, in the 100392
manner set forth in section 5709.62 of the Revised Code, designate 100393

one or more areas in one or more municipal corporations or in 100394
unincorporated areas of the county as proposed enterprise zones. A 100395
board of county commissioners may designate no more than one area 100396
within a township, or within adjacent townships, as a proposed 100397
enterprise zone. The board shall petition the director of 100398
development for certification of the area as having the 100399
characteristics set forth in division (A)(1) or (2) of section 100400
5709.61 of the Revised Code as amended by Substitute Senate Bill 100401
No. 19 of the 120th general assembly. Except as otherwise provided 100402
in division (D) of this section, on and after July 1, 1994, boards 100403
of county commissioners shall not enter into agreements under this 100404
section unless the board has petitioned the director and the 100405
director has certified the zone under this section as amended by 100406
that act; however, all agreements entered into under this section 100407
as it existed prior to July 1, 1994, and the incentives granted 100408
under those agreements shall remain in effect for the period 100409
agreed to under those agreements. The director shall make the 100410
determination in the manner provided under section 5709.62 of the 100411
Revised Code. 100412

Any enterprise wishing to enter into an agreement with the 100413
board under division (B) or (D) of this section shall submit a 100414
proposal to the board on the form and accompanied by the 100415
application fee prescribed under division (B) of section 5709.62 100416
of the Revised Code. The enterprise shall review and update the 100417
estimates and listings required by the form in the manner required 100418
under that division. The board may, on a separate form and at any 100419
time, require any additional information necessary to determine 100420
whether an enterprise is in compliance with an agreement and to 100421
collect the information required to be reported under section 100422
5709.68 of the Revised Code. 100423

(B) If the board of county commissioners finds that an 100424
enterprise submitting a proposal is qualified by financial 100425

responsibility and business experience to create and preserve 100426
employment opportunities in the zone and to improve the economic 100427
climate of the municipal corporation or municipal corporations or 100428
the unincorporated areas in which the zone is located and to which 100429
the proposal applies, the board, on or before October 15, ~~2009~~ 100430
2010, and with the consent of the legislative authority of each 100431
affected municipal corporation or of the board of township 100432
trustees may do either of the following: 100433

(1) Enter into an agreement with the enterprise under which 100434
the enterprise agrees to establish, expand, renovate, or occupy a 100435
facility in the zone and hire new employees, or preserve 100436
employment opportunities for existing employees, in return for the 100437
following incentives: 100438

(a) When the facility is located in a municipal corporation, 100439
the board may enter into an agreement for one or more of the 100440
incentives provided in division (C) of section 5709.62 of the 100441
Revised Code, subject to division (D) of that section; 100442

(b) When the facility is located in an unincorporated area, 100443
the board may enter into an agreement for one or more of the 100444
following incentives: 100445

(i) Exemption for a specified number of years, not to exceed 100446
fifteen, of a specified portion, up to sixty per cent, of the 100447
assessed value of tangible personal property first used in 100448
business at a project site as a result of the agreement. If an 100449
exemption for inventory is specifically granted in the agreement 100450
pursuant to this division, the exemption applies to inventory 100451
required to be listed pursuant to sections 5711.15 and 5711.16 of 100452
the Revised Code, except, in the instance of an expansion or other 100453
situations in which an enterprise was in business at the facility 100454
prior to the establishment of the zone, the inventory that is 100455
exempt is that amount or value of inventory in excess of the 100456
amount or value of inventory required to be listed in the personal 100457

property tax return of the enterprise in the return for the tax 100458
year in which the agreement is entered into. 100459

(ii) Exemption for a specified number of years, not to exceed 100460
fifteen, of a specified portion, up to sixty per cent, of the 100461
increase in the assessed valuation of real property constituting 100462
the project site subsequent to formal approval of the agreement by 100463
the board; 100464

(iii) Provision for a specified number of years, not to 100465
exceed fifteen, of any optional services or assistance the board 100466
is authorized to provide with regard to the project site; 100467

(iv) The incentive described in division (C)(2) of section 100468
5709.62 of the Revised Code. 100469

(2) Enter into an agreement with an enterprise that plans to 100470
purchase and operate a large manufacturing facility that has 100471
ceased operation or has announced its intention to cease 100472
operation, in return for exemption for a specified number of 100473
years, not to exceed fifteen, of a specified portion, up to one 100474
hundred per cent, of tangible personal property used in business 100475
at the project site as a result of the agreement, or of real 100476
property constituting the project site, or both. 100477

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 100478
this section, the portion of the assessed value of tangible 100479
personal property or of the increase in the assessed valuation of 100480
real property exempted from taxation under those divisions may 100481
exceed sixty per cent in any year for which that portion is 100482
exempted if the average percentage exempted for all years in which 100483
the agreement is in effect does not exceed fifty per cent, or if 100484
the board of education of the city, local, or exempted village 100485
school district within the territory of which the property is or 100486
will be located approves a percentage in excess of sixty per cent. 100487

(b) Notwithstanding any provision of the Revised Code to the 100488

contrary, the exemptions described in divisions (B)(1)(b)(i), 100489
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 100490
fifteen years if the board of education of the city, local, or 100491
exempted village school district within the territory of which the 100492
property is or will be located approves a number of years in 100493
excess of ten. 100494

(c) For the purpose of obtaining the approval of a city, 100495
local, or exempted village school district under division 100496
(C)(1)(a) or (b) of this section, the board of county 100497
commissioners shall deliver to the board of education a notice not 100498
later than forty-five days prior to approving the agreement, 100499
excluding Saturdays, Sundays, and legal holidays as defined in 100500
section 1.14 of the Revised Code. The notice shall state the 100501
percentage to be exempted, an estimate of the true value of the 100502
property to be exempted, and the number of years the property is 100503
to be exempted. The board of education, by resolution adopted by a 100504
majority of the board, shall approve or disapprove the agreement 100505
and certify a copy of the resolution to the board of county 100506
commissioners not later than fourteen days prior to the date 100507
stipulated by the board of county commissioners as the date upon 100508
which approval of the agreement is to be formally considered by 100509
the board of county commissioners. The board of education may 100510
include in the resolution conditions under which the board would 100511
approve the agreement, including the execution of an agreement to 100512
compensate the school district under division (B) of section 100513
5709.82 of the Revised Code. The board of county commissioners may 100514
approve the agreement at any time after the board of education 100515
certifies its resolution approving the agreement to the board of 100516
county commissioners, or, if the board of education approves the 100517
agreement conditionally, at any time after the conditions are 100518
agreed to by the board of education and the board of county 100519
commissioners. 100520

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(2) The board of county commissioners shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(D) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before October 15, ~~2009~~ 2010, and with the consent of the legislative authority of each affected municipal corporation or board of township trustees of each affected township, the board of county commissioners that designated a zone to which this division applies may enter into an agreement with an enterprise if the board finds that the enterprise satisfies one of the criteria described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish

operations in the zone; 100553

(2) The enterprise currently has operations in this state 100554
and, subject to approval of the agreement, intends to establish 100555
operations at a new location in the zone that would not result in 100556
a reduction in the number of employee positions at any of the 100557
enterprise's other locations in this state; 100558

(3) The enterprise, subject to approval of the agreement, 100559
intends to relocate operations, currently located in another 100560
state, to the zone; 100561

(4) The enterprise, subject to approval of the agreement, 100562
intends to expand operations at an existing site in the zone that 100563
the enterprise currently operates; 100564

(5) The enterprise, subject to approval of the agreement, 100565
intends to relocate operations, currently located in this state, 100566
to the zone, and the director of development has issued a waiver 100567
for the enterprise under division (B) of section 5709.633 of the 100568
Revised Code. 100569

The agreement shall require the enterprise to agree to 100570
establish, expand, renovate, or occupy a facility in the zone and 100571
hire new employees, or preserve employment opportunities for 100572
existing employees, in return for one or more of the incentives 100573
described in division (B) of this section. 100574

(E) All agreements entered into under this section shall be 100575
in the form prescribed under section 5709.631 of the Revised Code. 100576
After an agreement under this section is entered into, if the 100577
board of county commissioners revokes its designation of a zone, 100578
or if the director of development revokes a zone's certification, 100579
any entitlements granted under the agreement shall continue for 100580
the number of years specified in the agreement. 100581

(F) Except as otherwise provided in this division, an 100582
agreement entered into under this section shall require that the 100583

enterprise pay an annual fee equal to the greater of one per cent 100584
of the dollar value of incentives offered under the agreement or 100585
five hundred dollars; provided, however, that if the value of the 100586
incentives exceeds two hundred fifty thousand dollars, the fee 100587
shall not exceed two thousand five hundred dollars. The fee shall 100588
be payable to the board of county commissioners once per year for 100589
each year the agreement is effective on the days and in the form 100590
specified in the agreement. Fees paid shall be deposited in a 100591
special fund created for such purpose by the board and shall be 100592
used by the board exclusively for the purpose of complying with 100593
section 5709.68 of the Revised Code and by the tax incentive 100594
review council created under section 5709.85 of the Revised Code 100595
exclusively for the purposes of performing the duties prescribed 100596
under that section. The board may waive or reduce the amount of 100597
the fee charged against an enterprise, but such waiver or 100598
reduction does not affect the obligations of the board or the tax 100599
incentive review council to comply with section 5709.68 or 5709.85 100600
of the Revised Code, respectively. 100601

(G) With the approval of the legislative authority of a 100602
municipal corporation or the board of township trustees of a 100603
township in which a zone is designated under division (A) of this 100604
section, the board of county commissioners may delegate to that 100605
legislative authority or board any powers and duties of the board 100606
of county commissioners to negotiate and administer agreements 100607
with regard to that zone under this section. 100608

(H) When an agreement is entered into pursuant to this 100609
section, the board of county commissioners authorizing the 100610
agreement or the legislative authority or board of township 100611
trustees that negotiates and administers the agreement shall 100612
forward a copy of the agreement to the director of development and 100613
to the tax commissioner within fifteen days after the agreement is 100614
entered into. If any agreement includes terms not provided for in 100615

section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed, or annual report that is required to be filed under section 5727.08 of the Revised Code, while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (B)(1)(b)(i) and (ii), (B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of this section as it pertains to divisions (C)(2)(a), (b), and (c)

of section 5709.62 of the Revised Code, and divisions (B)(1) to 100648
(10) of section 5709.631 of the Revised Code and, as authorized by 100649
law, to enforcing any modification to, or revocation of, that 100650
agreement by the board of county commissioners or the director of 100651
development or, if the board's powers and duties are delegated 100652
under division (G) of this section, by the legislative authority 100653
of a municipal corporation or board of township trustees. 100654

Sec. 5709.632. (A)(1) The legislative authority of a 100655
municipal corporation defined by the United States office of 100656
management and budget as a principal city of a metropolitan 100657
statistical area may, in the manner set forth in section 5709.62 100658
of the Revised Code, designate one or more areas in the municipal 100659
corporation as a proposed enterprise zone. 100660

(2) With the consent of the legislative authority of each 100661
affected municipal corporation or of a board of township trustees, 100662
a board of county commissioners may, in the manner set forth in 100663
section 5709.62 of the Revised Code, designate one or more areas 100664
in one or more municipal corporations or in unincorporated areas 100665
of the county as proposed urban jobs and enterprise zones, except 100666
that a board of county commissioners may designate no more than 100667
one area within a township, or within adjacent townships, as a 100668
proposed urban jobs and enterprise zone. 100669

(3) The legislative authority or board of county 100670
commissioners may petition the director of development for 100671
certification of the area as having the characteristics set forth 100672
in division (A)(3) of section 5709.61 of the Revised Code. Within 100673
sixty days after receiving such a petition, the director shall 100674
determine whether the area has the characteristics set forth in 100675
that division and forward the findings to the legislative 100676
authority or board of county commissioners. If the director 100677
certifies the area as having those characteristics and thereby 100678

certifies it as a zone, the legislative authority or board may 100679
enter into agreements with enterprises under division (B) of this 100680
section. Any enterprise wishing to enter into an agreement with a 100681
legislative authority or board of county commissioners under this 100682
section and satisfying one of the criteria described in divisions 100683
(B)(1) to (5) of this section shall submit a proposal to the 100684
legislative authority or board on the form prescribed under 100685
division (B) of section 5709.62 of the Revised Code and shall 100686
review and update the estimates and listings required by the form 100687
in the manner required under that division. The legislative 100688
authority or board may, on a separate form and at any time, 100689
require any additional information necessary to determine whether 100690
an enterprise is in compliance with an agreement and to collect 100691
the information required to be reported under section 5709.68 of 100692
the Revised Code. 100693

(B) Prior to entering into an agreement with an enterprise, 100694
the legislative authority or board of county commissioners shall 100695
determine whether the enterprise submitting the proposal is 100696
qualified by financial responsibility and business experience to 100697
create and preserve employment opportunities in the zone and to 100698
improve the economic climate of the municipal corporation or 100699
municipal corporations or the unincorporated areas in which the 100700
zone is located and to which the proposal applies, and whether the 100701
enterprise satisfies one of the following criteria: 100702

(1) The enterprise currently has no operations in this state 100703
and, subject to approval of the agreement, intends to establish 100704
operations in the zone; 100705

(2) The enterprise currently has operations in this state 100706
and, subject to approval of the agreement, intends to establish 100707
operations at a new location in the zone that would not result in 100708
a reduction in the number of employee positions at any of the 100709
enterprise's other locations in this state; 100710

(3) The enterprise, subject to approval of the agreement, 100711
intends to relocate operations, currently located in another 100712
state, to the zone; 100713

(4) The enterprise, subject to approval of the agreement, 100714
intends to expand operations at an existing site in the zone that 100715
the enterprise currently operates; 100716

(5) The enterprise, subject to approval of the agreement, 100717
intends to relocate operations, currently located in this state, 100718
to the zone, and the director of development has issued a waiver 100719
for the enterprise under division (B) of section 5709.633 of the 100720
Revised Code. 100721

(C) If the legislative authority or board determines that the 100722
enterprise is so qualified and satisfies one of the criteria 100723
described in divisions (B)(1) to (5) of this section, the 100724
legislative authority or board may, after complying with section 100725
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 100726
2010, and, in the case of a board of commissioners, with the 100727
consent of the legislative authority of each affected municipal 100728
corporation or of the board of township trustees, enter into an 100729
agreement with the enterprise under which the enterprise agrees to 100730
establish, expand, renovate, or occupy a facility in the zone and 100731
hire new employees, or preserve employment opportunities for 100732
existing employees, in return for the following incentives: 100733

(1) When the facility is located in a municipal corporation, 100734
a legislative authority or board of commissioners may enter into 100735
an agreement for one or more of the incentives provided in 100736
division (C) of section 5709.62 of the Revised Code, subject to 100737
division (D) of that section; 100738

(2) When the facility is located in an unincorporated area, a 100739
board of commissioners may enter into an agreement for one or more 100740
of the incentives provided in divisions (B)(1)(b), (B)(2), and 100741

(B)(3) of section 5709.63 of the Revised Code, subject to division 100742
(C) of that section. 100743

(D) All agreements entered into under this section shall be 100744
in the form prescribed under section 5709.631 of the Revised Code. 100745
After an agreement under this section is entered into, if the 100746
legislative authority or board of county commissioners revokes its 100747
designation of the zone, or if the director of development revokes 100748
the zone's certification, any entitlements granted under the 100749
agreement shall continue for the number of years specified in the 100750
agreement. 100751

(E) Except as otherwise provided in this division, an 100752
agreement entered into under this section shall require that the 100753
enterprise pay an annual fee equal to the greater of one per cent 100754
of the dollar value of incentives offered under the agreement or 100755
five hundred dollars; provided, however, that if the value of the 100756
incentives exceeds two hundred fifty thousand dollars, the fee 100757
shall not exceed two thousand five hundred dollars. The fee shall 100758
be payable to the legislative authority or board of commissioners 100759
once per year for each year the agreement is effective on the days 100760
and in the form specified in the agreement. Fees paid shall be 100761
deposited in a special fund created for such purpose by the 100762
legislative authority or board and shall be used by the 100763
legislative authority or board exclusively for the purpose of 100764
complying with section 5709.68 of the Revised Code and by the tax 100765
incentive review council created under section 5709.85 of the 100766
Revised Code exclusively for the purposes of performing the duties 100767
prescribed under that section. The legislative authority or board 100768
may waive or reduce the amount of the fee charged against an 100769
enterprise, but such waiver or reduction does not affect the 100770
obligations of the legislative authority or board or the tax 100771
incentive review council to comply with section 5709.68 or 5709.85 100772
of the Revised Code, respectively. 100773

(F) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(I) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a

position in exchange for the student's commitment to work for the 100806
enterprise at the completion of the internship. 100807

Sec. 5711.33. (A)(1) When a county treasurer receives a 100808
certificate from a county auditor pursuant to division (A) of 100809
section 5711.32 of the Revised Code charging the treasurer with 100810
the collection of an amount of taxes due as the result of a 100811
deficiency assessment, the treasurer shall immediately prepare and 100812
mail a tax bill to the taxpayer owing such tax. The tax bill shall 100813
contain the name of the taxpayer; the taxable value, tax rate, and 100814
taxes charged for each year being assessed; the total amount of 100815
taxes due; the final date payment may be made without additional 100816
penalty; and any other information the treasurer considers 100817
pertinent or necessary. Taxes due and payable as a result of a 100818
deficiency assessment, less any amount specifically excepted from 100819
collection under division (B) of section 5711.32 of the Revised 100820
Code, shall be paid with interest thereon as prescribed by section 100821
5719.041 of the Revised Code on or before the sixtieth day 100822
following the date of issuance of the certificate by the county 100823
auditor. The balance of taxes found due and payable after a final 100824
determination by the tax commissioner or a final judgment of the 100825
board of tax appeals or any court to which such final judgment may 100826
be appealed shall be paid with interest thereon as prescribed by 100827
section 5719.041 of the Revised Code on or before the sixtieth day 100828
following the date of certification by the auditor to the 100829
treasurer pursuant to division (C) of section 5711.32 of the 100830
Revised Code of such final determination or judgment. Such final 100831
dates for payment shall be determined and exhibited on the tax 100832
bill by the treasurer. 100833

(2) If, on or before the sixtieth day following the date of a 100834
certification of a deficiency assessment under division (A) of 100835
section 5711.32 of the Revised Code or of a certification of a 100836
final determination or judgment under division (C) of section 100837

5711.32 of the Revised Code, the taxpayer pays the full amount of 100838
taxes and interest due at the time of the receipt of certification 100839
with respect to that assessment, determination, or judgment, no 100840
interest shall accrue or be charged with respect to that 100841
assessment, determination, or judgment for the period that begins 100842
on the first day of the month in which the certification is made 100843
and that ends on the last day of the month preceding the month in 100844
which such sixtieth day occurs. 100845

(B) When the taxes charged, as mentioned in division (A) of 100846
this section, are not paid within the time prescribed by such 100847
division, a penalty of ten per cent of the amount due and unpaid 100848
and interest for the period described in division (A)(2) of this 100849
section shall accrue at the time the treasurer closes the 100850
treasurer's office for business on the last day so prescribed, but 100851
if the taxes are paid within ten days subsequent to the last day 100852
prescribed, the treasurer shall waive the collection of and the 100853
auditor shall remit one-half of the penalty. The treasurer shall 100854
not thereafter accept less than the full amount of taxes and 100855
penalty except as otherwise authorized by law. Such penalty shall 100856
be distributed in the same manner and at the same time as the tax 100857
upon which it has accrued. The whole amount collected shall be 100858
included in the next succeeding settlement of appropriate taxes. 100859

(C) When the taxes charged, as mentioned in division (A) of 100860
this section, remain unpaid after the final date for payment 100861
prescribed by such division, such charges shall be deemed to be 100862
delinquent taxes. The county auditor shall cause such charges, 100863
including the penalty that has accrued pursuant to this section, 100864
to be added to the delinquent tax duplicate in accordance with 100865
section 5719.04 of the Revised Code. 100866

(D) The county auditor, upon consultation with the county 100867
treasurer, shall remit a penalty imposed under division (B) of 100868
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 100869

Code for the late payment of taxes when: 100870

(1) The taxpayer could not make timely payment of the tax 100871
because of the negligence or error of the county auditor or county 100872
treasurer in the performance of a statutory duty relating to the 100873
levy or collection of such tax. 100874

(2) In cases other than those described in division (D)(1) of 100875
this section, the taxpayer failed to receive a tax bill or a 100876
correct tax bill, and the taxpayer made a good faith effort to 100877
obtain such bill within thirty days after the last day for payment 100878
of the tax. 100879

(3) The tax was not timely paid because of the death or 100880
serious injury of the taxpayer, or the taxpayer's confinement in a 100881
hospital within sixty days preceding the last day for payment of 100882
the tax if, in any case, the tax was subsequently paid within 100883
sixty days after the last day for payment of such tax. 100884

(4) The taxpayer demonstrates that the full payment was 100885
properly deposited in the mail in sufficient time for the envelope 100886
to be postmarked by the United States postal service on or before 100887
the last day for payment of such tax. A private meter postmark on 100888
an envelope is not a valid postmark for purposes of establishing 100889
the date of payment of such tax. 100890

(5) In cases other than those described in divisions (D)(1) 100891
to (4) of this section, the taxpayer's failure to make timely 100892
payment of the tax is due to reasonable cause and not willful 100893
neglect. 100894

(E) The taxpayer, upon application within sixty days after 100895
the mailing of the county auditor's decision, may request the tax 100896
commissioner to review the denial of the remission of a penalty by 100897
the county auditor. The application may be filed in person or by 100898
certified mail. If the application is filed by certified mail, the 100899
date of the United States postmark placed on the sender's receipt 100900

by the postal service shall be treated as the date of filing. The 100901
commissioner shall consider the application, determine whether the 100902
penalty should be remitted, and certify the determination to the 100903
taxpayer and to the county treasurer and county auditor, who shall 100904
correct the tax list and duplicate accordingly. The commissioner 100905
may issue orders and instructions for the uniform implementation 100906
of this section by all county auditors and county treasurers, and 100907
such orders and instructions shall be followed by such officers. 100908

Sec. 5715.02. The county treasurer, county auditor, and ~~the~~ 100909
~~president of a member of~~ the board of county commissioners 100910
selected by the board of county commissioners shall constitute the 100911
county board of revision, or they may provide for one or more 100912
hearing boards when they deem the creation of such to be necessary 100913
to the expeditious hearing of valuation complaints. Each such 100914
official may~~7~~ appoint one qualified employee from ~~his~~ the 100915
official's office to serve in ~~his~~ the official's place and stead 100916
on each such board for the purpose of hearing complaints as to the 100917
value of real property only, each such hearing board has the same 100918
authority to hear and decide complaints and sign the journal as 100919
the board of revision, and shall proceed in the manner provided 100920
for the board of revision by sections 5715.08 to 5715.20~~7~~ 100921
~~inclusive7~~, of the Revised Code. Any decision by a hearing board 100922
shall be the decision of the board of revision. 100923

A majority of a county board of revision or hearing board 100924
shall constitute a quorum to hear and determine any complaint, and 100925
any vacancy shall not impair the right of the remaining members of 100926
such board, whether elected officials or appointees, to exercise 100927
all the powers thereof so long as a majority remains. 100928

Each member of a county board of revision or hearing board 100929
may administer oaths. 100930

Sec. 5715.251. The county auditor may appeal to the board of 100931
tax appeals any determination of change in the abstract of real 100932
property of a taxing district in ~~his~~ the auditor's county that is 100933
made by the tax commissioner under section 5715.24 of the Revised 100934
Code. The appeal shall be taken within thirty days after receipt 100935
of the statement by the county auditor of the commissioner's 100936
determination by the filing by the county auditor of a notice of 100937
appeal with the board and the commissioner. Such notice of appeal 100938
shall set forth the determination of the commissioner appealed 100939
from and the errors therein complained of. Proof of the filing of 100940
such notice with the commissioner shall be filed with the board. 100941
The board shall have exclusive jurisdiction of the appeal. 100942

In all such appeals the commissioner shall be made appellee. 100943
Unless waived, notice of the appeal shall be served upon the 100944
commissioner by certified mail. The prosecuting attorney shall 100945
represent the county auditor in such an appeal. 100946

The commissioner, upon written demand filed by the county 100947
auditor, shall within thirty days after the filing of such demand 100948
file with the board a certified transcript of the record of the 100949
commissioner's proceedings pertaining to the determination 100950
complained of and the evidence ~~he~~ the commissioner considered in 100951
making such determination. 100952

If upon hearing and consideration of such record and evidence 100953
the board decides that the determination appealed from is 100954
reasonable and lawful, it shall affirm the same, but if the board 100955
decides that such determination is unreasonable or unlawful, the 100956
board shall reverse and vacate the determination or modify it and 100957
enter final order in accordance with such modification. 100958

The secretary of the board shall ~~certify~~ send the order of 100959
the board to the county auditor and to the commissioner, and they 100960
shall take such action in connection therewith as is required to 100961

give effect to the order of the board. 100962

Sec. 5715.26. (A)(1) Upon receiving the statement required by 100963
section 5715.25 of the Revised Code, the county auditor shall 100964
forthwith add to or deduct from each tract, lot, or parcel of real 100965
property or class of real property the required percentage or 100966
amount of the valuation thereof, adding or deducting any sum less 100967
than five dollars so that the value of any separate tract, lot, or 100968
parcel of real property shall be ten dollars or some multiple 100969
thereof. 100970

(2) ~~When he has made~~ After making the additions or deductions 100971
required by this section, the auditor shall transmit to the tax 100972
commissioner the appropriate adjusted abstract of the real 100973
property of each taxing district in ~~his~~ the auditor's county in 100974
which an adjustment was required. 100975

(3) If the commissioner increases or decreases the aggregate 100976
value of the real property or any class thereof in any county or 100977
taxing district thereof and does not receive within ninety days 100978
thereafter an adjusted abstract conforming to its statement for 100979
such county or taxing district therein, ~~he~~ the commissioner shall 100980
withhold from such county or taxing district therein fifty per 100981
cent of its share in the distribution of state revenues to local 100982
governments pursuant to sections 5747.50 to 5747.55 of the Revised 100983
Code and shall direct the department of education to withhold 100984
therefrom fifty per cent of state revenues to school districts 100985
pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 100986
The commissioner shall withhold the distribution of such funds 100987
until such county auditor has complied with this division, and the 100988
department shall withhold the distribution of such funds until the 100989
commissioner has notified the department that such county auditor 100990
has complied with this division. 100991

(B)(1) If the commissioner's determination is appealed under 100992

section 5715.251 of the Revised Code, the county auditor, 100993
treasurer, and all other officers shall forthwith proceed with the 100994
levy and collection of the current year's taxes in the manner 100995
prescribed by law. The taxes shall be determined and collected as 100996
if the commissioner had determined under section 5715.24 of the 100997
Revised Code that the real property and the various classes 100998
thereof in the county as shown in the auditor's abstract were 100999
assessed for taxation and the true and agricultural use values 101000
were recorded on the agricultural land tax list as required by 101001
law. 101002

(2) If as a result of the appeal to the board it is finally 101003
determined either that all real property and the various classes 101004
thereof have not been assessed as required by law or that the 101005
values set forth in the agricultural land tax list do not 101006
correctly reflect the true and agricultural use values of the 101007
lands contained therein, the county auditor shall forthwith add to 101008
or deduct from each tract, lot, or parcel of real property or 101009
class of real property the required percentage or amount of the 101010
valuation in accordance with the order of the board or judgment of 101011
the court to which the board's order was appealed, and the taxes 101012
on each tract, lot, or parcel and the percentages required by 101013
section 319.301 of the Revised Code shall be recomputed using the 101014
valuation as finally determined. The order or judgment making the 101015
final determination shall prescribe the time and manner for 101016
collecting, crediting, or refunding the resultant increases or 101017
decreases in taxes. 101018

Sec. 5717.03. (A) A decision of the board of tax appeals on 101019
an appeal filed with it pursuant to section 5717.01, 5717.011, or 101020
5717.02 of the Revised Code shall be entered of record on the 101021
journal together with the date when the order is filed with the 101022
secretary for journalization. 101023

(B) In case of an appeal from a decision of a county board of 101024
revision, the board of tax appeals shall determine the taxable 101025
value of the property whose valuation or assessment by the county 101026
board of revision is complained of, or in the event the complaint 101027
and appeal is against a discriminatory valuation, shall determine 101028
a valuation which shall correct such discrimination, and shall 101029
determine the liability of the property for taxation, if that 101030
question is in issue, and the board of tax ~~appeals's~~ appeals' 101031
decision and the date when it was filed with the secretary for 101032
journalization shall be ~~certified~~ sent by the board ~~by certified~~ 101033
~~mail~~ to all persons who were parties to the appeal before the 101034
board, to the person in whose name the property is listed, or 101035
sought to be listed, if such person is not a party to the appeal, 101036
to the county auditor of the county in which the property involved 101037
in the appeal is located, and to the tax commissioner. 101038

In correcting a discriminatory valuation, the board of tax 101039
appeals shall increase or decrease the value of the property whose 101040
valuation or assessment by the county board of revision is 101041
complained of by a per cent or amount which will cause such 101042
property to be listed and valued for taxation by an equal and 101043
uniform rule. 101044

(C) In the case of an appeal from a review, redetermination, 101045
or correction of a tax assessment, valuation, determination, 101046
finding, computation, or order of the tax commissioner, the order 101047
of the board of tax appeals and the date of the entry thereof upon 101048
its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ 101049
to all persons who were parties to the appeal before the board, 101050
the person in whose name the property is listed or sought to be 101051
listed, if the decision determines the valuation or liability of 101052
property for taxation and if such person is not a party to the 101053
appeal, the taxpayer or other person to whom notice of the tax 101054
assessment, valuation, determination, finding, computation, or 101055

order, or correction or redetermination thereof, by the tax 101056
commissioner was by law required to be given, the director of 101057
budget and management, if the revenues affected by such decision 101058
would accrue primarily to the state treasury, and the county 101059
auditors of the counties to the undivided general tax funds of 101060
which the revenues affected by such decision would primarily 101061
accrue. 101062

(D) In the case of an appeal from a municipal board of appeal 101063
created under section 718.11 of the Revised Code, the order of the 101064
board of tax appeals and the date of the entry thereof upon the 101065
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 101066
~~mail~~ to all persons who were parties to the appeal before the 101067
board. 101068

(E) In the case of all other appeals or applications filed 101069
with and determined by the board, the board's order and the date 101070
when the order was filed by the secretary for journalization shall 101071
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 101072
is a party to such appeal or application, to such persons as the 101073
law requires, and to such other persons as the board deems proper. 101074

(F) The orders of the board may affirm, reverse, vacate, 101075
modify, or remand the tax assessments, valuations, determinations, 101076
findings, computations, or orders complained of in the appeals 101077
determined by the board, and the board's decision shall become 101078
final and conclusive for the current year unless reversed, 101079
vacated, or modified as provided in section 5717.04 of the Revised 101080
Code. When an order of the board becomes final the tax 101081
commissioner and all officers to whom such decision has been 101082
~~certified~~ sent shall make the changes in their tax lists or other 101083
records which the decision requires. 101084

(G) If the board finds that issues not raised on the appeal 101085
are important to a determination of a controversy, the board may 101086
remand the cause for an administrative determination and the 101087

issuance of a new tax assessment, valuation, determination, 101088
finding, computation, or order, unless the parties stipulate to 101089
the determination of such other issues without remand. An order 101090
remanding the cause is a final order. If the order relates to any 101091
issue other than a municipal income tax matter appealed under 101092
sections 718.11 and 5717.011 of the Revised Code, the order may be 101093
appealed to the court of appeals in Franklin county. If the order 101094
relates to a municipal income tax matter appealed under sections 101095
718.11 and 5717.011 of the Revised Code, the order may be appealed 101096
to the court of appeals for the county in which the municipal 101097
corporation in which the dispute arose is primarily situated. 101098

Sec. 5717.04. The proceeding to obtain a reversal, vacation, 101099
or modification of a decision of the board of tax appeals shall be 101100
by appeal to the supreme court or the court of appeals for the 101101
county in which the property taxed is situate or in which the 101102
taxpayer resides. If the taxpayer is a corporation, then the 101103
proceeding to obtain such reversal, vacation, or modification 101104
shall be by appeal to the supreme court or to the court of appeals 101105
for the county in which the property taxed is situate, or the 101106
county of residence of the agent for service of process, tax 101107
notices, or demands, or the county in which the corporation has 101108
its principal place of business. In all other instances, the 101109
proceeding to obtain such reversal, vacation, or modification 101110
shall be by appeal to the court of appeals for Franklin county. 101111

Appeals from decisions of the board determining appeals from 101112
decisions of county boards of revision may be instituted by any of 101113
the persons who were parties to the appeal before the board of tax 101114
appeals, by the person in whose name the property involved in the 101115
appeal is listed or sought to be listed, if such person was not a 101116
party to the appeal before the board of tax appeals, or by the 101117
county auditor of the county in which the property involved in the 101118
appeal is located. 101119

Appeals from decisions of the board of tax appeals 101120
determining appeals from final determinations by the tax 101121
commissioner of any preliminary, amended, or final tax 101122
assessments, reassessments, valuations, determinations, findings, 101123
computations, or orders made by the commissioner may be instituted 101124
by any of the persons who were parties to the appeal or 101125
application before the board, by the person in whose name the 101126
property is listed or sought to be listed, if the decision 101127
appealed from determines the valuation or liability of property 101128
for taxation and if any such person was not a party to the appeal 101129
or application before the board, by the taxpayer or any other 101130
person to whom the decision of the board appealed from was by law 101131
required to be ~~certified~~ sent, by the director of budget and 101132
management, if the revenue affected by the decision of the board 101133
appealed from would accrue primarily to the state treasury, by the 101134
county auditor of the county to the undivided general tax funds of 101135
which the revenues affected by the decision of the board appealed 101136
from would primarily accrue, or by the tax commissioner. 101137

Appeals from decisions of the board upon all other appeals or 101138
applications filed with and determined by the board may be 101139
instituted by any of the persons who were parties to such appeal 101140
or application before the board, by any persons to whom the 101141
decision of the board appealed from was by law required to be 101142
~~certified~~ sent, or by any other person to whom the board ~~certified~~ 101143
sent the decision appealed from, as authorized by section 5717.03 101144
of the Revised Code. 101145

Such appeals shall be taken within thirty days after the date 101146
of the entry of the decision of the board on the journal of its 101147
proceedings, as provided by such section, by the filing by 101148
appellant of a notice of appeal with the court to which the appeal 101149
is taken and the board. If a timely notice of appeal is filed by a 101150
party, any other party may file a notice of appeal within ten days 101151

of the date on which the first notice of appeal was filed or 101152
within the time otherwise prescribed in this section, whichever is 101153
later. A notice of appeal shall set forth the decision of the 101154
board appealed from and the errors therein complained of. Proof of 101155
the filing of such notice with the board shall be filed with the 101156
court to which the appeal is being taken. The court in which 101157
notice of appeal is first filed shall have exclusive jurisdiction 101158
of the appeal. 101159

In all such appeals the tax commissioner or all persons to 101160
whom the decision of the board appealed from is required by such 101161
section to be ~~certified~~ sent, other than the appellant, shall be 101162
made appellees. Unless waived, notice of the appeal shall be 101163
served upon all appellees by certified mail. The prosecuting 101164
attorney shall represent the county auditor in any such appeal in 101165
which the auditor is a party. 101166

The board, upon written demand filed by an appellant, shall 101167
within thirty days after the filing of such demand file with the 101168
court to which the appeal is being taken a certified transcript of 101169
the record of the proceedings of the board pertaining to the 101170
decision complained of and the evidence considered by the board in 101171
making such decision. 101172

If upon hearing and consideration of such record and evidence 101173
the court decides that the decision of the board appealed from is 101174
reasonable and lawful it shall affirm the same, but if the court 101175
decides that such decision of the board is unreasonable or 101176
unlawful, the court shall reverse and vacate the decision or 101177
modify it and enter final judgment in accordance with such 101178
modification. 101179

The clerk of the court shall certify the judgment of the 101180
court to the board, which shall certify such judgment to such 101181
public officials or take such other action in connection therewith 101182
as is required to give effect to the decision. The "taxpayer" 101183

includes any person required to return any property for taxation. 101184

Any party to the appeal shall have the right to appeal from 101185
the judgment of the court of appeals on questions of law, as in 101186
other cases. 101187

Sec. 5725.18. (A) An annual franchise tax on the privilege of 101188
being an insurance company is hereby levied on each domestic 101189
insurance company. In the month of May, annually, the treasurer of 101190
state shall charge for collection from each domestic insurance 101191
company a franchise tax in the amount computed in accordance with 101192
the following, as applicable: 101193

(1) With respect to a domestic insurance company that is a 101194
health insuring corporation, one per cent of all premium rate 101195
payments received, exclusive of payments received under the 101196
medicare program established under Title XVIII of the "Social 101197
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 101198
~~or pursuant to the medical assistance program established under~~ 101199
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101200
report for the preceding calendar year; 101201

(2) With respect to a domestic insurance company that is not 101202
a health insuring corporation, one and four-tenths per cent of the 101203
gross amount of premiums received from policies covering risks 101204
within this state, exclusive of premiums received under the 101205
medicare program established under Title XVIII of the "Social 101206
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 101207
~~or pursuant to the medical assistance program established under~~ 101208
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101209
statement for the preceding calendar year, and, if the company 101210
operates a health insuring corporation as a line of business, one 101211
per cent of all premium rate payments received from that line of 101212
business, exclusive of payments received under the medicare 101213
program established under Title XVIII of the "Social Security 101214

Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 101215
~~pursuant to the medical assistance program established under~~ 101216
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101217
statement for the preceding calendar year. 101218

(B) The gross amount of premium rate payments or premiums 101219
used to compute the applicable tax in accordance with division (A) 101220
of this section is subject to the deductions prescribed by section 101221
5729.03 of the Revised Code for foreign insurance companies. The 101222
objects of such tax are those declared in section 5725.24 of the 101223
Revised Code, to which only such tax shall be applied. 101224

(C) In no case shall such tax be less than two hundred fifty 101225
dollars. 101226

Sec. 5725.33. (A) Except as otherwise provided in this 101227
section, terms used in this section have the same meaning as 101228
section 45D of the Internal Revenue Code, any related proposed, 101229
temporary or final regulations promulgated under the Internal 101230
Revenue Code, any rules or guidance of the internal revenue 101231
service or the United States department of the treasury, and any 101232
related rules or guidance issued by the community development 101233
financial institutions fund of the United States department of the 101234
treasury. 101235

As used in this section: 101236

(1) "Adjusted purchase price" means the amount paid for 101237
qualified equity investments multiplied by the qualified 101238
low-income community investments made by the issuer in projects 101239
located in this state as a percentage of the total amount of 101240
qualified low-income community investments made by the issuer in 101241
projects located in all states on the credit allowance date during 101242
the applicable tax year, subject to divisions (B)(1) and (2) of 101243
this section. 101244

(2) "Applicable percentage" means zero per cent for each of the first two credit allowance dates, seven per cent for the third credit allowance date, and eight per cent for the four following credit allowance dates.

(3) "Credit allowance date" means the date, on or after January 1, 2010, a qualified equity investment is made and each of the six anniversary dates thereafter. For qualified equity investments made after the effective date of this section but before January 1, 2010, the initial credit allowance date is January 1, 2010, and each of the six anniversary dates thereafter is on the first day of January of each year.

(4) "Qualified active low-income community business" excludes any business that derives or projects to derive fifteen per cent or more of annual revenue from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property.

(5) "Qualified community development entity" includes only entities:

(a) That have entered into an allocation agreement with the community development financial institutions fund of the United States department of the treasury with respect to credits authorized by section 45D of the Internal Revenue Code;

(b) Whose service area includes any portion of this state;
and

(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section.

<u>(6) "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:</u>	101276
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<u>(a) Is acquired after the effective date of the enactment of this section at its original issuance solely in exchange for cash;</u>	101278
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<u>(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments; and</u>	101281
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<u>(c) Is designated by the issuer as a qualified equity investment.</u>	101288
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<u>"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.</u>	101290
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<u>(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section:</u>	101295
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<u>(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh</u>	101302
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anniversary of the issuance of the qualified equity investment, 101307
the qualified community development entity reinvests an amount 101308
equal to the capital returned to or received or recovered by the 101309
qualified community development entity from the original 101310
investment, exclusive of any profits realized and costs incurred 101311
in the sale or repayment, in another qualified low-income 101312
community investment within twelve months of the receipt of such 101313
capital. If the qualified low-income community investment is sold 101314
or repaid after the sixth anniversary of the issuance of the 101315
qualified equity investment, the qualified low-income community 101316
investment shall be considered held by the qualified community 101317
development entity through the seventh anniversary of the 101318
qualified equity investment's issuance. 101319

(2) The qualified low-income community investment made in 101320
this state shall equal the sum of the qualified low-income 101321
community investments in each qualified active low-income 101322
community business in this state, not to exceed two million five 101323
hundred sixty-four thousand dollars, in which the qualified 101324
community development entity invests, including such investments 101325
in any such businesses in this state related to that qualified 101326
active low-income community business through majority ownership or 101327
control. 101328

The credit shall be claimed in the order prescribed by 101329
section 5725.98 of the Revised Code. If the amount of the credit 101330
exceeds the amount of tax otherwise due after deducting all other 101331
credits in that order, the excess may be carried forward and 101332
applied to the tax due for not more than four ensuing years. 101333

By claiming a tax credit under this section, an insurance 101334
company waives its rights under section 5725.222 of the Revised 101335
Code with respect to the time limitation for the assessment of 101336
taxes as it relates to credits claimed that later become subject 101337
to recapture under division (E) of this section. 101338

(C) The amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5729.16 and 5733.58 of the Revised Code shall not exceed the amount, estimated by the director of development, that would cause the total amount of credits allowed each fiscal year to exceed ten million dollars, computed without regard to the potential for taxpayers to carry tax credits forward to later years.

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(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business, all or a portion of the credit received on account of that investment shall be paid by the insurance company that received the credit to the superintendent of insurance. The amount to be recovered shall be determined by the director of development pursuant to rules adopted under division (E) of this section. The director shall certify any amount due under this division to the superintendent of insurance, and the superintendent shall notify the treasurer of state of the amount due. Upon notification, the treasurer shall invoice the insurance company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5725.18 of the Revised Code, and may be collected by assessment without regard to the time limitations imposed under section 5725.222 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected under this division shall be credited as revenue from the tax

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levied under section 5725.18 of the Revised Code. 101372

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(E) The tax credits authorized under this section and sections 5729.16 and 5733.58 of the Revised Code shall be administered by the department of development. The director of development, in consultation with the tax commissioner and the superintendent of insurance, pursuant to Chapter 119. of the Revised Code, shall adopt rules for the administration of this section and sections 5729.16 and 5733.58 of the Revised Code. The rules shall provide for determining the recovery of credits under division (D) of this section, division (D) of section 5729.16, and section 5733.58 of the Revised Code, including prorating the amount of the credit to be recovered on any reasonable basis, the manner in which credits may be allocated among claimants, and the amount of any application or other fees to be charged in connection with a recovery. 101374
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(F) There is hereby created in the state treasury the new markets tax credit operating fund. The director of development is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5729.16 and 5733.58 of the Revised Code. Any such fees collected shall be credited to the fund. The director of development shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 101388
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Sec. 5725.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 101397
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(1) The credit for an insurance company or insurance company 101402

group under section 5729.031 of the Revised Code.	101403
(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code.	101404 101405
(3) <u>The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;</u>	101406 101407
(4) <u>The job retention credit under section 122.171 of the Revised Code;</u>	101408 101409
(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code.	101410 101411 101412
(4) (6) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code.	101413 101414
(5) (7) The refundable credit under section 5729.08 <u>5725.19</u> of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	101415 101416 101417 101418
(B) For any credit except the credits enumerated in divisions (A) (4) (6) and (5) (7) of this section, 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.	101419 101420 101421 101422 101423 101424 101425 101426 101427
Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:	101428 101429
(1) "School district" means a city, local, or exempted village school district.	101430 101431

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid," for a school district, means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08, as that section existed for that fiscal year; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section

269.30.80 of ~~this act~~ H.B. 119 of the 127th General Assembly, as 101464
subsequently amended; ~~and account for adjustments under division~~ 101465
~~(C)(2) of section 3310.41 of the Revised Code.~~ 101466

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(b) For fiscal year 2010 and for each fiscal year thereafter, 101468
the sum of the amounts computed for the district under sections 101469
3306.052, 3306.12, 3306.13, 3306.19, and 3306.192; division (G) of 101470
section 3317.024; sections 3317.05, 3317.052, and 3317.053 of the 101471
Revised Code; and the adjustments required by division (C)(2) of 101472
section 3310.41; division (D)(2) of section 3314.091; divisions 101473
(E), (K), (L), (M), and (N) of section 3317.023; division (C) of 101474
section 3317.20; and section 3313.979 of the Revised Code. 101475

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(5) "State education aid," for a joint vocational school 101477
district, means the following: 101478

(a) For fiscal years prior to fiscal year 2010, the sum of 101479
the state aid amounts computed for the district under division (N) 101480
of section 3317.024 and section 3317.16 of the Revised Code. 101481
However, when calculating state education aid for a joint 101482
vocational school district for fiscal years 2008 and 2009, include 101483
the amount computed for the district under Section 269.30.90 of 101484
H.B. 119 of the 127th general assembly, as subsequently amended. 101485

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(b) For fiscal years 2010 and 2011, the amount computed for 101487
the district in accordance with the section of this act entitled 101488
"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS". 101489

(6) "State education aid offset" means the amount determined 101490
for each school district or joint vocational school district under 101491
division (A)(1) of section 5727.85 of the Revised Code. 101492

(7) "Recognized valuation" has the same meaning as in section 101493
3317.02 of the Revised Code. 101494

(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	101495 101496
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	101497 101498
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	101499 101500
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	101501 101502
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	101503 101504
(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.	101505 101506 101507 101508 101509
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	101510 101511
(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.	101512 101513 101514
(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:	101515 101516 101517 101518
(1) Sixty-three per cent shall be credited to the general revenue fund.	101519 101520
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	101521 101522 101523 101524

(3) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.

(C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows:

(1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code.

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing

district for tax year 2001, and assessed at the rates in effect 101556
for tax year 2001. 101557

(2) The difference obtained by subtracting the amount 101558
described in division (D)(2)(b) from the amount described in 101559
division (D)(2)(a) of this section. 101560

(a) The three-year average for tax years 1996, 1997, and 1998 101561
of the assessed value from nuclear fuel materials and assemblies 101562
assessed against a person under Chapter 5711. of the Revised Code 101563
from the leasing of them to an electric company for those 101564
respective tax years, as reflected in the preliminary assessments; 101565

(b) The three-year average assessed value from nuclear fuel 101566
materials and assemblies assessed under division (D)(2)(a) of this 101567
section for tax years 1996, 1997, and 1998, as reflected in the 101568
preliminary assessments, using an assessment rate of twenty-five 101569
per cent. 101570

(3) In the case of a taxing district having a nuclear power 101571
plant within its territory, any amount, resulting in an electric 101572
company tax value loss, obtained by subtracting the amount 101573
described in division (D)(1) of this section from the difference 101574
obtained by subtracting the amount described in division (D)(3)(b) 101575
of this section from the amount described in division (D)(3)(a) of 101576
this section. 101577

(a) The value of electric company tangible personal property 101578
as assessed by the tax commissioner for tax year 2000 on a 101579
preliminary assessment, or an amended preliminary assessment if 101580
issued prior to March 1, 2001, and as apportioned to the taxing 101581
district for tax year 2000; 101582

(b) The value of electric company tangible personal property 101583
as assessed by the tax commissioner for tax year 2001 on a 101584
preliminary assessment, or an amended preliminary assessment if 101585
issued prior to March 1, 2002, and as apportioned to the taxing 101586

district for tax year 2001. 101587

(4) In the case of a taxing district having a nuclear power 101588
plant within its territory, the difference obtained by subtracting 101589
the amount described in division (D)(4)(b) of this section from 101590
the amount described in division (D)(4)(a) of this section, 101591
provided that such difference is greater than ten per cent of the 101592
amount described in division (D)(4)(a) of this section. 101593

(a) The value of electric company tangible personal property 101594
as assessed by the tax commissioner for tax year 2005 on a 101595
preliminary assessment, or an amended preliminary assessment if 101596
issued prior to March 1, 2006, and as apportioned to the taxing 101597
district for tax year 2005; 101598

(b) The value of electric company tangible personal property 101599
as assessed by the tax commissioner for tax year 2006 on a 101600
preliminary assessment, or an amended preliminary assessment if 101601
issued prior to March 1, 2007, and as apportioned to the taxing 101602
district for tax year 2006. 101603

(E) Not later than January 1, 2002, the tax commissioner 101604
shall determine for each taxing district its natural gas company 101605
tax value loss, which is the sum of the amounts described in 101606
divisions (E)(1) and (2) of this section: 101607

(1) The difference obtained by subtracting the amount 101608
described in division (E)(1)(b) from the amount described in 101609
division (E)(1)(a) of this section. 101610

(a) The value of all natural gas company tangible personal 101611
property, other than property described in division (E)(2) of this 101612
section, as assessed by the tax commissioner for tax year 1999 on 101613
a preliminary assessment, or an amended preliminary assessment if 101614
issued prior to March 1, 2000, and apportioned to the taxing 101615
district for tax year 1999; 101616

(b) The value of all natural gas company tangible personal 101617

property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner

shall determine for each school district, joint vocational school 101649
district, and local taxing unit its fixed-sum levy loss, which is 101650
the amount obtained by subtracting the amount described in 101651
division (H)(2) of this section from the amount described in 101652
division (H)(1) of this section: 101653

(1) The sum of the electric company tax value loss multiplied 101654
by the tax rate in effect in tax year 1998, and the natural gas 101655
company tax value loss multiplied by the tax rate in effect in tax 101656
year 1999, for fixed-sum levies for all taxing districts within 101657
each school district, joint vocational school district, and local 101658
taxing unit. For the years 2002 through 2006, this computation 101659
shall include school district emergency levies that existed in 101660
1998 in the case of the electric company tax value loss, and 1999 101661
in the case of the natural gas company tax value loss, and all 101662
other fixed-sum levies that existed in 1998 in the case of the 101663
electric company tax value loss and 1999 in the case of the 101664
natural gas company tax value loss and continue to be charged in 101665
the tax year preceding the distribution year. For the years 2007 101666
through 2016 in the case of school district emergency levies, and 101667
for all years after 2006 in the case of all other fixed-sum 101668
levies, this computation shall exclude all fixed-sum levies that 101669
existed in 1998 in the case of the electric company tax value loss 101670
and 1999 in the case of the natural gas company tax value loss, 101671
but are no longer in effect in the tax year preceding the 101672
distribution year. For the purposes of this section, an emergency 101673
levy that existed in 1998 in the case of the electric company tax 101674
value loss, and 1999 in the case of the natural gas company tax 101675
value loss, continues to exist in a year beginning on or after 101676
January 1, 2007, but before January 1, 2017, if, in that year, the 101677
board of education levies a school district emergency levy for an 101678
annual sum at least equal to the annual sum levied by the board in 101679
tax year 1998 or 1999, respectively, less the amount of the 101680
payment certified under this division for 2002. 101681

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately

display the levy loss for each levy eligible for reimbursement. 101714

(K) Not later than September 1, 2001, the tax commissioner 101715
shall certify the amount of the fixed-sum levy loss to the county 101716
auditor of each county in which a school district with a fixed-sum 101717
levy loss has territory. 101718

Sec. 5728.12. Any non-resident of this state who accepts the 101719
privilege extended by the laws of this state to non-residents of 101720
operating a commercial car or commercial tractor, which is subject 101721
to the tax levied in section 5728.06 of the Revised Code, or of 101722
having the same operated within this state, and any resident of 101723
this state who operates a commercial car or commercial tractor, 101724
which is subject to the tax levied in section 5728.06 of the 101725
Revised Code, or has the same operated within this state and 101726
subsequently becomes a non-resident or conceals ~~his~~ the person's 101727
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 101728
the person's agent for the service of process or notice in any 101729
assessment, action or proceeding instituted in this state against 101730
such person out of the failure to pay the taxes imposed ~~upon him~~ 101731
by the provisions of section 5728.06 of the Revised Code. 101732

Such process or notice shall be served, ~~by the officer to~~ 101733
~~whom the same is directed or by the tax commissioner, or by the~~ 101734
~~sheriff of Franklin county, who may be deputized for such purpose~~ 101735
~~by the officer to whom the service is directed, upon the secretary~~ 101736
~~of state by leaving at the office of the secretary of state, at~~ 101737
~~least fifteen days before the return day of such process or~~ 101738
~~notice, a true and attested copy thereof, and by sending to the~~ 101739
~~defendant by registered or certified mail, postage prepaid, a like~~ 101740
~~and true attested copy, with an endorsement thereon of the service~~ 101741
~~upon said secretary of state, addressed to such defendant at his~~ 101742
~~last known address. The registered or certified mail return~~ 101743
~~receipt of such defendant shall be attached to and made a part of~~ 101744

~~the return of such service of process as provided under section 101745
5703.37 of the Revised Code. 101746~~

Sec. 5729.03. (A) If the superintendent of insurance finds 101747
the annual statement required by section 5729.02 of the Revised 101748
Code to be correct, the superintendent shall compute the following 101749
amount, as applicable, of the balance of such gross amount, after 101750
deducting such return premiums and considerations received for 101751
reinsurance, and charge such amount to such company as a tax upon 101752
the business done by it in this state for the period covered by 101753
such annual statement: 101754

(1) If the company is a health insuring corporation, one per 101755
cent of the balance of premium rate payments received, exclusive 101756
of payments received under the medicare program established under 101757
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 101758
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance 101759
program established under Chapter 5111. of the Revised Code, as 101760
reflected in its annual report; 101761~~

(2) If the company is not a health insuring corporation, one 101762
and four-tenths per cent of the balance of premiums received, 101763
exclusive of premiums received under the medicare program 101764
established under Title XVIII of the "Social Security Act," 49 101765
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the 101766
medical assistance program established under Chapter 5111. of the 101767
Revised Code, as reflected in its annual statement, and, if the 101768
company operates a health insuring corporation as a line of 101769
business, one per cent of the balance of premium rate payments 101770
received from that line of business, exclusive of payments 101771
received under the medicare program established under Title XVIII 101772
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 101773
301, as amended, ~~or pursuant to the medical assistance program 101774
established under Chapter 5111. of the Revised Code, as reflected 101775~~~~

in its annual statement. 101776

(B) Any insurance policies that were not issued in violation 101777
of Title XXXIX of the Revised Code and that were issued prior to 101778
April 15, 1967, by a life insurance company organized and operated 101779
without profit to any private shareholder or individual, 101780
exclusively for the purpose of aiding educational or scientific 101781
institutions organized and operated without profit to any private 101782
shareholder or individual, are not subject to the tax imposed by 101783
this section. All taxes collected pursuant to this section shall 101784
be credited to the general revenue fund. 101785

(C) In no case shall the tax imposed under this section be 101786
less than two hundred fifty dollars. 101787

Sec. 5729.16. (A) Terms used in this section have the same 101788
meaning as in section 5725.33 of the Revised Code. 101789

(B) There is hereby allowed a nonrefundable credit against 101790
the tax imposed by section 5729.03 of the Revised Code for a 101791
foreign insurance company holding a qualified equity investment on 101792
the credit allowance date occurring in the calendar year for which 101793
the tax is due. The credit shall be computed in the same manner 101794
prescribed for the computation of credits allowed under section 101795
5725.33 of the Revised Code. 101796

The credit shall be claimed in the order prescribed by 101797
section 5729.98 of the Revised Code. If the amount of the credit 101798
exceeds the amount of tax otherwise due after deducting all other 101799
credits in that order, the excess may be carried forward and 101800
applied to the tax due for not more than four ensuing years. 101801

By claiming a tax credit under this section, an insurance 101802
company waives its rights under section 5729.102 of the Revised 101803
Code with respect to the time limitation for the assessment of 101804
taxes as it relates to credits claimed that later become subject 101805

to recapture under division (D) of this section. 101806

(C) The total amount of qualified equity investments on the 101807
basis of which credits may be claimed under this section, section 101808
5725.33, and section 5733.58 of the Revised Code is subject to the 101809
limitation of division (C) of section 5725.33 of the Revised Code. 101810
101811

(D) If any amount of the federal tax credit allowed for a 101812
qualified equity investment for which a credit was received under 101813
this section is recaptured under section 45D of the Internal 101814
Revenue Code, or if the director of development determines that an 101815
investment for which a tax credit is claimed under this section is 101816
not a qualified equity investment or that the proceeds of an 101817
investment for which a tax credit is claimed under this section 101818
are used to make qualified low-income community investments other 101819
than in a qualified active low-income community business, all or a 101820
portion of the credit received on account of that investment shall 101821
be paid by the insurance company that received the credit to the 101822
superintendent of insurance. The amount to be recovered shall be 101823
determined by the director of development pursuant to rules 101824
adopted under section 5725.33 of the Revised Code. The director 101825
shall certify any amount due under this division to the 101826
superintendent of insurance, and the superintendent shall notify 101827
the treasurer of state of the amount due. Upon notification, the 101828
treasurer shall invoice the insurance company for the amount due. 101829
The amount due is payable not later than thirty days after the 101830
date the treasurer invoices the insurance company. The amount due 101831
shall be considered to be tax due under section 5729.03 of the 101832
Revised Code, and may be collected by assessment without regard to 101833
the time limitations imposed under section 5729.102 of the Revised 101834
Code for the assessment of taxes by the superintendent. All 101835
amounts collected under this division shall be credited as revenue 101836
from the tax levied under section 5729.03 of the Revised Code. 101837

101838

Sec. 5729.98. (A) To provide a uniform procedure for 101839
calculating the amount of tax due under this chapter, a taxpayer 101840
shall claim any credits and offsets against tax liability to which 101841
it is entitled in the following order: 101842

(1) The credit for an insurance company or insurance company 101843
group under section 5729.031 of the Revised Code. 101844

(2) The credit for eligible employee training costs under 101845
section 5729.07 of the Revised Code. 101846

(3) The credit for purchases of qualified low-income 101847
community investments under section 5729.16 of the Revised Code; 101848

(4) The job retention credit under section 122.171 of the 101849
Revised Code. 101850

(5) The offset of assessments by the Ohio life and health 101851
insurance guaranty association against tax liability permitted by 101852
section 3956.20 of the Revised Code. 101853

~~(4)~~(6) The refundable credit for Ohio job creation under 101854
section 5729.032 of the Revised Code. 101855

~~(5)~~(7) The refundable credit under section 5729.08 of the 101856
Revised Code for losses on loans made under the Ohio venture 101857
capital program under sections 150.01 to 150.10 of the Revised 101858
Code. 101859

(B) For any credit except the credits enumerated in divisions 101860
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 101861
a taxable year shall not exceed the tax due after allowing for any 101862
other credit that precedes it in the order required under this 101863
section. Any excess amount of a particular credit may be carried 101864
forward if authorized under the section creating that credit. 101865
Nothing in this chapter shall be construed to allow a taxpayer to 101866
claim, directly or indirectly, a credit more than once for a 101867

taxable year. 101868

Sec. 5733.01. (A) The tax provided by this chapter for 101869
domestic corporations shall be the amount charged against each 101870
corporation organized for profit under the laws of this state and 101871
each nonprofit corporation organized pursuant to Chapter 1729. of 101872
the Revised Code, except as provided in sections 5733.09 and 101873
5733.10 of the Revised Code, for the privilege of exercising its 101874
franchise during the calendar year in which that amount is 101875
payable, and the tax provided by this chapter for foreign 101876
corporations shall be the amount charged against each corporation 101877
organized for profit and each nonprofit corporation organized or 101878
operating in the same or similar manner as nonprofit corporations 101879
organized under Chapter 1729. of the Revised Code, under the laws 101880
of any state or country other than this state, except as provided 101881
in sections 5733.09 and 5733.10 of the Revised Code, for the 101882
privilege of doing business in this state, owning or using a part 101883
or all of its capital or property in this state, holding a 101884
certificate of compliance with the laws of this state authorizing 101885
it to do business in this state, or otherwise having nexus in or 101886
with this state under the Constitution of the United States, 101887
during the calendar year in which that amount is payable. 101888

(B) A corporation is subject to the tax imposed by section 101889
5733.06 of the Revised Code for each calendar year that it is so 101890
organized, doing business, owning or using a part or all of its 101891
capital or property, holding a certificate of compliance, or 101892
otherwise having nexus in or with this state under the 101893
Constitution of the United States, on the first day of January of 101894
that calendar year. 101895

(C) Any corporation subject to this chapter that is not 101896
subject to the federal income tax shall file its returns and 101897
compute its tax liability as required by this chapter in the same 101898

manner as if that corporation were subject to the federal income tax. 101899
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(D) For purposes of this chapter, a federally chartered financial institution shall be deemed to be organized under the laws of the state within which its principal office is located. 101901
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(E) For purposes of this chapter, any person, as defined in section 5701.01 of the Revised Code, shall be treated as a corporation if the person is classified for federal income tax purposes as an association taxable as a corporation, and an equity interest in the person shall be treated as capital stock of the person. 101904
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(F) For the purposes of this chapter, "disregarded entity" has the same meaning as in division (D) of section 5745.01 of the Revised Code. 101910
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(1) A person's interest in a disregarded entity, whether held directly or indirectly, shall be treated as the person's ownership of the assets and liabilities of the disregarded entity, and the income, including gain or loss, shall be included in the person's net income under this chapter. 101913
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(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter. 101918
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(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors. 101925
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(G) The tax a corporation is required to pay under this chapter shall be as follows: 101927
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(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;

(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)~~(29)~~(30) and the refundable credits described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98

of the Revised Code; 101961

(iii) For tax year 2007, the greater of the minimum payment 101962
required under division (E) of section 5733.06 of the Revised Code 101963
or three-fifths of the difference between all taxes charged the 101964
corporation under this chapter and any credits allowable against 101965
such tax, except the qualifying pass-through entity tax credit 101966
described in division (A)~~(29)~~(30) and the refundable credits 101967
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101968
of the Revised Code; 101969

(iv) For tax year 2008, the greater of the minimum payment 101970
required under division (E) of section 5733.06 of the Revised Code 101971
or two-fifths of the difference between all taxes charged the 101972
corporation under this chapter and any credits allowable against 101973
such tax, except the qualifying pass-through entity tax credit 101974
described in division (A)~~(29)~~(30) and the refundable credits 101975
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101976
of the Revised Code; 101977

(v) For tax year 2009, the greater of the minimum payment 101978
required under division (E) of section 5733.06 of the Revised Code 101979
or one-fifth of the difference between all taxes charged the 101980
corporation under this chapter and any credits allowable against 101981
such tax, except the qualifying pass-through entity tax credit 101982
described in division (A)~~(29)~~(30) and the refundable credits 101983
described in divisions (A)~~(30)~~, (31), (32), ~~and~~ (33), and (34) of 101984
section 5733.98 of the Revised Code; 101985

(vi) For tax year 2010 and each tax year thereafter, no tax. 101986

(b) A corporation shall subtract from the amount calculated 101987
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 101988
any qualifying pass-through entity tax credit described in 101989
division (A)~~(29)~~(30) and any refundable credits described in 101990
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 101991

Revised Code to which the corporation is entitled. Any unused 101992
qualifying pass-through entity tax credit is not refundable. 101993

(c) For the purposes of computing the amount of a credit that 101994
may be carried forward to a subsequent tax year under division 101995
(G)(2) of this section, a credit is utilized against the tax for a 101996
tax year to the extent the credit applies against the tax for that 101997
tax year, even if the difference is then multiplied by the 101998
applicable fraction under division (G)(2)(a) of this section. 101999

(3) Nothing in division (G) of this section eliminates or 102000
reduces the tax imposed by section 5733.41 of the Revised Code on 102001
a qualifying pass-through entity. 102002

Sec. 5733.04. As used in this chapter: 102003

(A) "Issued and outstanding shares of stock" applies to 102004
nonprofit corporations, as provided in section 5733.01 of the 102005
Revised Code, and includes, but is not limited to, membership 102006
certificates and other instruments evidencing ownership of an 102007
interest in such nonprofit corporations, and with respect to a 102008
financial institution that does not have capital stock, "issued 102009
and outstanding shares of stock" includes, but is not limited to, 102010
ownership interests of depositors in the capital employed in such 102011
an institution. 102012

(B) "Taxpayer" means a corporation subject to the tax imposed 102013
by section 5733.06 of the Revised Code. 102014

(C) "Resident" means a corporation organized under the laws 102015
of this state. 102016

(D) "Commercial domicile" means the principal place from 102017
which the trade or business of the taxpayer is directed or 102018
managed. 102019

(E) "Taxable year" means the period prescribed by division 102020
(A) of section 5733.031 of the Revised Code upon the net income of 102021

which the value of the taxpayer's issued and outstanding shares of stock is determined under division (B) of section 5733.05 of the Revised Code or the period prescribed by division (A) of section 5733.031 of the Revised Code that immediately precedes the date as of which the total value of the corporation is determined under division (A) or (C) of section 5733.05 of the Revised Code.

(F) "Tax year" means the calendar year in and for which the tax imposed by section 5733.06 of the Revised Code is required to be paid.

(G) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(H) "Federal income tax" means the income tax imposed by the Internal Revenue Code.

(I) Except as provided in section 5733.058 of the Revised Code, "net income" means the taxpayer's taxable income before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code, subject to the following adjustments:

(1)(a) Deduct any net operating loss incurred in any taxable years ending in 1971 or thereafter, but exclusive of any net operating loss incurred in taxable years ending prior to January 1, 1971. This deduction shall not be allowed in any tax year commencing before December 31, 1973, but shall be carried over and allowed in tax years commencing after December 31, 1973, until fully utilized in the next succeeding taxable year or years in which the taxpayer has net income, but in no case for more than the designated carryover period as described in division (I)(1)(b) of this section. The amount of such net operating loss, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code for the year in which the net operating loss occurs,

shall be deducted from net income, as determined under the 102053
allocation and apportionment provisions of section 5733.051 and 102054
division (B) of section 5733.05 of the Revised Code, to the extent 102055
necessary to reduce net income to zero with the remaining unused 102056
portion of the deduction, if any, carried forward to the remaining 102057
years of the designated carryover period as described in division 102058
(I)(1)(b) of this section, or until fully utilized, whichever 102059
occurs first. 102060

(b) For losses incurred in taxable years ending on or before 102061
December 31, 1981, the designated carryover period shall be the 102062
five consecutive taxable years after the taxable year in which the 102063
net operating loss occurred. For losses incurred in taxable years 102064
ending on or after January 1, 1982, and beginning before August 6, 102065
1997, the designated carryover period shall be the fifteen 102066
consecutive taxable years after the taxable year in which the net 102067
operating loss occurs. For losses incurred in taxable years 102068
beginning on or after August 6, 1997, the designated carryover 102069
period shall be the twenty consecutive taxable years after the 102070
taxable year in which the net operating loss occurs. 102071

(c) The tax commissioner may require a taxpayer to furnish 102072
any information necessary to support a claim for deduction under 102073
division (I)(1)(a) of this section and no deduction shall be 102074
allowed unless the information is furnished. 102075

(2) Deduct any amount included in net income by application 102076
of section 78 or 951 of the Internal Revenue Code, amounts 102077
received for royalties, technical or other services derived from 102078
sources outside the United States, and dividends received from a 102079
subsidiary, associate, or affiliated corporation that neither 102080
transacts any substantial portion of its business nor regularly 102081
maintains any substantial portion of its assets within the United 102082
States. For purposes of determining net foreign source income 102083
deductible under division (I)(2) of this section, the amount of 102084

gross income from all such sources other than dividend income and 102085
income derived by application of section 78 or 951 of the Internal 102086
Revenue Code shall be reduced by: 102087

(a) The amount of any reimbursed expenses for personal 102088
services performed by employees of the taxpayer for the 102089
subsidiary, associate, or affiliated corporation; 102090

(b) Ten per cent of the amount of royalty income and 102091
technical assistance fees; 102092

(c) Fifteen per cent of the amount of all other income. 102093

The amounts described in divisions (I)(2)(a) to (c) of this 102094
section are deemed to be the expenses attributable to the 102095
production of deductible foreign source income unless the taxpayer 102096
shows, by clear and convincing evidence, less actual expenses, or 102097
the tax commissioner shows, by clear and convincing evidence, more 102098
actual expenses. 102099

(3) Add any loss or deduct any gain resulting from the sale, 102100
exchange, or other disposition of a capital asset, or an asset 102101
described in section 1231 of the Internal Revenue Code, to the 102102
extent that such loss or gain occurred prior to the first taxable 102103
year on which the tax provided for in section 5733.06 of the 102104
Revised Code is computed on the corporation's net income. For 102105
purposes of division (I)(3) of this section, the amount of the 102106
prior loss or gain shall be measured by the difference between the 102107
original cost or other basis of the asset and the fair market 102108
value as of the beginning of the first taxable year on which the 102109
tax provided for in section 5733.06 of the Revised Code is 102110
computed on the corporation's net income. At the option of the 102111
taxpayer, the amount of the prior loss or gain may be a percentage 102112
of the gain or loss, which percentage shall be determined by 102113
multiplying the gain or loss by a fraction, the numerator of which 102114
is the number of months from the acquisition of the asset to the 102115

beginning of the first taxable year on which the fee provided in 102116
section 5733.06 of the Revised Code is computed on the 102117
corporation's net income, and the denominator of which is the 102118
number of months from the acquisition of the asset to the sale, 102119
exchange, or other disposition of the asset. The adjustments 102120
described in this division do not apply to any gain or loss where 102121
the gain or loss is recognized by a qualifying taxpayer, as 102122
defined in section 5733.0510 of the Revised Code, with respect to 102123
a qualifying taxable event, as defined in that section. 102124

(4) Deduct the dividend received deduction provided by 102125
section 243 of the Internal Revenue Code. 102126

(5) Deduct any interest or interest equivalent on public 102127
obligations and purchase obligations to the extent included in 102128
federal taxable income. As used in divisions (I)(5) and (6) of 102129
this section, "public obligations," "purchase obligations," and 102130
"interest or interest equivalent" have the same meanings as in 102131
section 5709.76 of the Revised Code. 102132

(6) Add any loss or deduct any gain resulting from the sale, 102133
exchange, or other disposition of public obligations to the extent 102134
included in federal taxable income. 102135

(7) To the extent not otherwise allowed, deduct any dividends 102136
or distributions received by a taxpayer from a public utility, 102137
excluding an electric company and a combined company, and, for tax 102138
years 2005 and thereafter, a telephone company, if the taxpayer 102139
owns at least eighty per cent of the issued and outstanding common 102140
stock of the public utility. As used in division (I)(7) of this 102141
section, "public utility" means a public utility as defined in 102142
Chapter 5727. of the Revised Code, whether or not the public 102143
utility is doing business in the state. 102144

(8) To the extent not otherwise allowed, deduct any dividends 102145
received by a taxpayer from an insurance company, if the taxpayer 102146

owns at least eighty per cent of the issued and outstanding common 102147
stock of the insurance company. As used in division (I)(8) of this 102148
section, "insurance company" means an insurance company that is 102149
taxable under Chapter 5725. or 5729. of the Revised Code. 102150

(9) Deduct expenditures for modifying existing buildings or 102151
structures to meet American national standards institute standard 102152
A-117.1-1961 (R-1971), as amended; provided, that no deduction 102153
shall be allowed to the extent that such deduction is not 102154
permitted under federal law or under rules of the tax 102155
commissioner. Those deductions as are allowed may be taken over a 102156
period of five years. The tax commissioner shall adopt rules under 102157
Chapter 119. of the Revised Code establishing reasonable 102158
limitations on the extent that expenditures for modifying existing 102159
buildings or structures are attributable to the purpose of making 102160
the buildings or structures accessible to and usable by physically 102161
handicapped persons. 102162

(10) Deduct the amount of wages and salaries, if any, not 102163
otherwise allowable as a deduction but that would have been 102164
allowable as a deduction in computing federal taxable income 102165
before operating loss deduction and special deductions for the 102166
taxable year, had the targeted jobs credit allowed and determined 102167
under sections 38, 51, and 52 of the Internal Revenue Code not 102168
been in effect. 102169

(11) Deduct net interest income on obligations of the United 102170
States and its territories and possessions or of any authority, 102171
commission, or instrumentality of the United States to the extent 102172
the laws of the United States prohibit inclusion of the net 102173
interest for purposes of determining the value of the taxpayer's 102174
issued and outstanding shares of stock under division (B) of 102175
section 5733.05 of the Revised Code. As used in division (I)(11) 102176
of this section, "net interest" means interest net of any expenses 102177
taken on the federal income tax return that would not have been 102178

allowed under section 265 of the Internal Revenue Code if the 102179
interest were exempt from federal income tax. 102180

(12)(a) Except as set forth in division (I)(12)(d) of this 102181
section, to the extent not included in computing the taxpayer's 102182
federal taxable income before operating loss deduction and special 102183
deductions, add gains and deduct losses from direct or indirect 102184
sales, exchanges, or other dispositions, made by a related entity 102185
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 102186
constructive investment in the stock or debt of another entity, 102187
unless the gain or loss has been included in computing the federal 102188
taxable income before operating loss deduction and special 102189
deductions of another taxpayer with a more closely related 102190
investment in the stock or debt of the other entity. The amount of 102191
gain added or loss deducted shall not exceed the product obtained 102192
by multiplying such gain or loss by the taxpayer's proportionate 102193
share, directly, indirectly, beneficially, or constructively, of 102194
the outstanding stock of the related entity immediately prior to 102195
the direct or indirect sale, exchange, or other disposition. 102196

(b) Except as set forth in division (I)(12)(e) of this 102197
section, to the extent not included in computing the taxpayer's 102198
federal taxable income before operating loss deduction and special 102199
deductions, add gains and deduct losses from direct or indirect 102200
sales, exchanges, or other dispositions made by a related entity 102201
who is not a taxpayer, of intangible property other than stock, 102202
securities, and debt, if such property was owned, or used in whole 102203
or in part, at any time prior to or at the time of the sale, 102204
exchange, or disposition by either the taxpayer or by a related 102205
entity that was a taxpayer at any time during the related entity's 102206
ownership or use of such property, unless the gain or loss has 102207
been included in computing the federal taxable income before 102208
operating loss deduction and special deductions of another 102209
taxpayer with a more closely related ownership or use of such 102210

intangible property. The amount of gain added or loss deducted 102211
shall not exceed the product obtained by multiplying such gain or 102212
loss by the taxpayer's proportionate share, directly, indirectly, 102213
beneficially, or constructively, of the outstanding stock of the 102214
related entity immediately prior to the direct or indirect sale, 102215
exchange, or other disposition. 102216

(c) As used in division (I)(12) of this section, "related 102217
entity" means those entities described in divisions (I)(12)(c)(i) 102218
to (iii) of this section: 102219

(i) An individual stockholder, or a member of the 102220
stockholder's family enumerated in section 318 of the Internal 102221
Revenue Code, if the stockholder and the members of the 102222
stockholder's family own, directly, indirectly, beneficially, or 102223
constructively, in the aggregate, at least fifty per cent of the 102224
value of the taxpayer's outstanding stock; 102225

(ii) A stockholder, or a stockholder's partnership, estate, 102226
trust, or corporation, if the stockholder and the stockholder's 102227
partnerships, estates, trusts, and corporations own directly, 102228
indirectly, beneficially, or constructively, in the aggregate, at 102229
least fifty per cent of the value of the taxpayer's outstanding 102230
stock; 102231

(iii) A corporation, or a party related to the corporation in 102232
a manner that would require an attribution of stock from the 102233
corporation to the party or from the party to the corporation 102234
under division (I)(12)(c)(iv) of this section, if the taxpayer 102235
owns, directly, indirectly, beneficially, or constructively, at 102236
least fifty per cent of the value of the corporation's outstanding 102237
stock. 102238

(iv) The attribution rules of section 318 of the Internal 102239
Revenue Code apply for purposes of determining whether the 102240
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 102241

section have been met. 102242

(d) For purposes of the adjustments required by division 102243
(I)(12)(a) of this section, the term "investment in the stock or 102244
debt of another entity" means only those investments where the 102245
taxpayer and the taxpayer's related entities directly, indirectly, 102246
beneficially, or constructively own, in the aggregate, at any time 102247
during the twenty-four month period commencing one year prior to 102248
the direct or indirect sale, exchange, or other disposition of 102249
such investment at least fifty per cent or more of the value of 102250
either the outstanding stock or such debt of such other entity. 102251

(e) For purposes of the adjustments required by division 102252
(I)(12)(b) of this section, the term "related entity" excludes all 102253
of the following: 102254

(i) Foreign corporations as defined in section 7701 of the 102255
Internal Revenue Code; 102256

(ii) Foreign partnerships as defined in section 7701 of the 102257
Internal Revenue Code; 102258

(iii) Corporations, partnerships, estates, and trusts created 102259
or organized in or under the laws of the Commonwealth of Puerto 102260
Rico or any possession of the United States; 102261

(iv) Foreign estates and foreign trusts as defined in section 102262
7701 of the Internal Revenue Code. 102263

The exclusions described in divisions (I)(12)(e)(i) to (iv) 102264
of this section do not apply if the corporation, partnership, 102265
estate, or trust is described in any one of divisions (C)(1) to 102266
(5) of section 5733.042 of the Revised Code. 102267

(f) Nothing in division (I)(12) of this section shall require 102268
or permit a taxpayer to add any gains or deduct any losses 102269
described in divisions (I)(12)(f)(i) and (ii) of this section: 102270

(i) Gains or losses recognized for federal income tax 102271

purposes by an individual, estate, or trust without regard to the 102272
attribution rules described in division (I)(12)(c) of this 102273
section; 102274

(ii) A related entity's gains or losses described in division 102275
(I)(12)(b) of this section if the taxpayer's ownership of or use 102276
of such intangible property was limited to a period not exceeding 102277
nine months and was attributable to a transaction or a series of 102278
transactions executed in accordance with the election or elections 102279
made by the taxpayer or a related entity pursuant to section 338 102280
of the Internal Revenue Code. 102281

(13) Any adjustment required by section 5733.042 of the 102282
Revised Code. 102283

(14) Add any amount claimed as a credit under section 102284
5733.0611 of the Revised Code to the extent that such amount 102285
satisfies either of the following: 102286

(a) It was deducted or excluded from the computation of the 102287
corporation's taxable income before operating loss deduction and 102288
special deductions as required to be reported for the 102289
corporation's taxable year under the Internal Revenue Code; 102290

(b) It resulted in a reduction of the corporation's taxable 102291
income before operating loss deduction and special deductions as 102292
required to be reported for any of the corporation's taxable years 102293
under the Internal Revenue Code. 102294

(15) Deduct the amount contributed by the taxpayer to an 102295
individual development account program established by a county 102296
department of job and family services pursuant to sections 329.11 102297
to 329.14 of the Revised Code for the purpose of matching funds 102298
deposited by program participants. On request of the tax 102299
commissioner, the taxpayer shall provide any information that, in 102300
the tax commissioner's opinion, is necessary to establish the 102301
amount deducted under division (I)(15) of this section. 102302

(16) Any adjustment required by section 5733.0510 or 102303
5733.0511 of the Revised Code. 102304

(17)(a)(i) Add five-sixths of the amount of depreciation 102305
expense allowed under subsection (k) of section 168 of the 102306
Internal Revenue Code, including a person's proportionate or 102307
distributive share of the amount of depreciation expense allowed 102308
by that subsection to any pass-through entity in which the person 102309
has direct or indirect ownership. 102310

(ii) Add five-sixths of the amount of qualifying section 179 102311
depreciation expense, including a person's proportionate or 102312
distributive share of the amount of qualifying section 179 102313
depreciation expense allowed to any pass-through entity in which 102314
the person has a direct or indirect ownership. For the purposes of 102315
this division, "qualifying section 179 depreciation expense" means 102316
the difference between (I) the amount of depreciation expense 102317
directly or indirectly allowed to the taxpayer under section 179 102318
of the Internal Revenue Code, and (II) the amount of depreciation 102319
expense directly or indirectly allowed to the taxpayer under 102320
section 179 of the Internal Revenue Code as that section existed 102321
on December 31, 2002. 102322

The tax commissioner, under procedures established by the 102323
commissioner, may waive the add-backs related to a pass-through 102324
entity if the person owns, directly or indirectly, less than five 102325
per cent of the pass-through entity. 102326

(b) Nothing in division (I)(17) of this section shall be 102327
construed to adjust or modify the adjusted basis of any asset. 102328

(c) To the extent the add-back is attributable to property 102329
generating income or loss allocable under section 5733.051 of the 102330
Revised Code, the add-back shall be allocated to the same location 102331
as the income or loss generated by that property. Otherwise, the 102332
add-back shall be apportioned, subject to division (B)(2)(d) of 102333

section 5733.05 of the Revised Code. 102334

(18)(a) If a person is required to make the add-back under 102335
division (I)(17)(a) of this section for a tax year, the person 102336
shall deduct one-fifth of the amount added back for each of the 102337
succeeding five tax years. 102338

(b) If the amount deducted under division (I)(18)(a) of this 102339
section is attributable to an add-back allocated under division 102340
(I)(17)(c) of this section, the amount deducted shall be allocated 102341
to the same location. Otherwise, the amount shall be apportioned 102342
using the apportionment factors for the taxable year in which the 102343
deduction is taken, subject to division (B)(2)(d) of section 102344
5733.05 of the Revised Code. 102345

(J) Except as otherwise expressly provided or clearly 102346
appearing from the context, any term used in this chapter has the 102347
same meaning as when used in a comparable context in the laws of 102348
the United States relating to federal income taxes. Any reference 102349
in this chapter to the Internal Revenue Code includes other laws 102350
of the United States relating to federal income taxes. 102351

(K) "Financial institution" has the meaning given by section 102352
5725.01 of the Revised Code but does not include a production 102353
credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091. 102354

(L)(1) A "qualifying holding company" is any corporation 102355
satisfying all of the following requirements: 102356

(a) Subject to divisions (L)(2) and (3) of this section, the 102357
net book value of the corporation's intangible assets is greater 102358
than or equal to ninety per cent of the net book value of all of 102359
its assets and at least fifty per cent of the net book value of 102360
all of its assets represents direct or indirect investments in the 102361
equity of, loans and advances to, and accounts receivable due from 102362
related members; 102363

(b) At least ninety per cent of the corporation's gross 102364

income for the taxable year is attributable to the following: 102365

(i) The maintenance, management, ownership, acquisition, use, 102366
and disposition of its intangible property, its aircraft the use 102367
of which is not subject to regulation under 14 C.F.R. part 121 or 102368
part 135, and any real property described in division (L)(2)(c) of 102369
this section; 102370

(ii) The collection and distribution of income from such 102371
property. 102372

(c) The corporation is not a financial institution on the 102373
last day of the taxable year ending prior to the first day of the 102374
tax year; 102375

(d) The corporation's related members make a good faith and 102376
reasonable effort to make timely and fully the adjustments 102377
required by division ~~(C)(2)~~(D) of section 5733.05 of the Revised 102378
Code and to pay timely and fully all uncontested taxes, interest, 102379
penalties, and other fees and charges imposed under this chapter; 102380

(e) Subject to division (L)(4) of this section, the 102381
corporation elects to be treated as a qualifying holding company 102382
for the tax year. 102383

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 102384
of this section that does not elect to be a qualifying holding 102385
company is not a qualifying holding company for the purposes of 102386
this chapter. 102387

(2)(a)(i) For purposes of making the ninety per cent 102388
computation under division (L)(1)(a) of this section, the net book 102389
value of the corporation's assets shall not include the net book 102390
value of aircraft or real property described in division 102391
(L)(1)(b)(i) of this section. 102392

(ii) For purposes of making the fifty per cent computation 102393
under division (L)(1)(a) of this section, the net book value of 102394

assets shall include the net book value of aircraft or real 102395
property described in division (L)(1)(b)(i) of this section. 102396

(b)(i) As used in division (L) of this section, "intangible 102397
asset" includes, but is not limited to, the corporation's direct 102398
interest in each pass-through entity only if at all times during 102399
the corporation's taxable year ending prior to the first day of 102400
the tax year the corporation's and the corporation's related 102401
members' combined direct and indirect interests in the capital or 102402
profits of such pass-through entity do not exceed fifty per cent. 102403
If the corporation's interest in the pass-through entity is an 102404
intangible asset for that taxable year, then the distributive 102405
share of any income from the pass-through entity shall be income 102406
from an intangible asset for that taxable year. 102407

(ii) If a corporation's and the corporation's related 102408
members' combined direct and indirect interests in the capital or 102409
profits of a pass-through entity exceed fifty per cent at any time 102410
during the corporation's taxable year ending prior to the first 102411
day of the tax year, "intangible asset" does not include the 102412
corporation's direct interest in the pass-through entity, and the 102413
corporation shall include in its assets its proportionate share of 102414
the assets of any such pass-through entity and shall include in 102415
its gross income its distributive share of the gross income of 102416
such pass-through entity in the same form as was earned by the 102417
pass-through entity. 102418

(iii) A pass-through entity's direct or indirect 102419
proportionate share of any other pass-through entity's assets 102420
shall be included for the purpose of computing the corporation's 102421
proportionate share of the pass-through entity's assets under 102422
division (L)(2)(b)(ii) of this section, and such pass-through 102423
entity's distributive share of any other pass-through entity's 102424
gross income shall be included for purposes of computing the 102425
corporation's distributive share of the pass-through entity's 102426

gross income under division (L)(2)(b)(ii) of this section. 102427

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 102428
(2)(a)(i), and (2)(a)(ii) of this section, real property is 102429
described in division (L)(2)(c) of this section only if all of the 102430
following conditions are present at all times during the taxable 102431
year ending prior to the first day of the tax year: 102432

(i) The real property serves as the headquarters of the 102433
corporation's trade or business, or is the place from which the 102434
corporation's trade or business is principally managed or 102435
directed; 102436

(ii) Not more than ten per cent of the value of the real 102437
property and not more than ten per cent of the square footage of 102438
the building or buildings that are part of the real property is 102439
used, made available, or occupied for the purpose of providing, 102440
acquiring, transferring, selling, or disposing of tangible 102441
property or services in the normal course of business to persons 102442
other than related members, the corporation's employees and their 102443
families, and such related members' employees and their families. 102444

(d) As used in division (L) of this section, "related member" 102445
has the same meaning as in division (A)(6) of section 5733.042 of 102446
the Revised Code without regard to division (B) of that section. 102447

(3) The percentages described in division (L)(1)(a) of this 102448
section shall be equal to the quarterly average of those 102449
percentages as calculated during the corporation's taxable year 102450
ending prior to the first day of the tax year. 102451

(4) With respect to the election described in division 102452
(L)(1)(e) of this section: 102453

(a) The election need not accompany a timely filed report; 102454

(b) The election need not accompany the report; rather, the 102455
election may accompany a subsequently filed but timely application 102456

for refund and timely amended report, or a subsequently filed but 102457
timely petition for reassessment; 102458

(c) The election is not irrevocable; 102459

(d) The election applies only to the tax year specified by 102460
the corporation; 102461

(e) The corporation's related members comply with division 102462
(L)(1)(d) of this section. 102463

Nothing in division (L)(4) of this section shall be construed 102464
to extend any statute of limitations set forth in this chapter. 102465

(M) "Qualifying controlled group" means two or more 102466
corporations that satisfy the ownership and control requirements 102467
of division (A) of section 5733.052 of the Revised Code. 102468

(N) "Limited liability company" means any limited liability 102469
company formed under Chapter 1705. of the Revised Code or under 102470
the laws of any other state. 102471

(O) "Pass-through entity" means a corporation that has made 102472
an election under subchapter S of Chapter 1 of Subtitle A of the 102473
Internal Revenue Code for its taxable year under that code, or a 102474
partnership, limited liability company, or any other person, other 102475
than an individual, trust, or estate, if the partnership, limited 102476
liability company, or other person is not classified for federal 102477
income tax purposes as an association taxed as a corporation. 102478

(P) "Electric company," "combined company," and "telephone 102479
company" have the same meanings as in section 5727.01 of the 102480
Revised Code. 102481

(Q) "Business income" means income arising from transactions, 102482
activities, and sources in the regular course of a trade or 102483
business and includes income from real property, tangible personal 102484
property, and intangible personal property if the acquisition, 102485
rental, management, and disposition of the property constitute 102486

integral parts of the regular course of a trade or business 102487
operation. "Business income" includes income, including gain or 102488
loss, from a partial or complete liquidation of a business, 102489
including, but not limited to, gain or loss from the sale or other 102490
disposition of goodwill. 102491

(R) "Nonbusiness income" means all income other than business 102492
income. 102493

Sec. 5733.58. (A) Terms used in this section have the same 102494
meaning as in section 5725.33 of the Revised Code. 102495

(B) There is hereby allowed a nonrefundable credit against 102496
the tax imposed by section 5733.06 of the Revised Code for a 102497
financial institution holding a qualified equity investment on the 102498
credit allowance date occurring in the calendar year immediately 102499
preceding the tax year for which the tax is due. The credit shall 102500
be computed in the same manner prescribed for the computation of 102501
credits allowed under section 5725.33 of the Revised Code. 102502

By claiming a tax credit under this section, a financial 102503
institution waives its rights under section 5733.11 of the Revised 102504
Code with respect to the time limitation for the assessment of 102505
taxes as it relates to credits claimed that later become subject 102506
to recapture under division (D) of this section. 102507

The credit shall be claimed in the order prescribed by 102508
section 5733.98 of the Revised Code. If the amount of the credit 102509
exceeds the amount of tax otherwise due after deducting all other 102510
credits in that order, the excess may be carried forward and 102511
applied to the tax due for not more than four ensuing tax years. 102512

(C) The total amount of qualified equity investments on the 102513
basis of which credits may be claimed under this section and 102514
sections 5725.33 and 5729.16 of the Revised Code is subject to the 102515
limitation of division (C) of section 5725.33 of the Revised Code. 102516

(D) If any amount of the federal tax credit allowed for a 102517
qualified equity investment for which a credit was received under 102518
this section is recaptured under section 45D of the Internal 102519
Revenue Code, or if the director of development determines that an 102520
investment for which a tax credit is claimed under this section is 102521
not a qualified equity investment or that the proceeds of an 102522
investment for which a tax credit is claimed under this section 102523
are used to make qualified low-income community investments other 102524
than in a qualified active low-income community business, all or a 102525
portion of the credit received on account of that investment shall 102526
be paid by the financial institution that received the credit to 102527
the tax commissioner. The amount to be recovered shall be 102528
determined by the director of development pursuant to rules 102529
adopted under section 5725.33 of the Revised Code. The director 102530
shall certify any amount due under this division to the tax 102531
commissioner, and the commissioner shall notify the financial 102532
institution of the amount due. The amount due is payable not later 102533
than thirty days after the day the commissioner issues the notice. 102534
The amount due shall be considered to be tax due under section 102535
5733.06 of the Revised Code, and may be collected by assessment 102536
without regard to the limitations imposed under section 5733.11 of 102537
the Revised Code for the assessment of taxes by the commissioner. 102538
All amounts collected under this division shall be credited as 102539
revenue from the tax levied under section 5733.06 of the Revised 102540
Code. 102541

Sec. 5733.59. (A) Any term used in this section has the same 102542
meaning as in section 122.85 of the Revised Code. 102543

(B) There is allowed a credit against the tax imposed by 102544
section 5733.06 of the Revised Code for any corporation that is 102545
the certificate owner of a tax credit certificate issued under 102546
section 122.85 of the Revised Code. The credit shall be claimed 102547
for the taxable year in which the certificate is issued by the 102548

director of development. The credit amount equals the amount 102549
stated in the certificate. The credit shall be claimed in the 102550
order required under section 5733.98 of the Revised Code. If the 102551
credit amount exceeds the tax otherwise due under section 5733.06 102552
of the Revised Code after deducting all other credits in that 102553
order, the excess shall be refunded. 102554

(C) If, pursuant to division (G) of section 5733.01 of the 102555
Revised Code, the corporation is not required to pay tax under 102556
this chapter, the corporation may file an annual report under 102557
section 5733.02 of the Revised Code and claim the credit 102558
authorized by this section. Nothing in this section allows a 102559
corporation to claim more than one credit per tax credit-eligible 102560
production. 102561

Sec. 5733.98. (A) To provide a uniform procedure for 102562
calculating the amount of tax imposed by section 5733.06 of the 102563
Revised Code that is due under this chapter, a taxpayer shall 102564
claim any credits to which it is entitled in the following order, 102565
except as otherwise provided in section 5733.058 of the Revised 102566
Code: 102567

(1) For tax year 2005, the credit for taxes paid by a 102568
qualifying pass-through entity allowed under section 5733.0611 of 102569
the Revised Code; 102570

(2) The credit allowed for financial institutions under 102571
section 5733.45 of the Revised Code; 102572

(3) The credit for qualifying affiliated groups under section 102573
5733.068 of the Revised Code; 102574

(4) The subsidiary corporation credit under section 5733.067 102575
of the Revised Code; 102576

(5) The savings and loan assessment credit under section 102577
5733.063 of the Revised Code; 102578

(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	102579 102580
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	102581 102582
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	102583 102584
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	102585 102586
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	102587 102588
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	102589 102590
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	102591 102592
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	102593 102594
(14) The job training credit under section 5733.42 of the Revised Code;	102595 102596
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	102597 102598
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	102599 102600
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	102601 102602
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	102603 102604
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	102605 102606
(20) The credit for purchases of qualifying grape production	102607

property under section 5733.32 of the Revised Code;	102608
(21) The export sales credit under section 5733.069 of the Revised Code;	102609 102610
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	102611 102612
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	102613 102614
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	102615 102616
(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	102617 102618
<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	102619 102620
(26) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	102621 102622
(27) <u>(28)</u> 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;	102623 102624 102625
(28) <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	102626 102627
(29) <u>(30)</u> 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;	102628 102629 102630
(30) <u>(31)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	102631 102632
(31) <u>(32)</u> The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	102633 102634
(32) <u>(33)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	102635 102636

~~(33)~~(34) 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;

~~(34)~~(35) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;

(36) The refundable motion picture production credit under section 5733.59 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)~~(30)~~(31) to ~~(34)~~(36) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of the Revised Code has been paid, for the purpose of operating a transit bus shall be reimbursed in the amount of ~~the~~ such tax paid on motor fuel used by public transportation systems providing transit or paratransit service on a regular and continuing basis within the state;

(2) A city, exempted village, joint vocational, or local school district or educational service center that purchases any motor fuel for school district or service center operations, on which any tax imposed by section 5735.29 of the Revised Code that became effective on or after July 1, 2003, has been paid, may, if an application is filed under this section, be reimbursed in the amount of all but two cents per gallon of the total tax imposed by such section and paid on motor fuel.

(3) A county board of mental retardation and developmental disabilities that, on or after July 1, 2005, purchases any motor fuel for county board operations, on which any tax imposed by section 5735.29 of the Revised Code has been paid may, if an application is filed under this section, be reimbursed in the amount of all but two cents per gallon of the total tax imposed by such section and paid on motor fuel purchased on or after July 1, 2005.

(B) Such person, school district, educational service center, or county board shall file with the tax commissioner an application for refund within one year from the date of purchase, stating the quantity of fuel used for operating transit buses used by local transit systems in furnishing scheduled common carrier, public passenger land transportation service along regular routes primarily in one or more municipal corporations or for operating vehicles used for school district, service center, or county board operations. However, no claim shall be made for the tax on fewer than one hundred gallons of motor fuel. A school district, educational service center, or county board shall not apply for a refund for any tax paid on motor fuel that is sold by the district, service center, or county board. The application shall be accompanied by the statement described in section 5735.15 of the Revised Code showing the purchase, together with evidence of payment thereof.

(C) After consideration of the application and statement, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised

Code. 102699

The commissioner may require that the application be 102700
supported by the affidavit of the claimant. No refund shall be 102701
authorized or ordered for any single claim for the tax on fewer 102702
than one hundred gallons of motor fuel. No refund shall be 102703
authorized or ordered on motor fuel that is sold by a school 102704
district, educational service center, or county board. 102705

(D) The refund authorized by this section or section 5703.70 102706
of the Revised Code shall be reduced by the cents per gallon 102707
amount of any qualified fuel credit received under section 102708
5735.145 of the Revised Code, as determined by the commissioner, 102709
for each gallon of qualified fuel included in the total gallonage 102710
of motor fuel upon which the refund is computed. 102711

(E) The right to receive any refund under this section or 102712
section 5703.70 of the Revised Code is not assignable. The payment 102713
of this refund shall not be made to any person or entity other 102714
than the person or entity originally entitled thereto who used the 102715
motor fuel upon which the claim for refund is based, except that 102716
the refund when allowed and certified, as provided in this 102717
section, may be paid to the executor, the administrator, the 102718
receiver, the trustee in bankruptcy, or the assignee in insolvency 102719
proceedings of the person. 102720

Sec. 5739.01. As used in this chapter: 102721

(A) "Person" includes individuals, receivers, assignees, 102722
trustees in bankruptcy, estates, firms, partnerships, 102723
associations, joint-stock companies, joint ventures, clubs, 102724
societies, corporations, the state and its political subdivisions, 102725
and combinations of individuals of any form. 102726

(B) "Sale" and "selling" include all of the following 102727
transactions for a consideration in any manner, whether absolutely 102728

or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services

are incidental or supplemental. Notwithstanding any other 102759
provision of this chapter, such transactions that occur between 102760
members of an affiliated group are not sales. An "affiliated 102761
group" means two or more persons related in such a way that one 102762
person owns or controls the business operation of another member 102763
of the group. In the case of corporations with stock, one 102764
corporation owns or controls another if it owns more than fifty 102765
per cent of the other corporation's common stock with voting 102766
rights. 102767

(f) Telecommunications service, including prepaid calling 102768
service, prepaid wireless calling service, or ancillary service, 102769
is or is to be provided, but not including coin-operated telephone 102770
service; 102771

(g) Landscaping and lawn care service is or is to be 102772
provided; 102773

(h) Private investigation and security service is or is to be 102774
provided; 102775

(i) Information services or tangible personal property is 102776
provided or ordered by means of a nine hundred telephone call; 102777

(j) Building maintenance and janitorial service is or is to 102778
be provided; 102779

(k) Employment service is or is to be provided; 102780

(l) Employment placement service is or is to be provided; 102781

(m) Exterminating service is or is to be provided; 102782

(n) Physical fitness facility service is or is to be 102783
provided; 102784

(o) Recreation and sports club service is or is to be 102785
provided; 102786

(p) On and after August 1, 2003, satellite broadcasting 102787
service is or is to be provided; 102788

(q) On and after August 1, 2003, personal care service is or 102789
is to be provided to an individual. As used in this division, 102790
"personal care service" includes skin care, the application of 102791
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 102792
piercing, tanning, massage, and other similar services. "Personal 102793
care service" does not include a service provided by or on the 102794
order of a licensed physician or licensed chiropractor, or the 102795
cutting, coloring, or styling of an individual's hair. 102796

(r) On and after August 1, 2003, the transportation of 102797
persons by motor vehicle or aircraft is or is to be provided, when 102798
the transportation is entirely within this state, except for 102799
transportation provided by an ambulance service, by a transit bus, 102800
as defined in section 5735.01 of the Revised Code, and 102801
transportation provided by a citizen of the United States holding 102802
a certificate of public convenience and necessity issued under 49 102803
U.S.C. 41102; 102804

(s) On and after August 1, 2003, motor vehicle towing service 102805
is or is to be provided. As used in this division, "motor vehicle 102806
towing service" means the towing or conveyance of a wrecked, 102807
disabled, or illegally parked motor vehicle. 102808

(t) On and after August 1, 2003, snow removal service is or 102809
is to be provided. As used in this division, "snow removal 102810
service" means the removal of snow by any mechanized means, but 102811
does not include the providing of such service by a person that 102812
has less than five thousand dollars in sales of such service 102813
during the calendar year. 102814

(u) Electronic publishing service is or is to be provided to 102815
a consumer for use in business, except that such transactions 102816
occurring between members of an affiliated group, as defined in 102817
division (B)(3)(e) of this section, are not sales. 102818

(4) All transactions by which printed, imprinted, 102819

overprinted, lithographic, multilithic, blueprinted, photostatic, 102820
or other productions or reproductions of written or graphic matter 102821
are or are to be furnished or transferred; 102822

(5) The production or fabrication of tangible personal 102823
property for a consideration for consumers who furnish either 102824
directly or indirectly the materials used in the production of 102825
fabrication work; and include the furnishing, preparing, or 102826
serving for a consideration of any tangible personal property 102827
consumed on the premises of the person furnishing, preparing, or 102828
serving such tangible personal property. Except as provided in 102829
section 5739.03 of the Revised Code, a construction contract 102830
pursuant to which tangible personal property is or is to be 102831
incorporated into a structure or improvement on and becoming a 102832
part of real property is not a sale of such tangible personal 102833
property. The construction contractor is the consumer of such 102834
tangible personal property, provided that the sale and 102835
installation of carpeting, the sale and installation of 102836
agricultural land tile, the sale and erection or installation of 102837
portable grain bins, or the provision of landscaping and lawn care 102838
service and the transfer of property as part of such service is 102839
never a construction contract. 102840

As used in division (B)(5) of this section: 102841

(a) "Agricultural land tile" means fired clay or concrete 102842
tile, or flexible or rigid perforated plastic pipe or tubing, 102843
incorporated or to be incorporated into a subsurface drainage 102844
system appurtenant to land used or to be used directly in 102845
production by farming, agriculture, horticulture, or floriculture. 102846
The term does not include such materials when they are or are to 102847
be incorporated into a drainage system appurtenant to a building 102848
or structure even if the building or structure is used or to be 102849
used in such production. 102850

(b) "Portable grain bin" means a structure that is used or to 102851

be used by a person engaged in farming or agriculture to shelter 102852
the person's grain and that is designed to be disassembled without 102853
significant damage to its component parts. 102854

(6) All transactions in which all of the shares of stock of a 102855
closely held corporation are transferred, if the corporation is 102856
not engaging in business and its entire assets consist of boats, 102857
planes, motor vehicles, or other tangible personal property 102858
operated primarily for the use and enjoyment of the shareholders; 102859

(7) All transactions in which a warranty, maintenance or 102860
service contract, or similar agreement by which the vendor of the 102861
warranty, contract, or agreement agrees to repair or maintain the 102862
tangible personal property of the consumer is or is to be 102863
provided; 102864

(8) The transfer of copyrighted motion picture films used 102865
solely for advertising purposes, except that the transfer of such 102866
films for exhibition purposes is not a sale; 102867

(9) On and after August 1, 2003, all transactions by which 102868
tangible personal property is or is to be stored, except such 102869
property that the consumer of the storage holds for sale in the 102870
regular course of business; 102871

(10) All transactions in which "guaranteed auto protection" 102872
is provided whereby a person promises to pay to the consumer the 102873
difference between the amount the consumer receives from motor 102874
vehicle insurance and the amount the consumer owes to a person 102875
holding title to or a lien on the consumer's motor vehicle in the 102876
event the consumer's motor vehicle suffers a total loss under the 102877
terms of the motor vehicle insurance policy or is stolen and not 102878
recovered, if the protection and its price are included in the 102879
purchase or lease agreement; 102880

(11)(a) Except as provided in division (B)(11)(b) of this 102881
section, on and after September 1, 2009, all transactions by which 102882

health care services are paid for, reimbursed, provided, 102883
delivered, arranged for, or otherwise made available by a medicaid 102884
health insuring corporation pursuant to the corporation's contract 102885
with the state. 102886

(b) If the centers for medicare and medicaid services of the 102887
United States department of health and human services determines 102888
that the taxation of transactions described in division (B)(11)(a) 102889
of this section constitutes an impermissible health care-related 102890
tax under section 1903(w) of the "Social Security Act," 49 Stat. 102891
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 102892
adopted thereunder, the director of job and family services shall 102893
notify the tax commissioner of that determination. Beginning with 102894
the first day of the month following that notification, the 102895
transactions described in division (B)(11)(a) of this section are 102896
not sales for the purposes of this chapter or Chapter 5741. of the 102897
Revised Code. The tax commissioner shall order that the collection 102898
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 102899
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 102900
shall cease for transactions occurring on or after that date. 102901

Except as provided in this section, "sale" and "selling" do 102902
not include transfers of interest in leased property where the 102903
original lessee and the terms of the original lease agreement 102904
remain unchanged, or professional, insurance, or personal service 102905
transactions that involve the transfer of tangible personal 102906
property as an inconsequential element, for which no separate 102907
charges are made. 102908

(C) "Vendor" means the person providing the service or by 102909
whom the transfer effected or license given by a sale is or is to 102910
be made or given and, for sales described in division (B)(3)(i) of 102911
this section, the telecommunications service vendor that provides 102912
the nine hundred telephone service; if two or more persons are 102913
engaged in business at the same place of business under a single 102914

trade name in which all collections on account of sales by each 102915
are made, such persons shall constitute a single vendor. 102916

Physicians, dentists, hospitals, and veterinarians who are 102917
engaged in selling tangible personal property as received from 102918
others, such as eyeglasses, mouthwashes, dentifrices, or similar 102919
articles, are vendors. Veterinarians who are engaged in 102920
transferring to others for a consideration drugs, the dispensing 102921
of which does not require an order of a licensed veterinarian or 102922
physician under federal law, are vendors. 102923

(D)(1) "Consumer" means the person for whom the service is 102924
provided, to whom the transfer effected or license given by a sale 102925
is or is to be made or given, to whom the service described in 102926
division (B)(3)(f) or (i) of this section is charged, or to whom 102927
the admission is granted. 102928

(2) Physicians, dentists, hospitals, and blood banks operated 102929
by nonprofit institutions and persons licensed to practice 102930
veterinary medicine, surgery, and dentistry are consumers of all 102931
tangible personal property and services purchased by them in 102932
connection with the practice of medicine, dentistry, the rendition 102933
of hospital or blood bank service, or the practice of veterinary 102934
medicine, surgery, and dentistry. In addition to being consumers 102935
of drugs administered by them or by their assistants according to 102936
their direction, veterinarians also are consumers of drugs that 102937
under federal law may be dispensed only by or upon the order of a 102938
licensed veterinarian or physician, when transferred by them to 102939
others for a consideration to provide treatment to animals as 102940
directed by the veterinarian. 102941

(3) A person who performs a facility management, or similar 102942
service contract for a contractee is a consumer of all tangible 102943
personal property and services purchased for use in connection 102944
with the performance of such contract, regardless of whether title 102945
to any such property vests in the contractee. The purchase of such 102946

property and services is not subject to the exception for resale 102947
under division (E)(1) of this section. 102948

(4)(a) In the case of a person who purchases printed matter 102949
for the purpose of distributing it or having it distributed to the 102950
public or to a designated segment of the public, free of charge, 102951
that person is the consumer of that printed matter, and the 102952
purchase of that printed matter for that purpose is a sale. 102953

(b) In the case of a person who produces, rather than 102954
purchases, printed matter for the purpose of distributing it or 102955
having it distributed to the public or to a designated segment of 102956
the public, free of charge, that person is the consumer of all 102957
tangible personal property and services purchased for use or 102958
consumption in the production of that printed matter. That person 102959
is not entitled to claim exemption under division (B)(42)(f) of 102960
section 5739.02 of the Revised Code for any material incorporated 102961
into the printed matter or any equipment, supplies, or services 102962
primarily used to produce the printed matter. 102963

(c) The distribution of printed matter to the public or to a 102964
designated segment of the public, free of charge, is not a sale to 102965
the members of the public to whom the printed matter is 102966
distributed or to any persons who purchase space in the printed 102967
matter for advertising or other purposes. 102968

(5) A person who makes sales of any of the services listed in 102969
division (B)(3) of this section is the consumer of any tangible 102970
personal property used in performing the service. The purchase of 102971
that property is not subject to the resale exception under 102972
division (E)(1) of this section. 102973

(6) A person who engages in highway transportation for hire 102974
is the consumer of all packaging materials purchased by that 102975
person and used in performing the service, except for packaging 102976
materials sold by such person in a transaction separate from the 102977

service. 102978

(7) In the case of a transaction for health care services 102979
under division (B)(11) of this section, a medicaid health insuring 102980
corporation is the consumer of such services. The purchase of such 102981
services by a medicaid health insuring corporation is not subject 102982
to the exception for resale under division (E)(1) of this section 102983
or to the exemptions provided under divisions (B)(12), (18), (19), 102984
and (22) of section 5739.02 of the Revised Code. 102985

(E) "Retail sale" and "sales at retail" include all sales, 102986
except those in which the purpose of the consumer is to resell the 102987
thing transferred or benefit of the service provided, by a person 102988
engaging in business, in the form in which the same is, or is to 102989
be, received by the person. 102990

(F) "Business" includes any activity engaged in by any person 102991
with the object of gain, benefit, or advantage, either direct or 102992
indirect. "Business" does not include the activity of a person in 102993
managing and investing the person's own funds. 102994

(G) "Engaging in business" means commencing, conducting, or 102995
continuing in business, and liquidating a business when the 102996
liquidator thereof holds itself out to the public as conducting 102997
such business. Making a casual sale is not engaging in business. 102998

(H)(1)(a) "Price," except as provided in divisions (H)(2) 102999
and (3), and (4) of this section, means the total amount of 103000
consideration, including cash, credit, property, and services, for 103001
which tangible personal property or services are sold, leased, or 103002
rented, valued in money, whether received in money or otherwise, 103003
without any deduction for any of the following: 103004

(i) The vendor's cost of the property sold; 103005

(ii) The cost of materials used, labor or service costs, 103006
interest, losses, all costs of transportation to the vendor, all 103007
taxes imposed on the vendor, including the tax imposed under 103008

Chapter 5751. of the Revised Code, and any other expense of the vendor; 103009
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(iii) Charges by the vendor for any services necessary to complete the sale; 103011
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(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 103013
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(v) Installation charges; 103018

(vi) Credit for any trade-in. 103019

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: 103020
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(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 103029
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(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 103035
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(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

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(c) "Price" does not include any of the following:

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(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

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(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

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(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

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(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

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(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

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(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section

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1547.543 of the Revised Code, in which another watercraft, 103071
watercraft and trailer, or outboard motor is accepted by the 103072
dealer as part of the consideration received, "price" has the same 103073
meaning as in division (H)(1) of this section, reduced by the 103074
credit afforded the consumer by the dealer for the watercraft, 103075
watercraft and trailer, or outboard motor received in trade. As 103076
used in this division, "watercraft" includes an outdrive unit 103077
attached to the watercraft. 103078

(4) In the case of transactions for health care services 103079
under division (B)(11) of this section, "price" means the amount 103080
of managed care premiums received each month by a medicaid health 103081
insuring corporation. 103082

(I) "Receipts" means the total amount of the prices of the 103083
sales of vendors, provided that cash discounts allowed and taken 103084
on sales at the time they are consummated are not included, minus 103085
any amount deducted as a bad debt pursuant to section 5739.121 of 103086
the Revised Code. "Receipts" does not include the sale price of 103087
property returned or services rejected by consumers when the full 103088
sale price and tax are refunded either in cash or by credit. 103089

(J) "Place of business" means any location at which a person 103090
engages in business. 103091

(K) "Premises" includes any real property or portion thereof 103092
upon which any person engages in selling tangible personal 103093
property at retail or making retail sales and also includes any 103094
real property or portion thereof designated for, or devoted to, 103095
use in conjunction with the business engaged in by such person. 103096

(L) "Casual sale" means a sale of an item of tangible 103097
personal property that was obtained by the person making the sale, 103098
through purchase or otherwise, for the person's own use and was 103099
previously subject to any state's taxing jurisdiction on its sale 103100
or use, and includes such items acquired for the seller's use that 103101

are sold by an auctioneer employed directly by the person for such 103102
purpose, provided the location of such sales is not the 103103
auctioneer's permanent place of business. As used in this 103104
division, "permanent place of business" includes any location 103105
where such auctioneer has conducted more than two auctions during 103106
the year. 103107

(M) "Hotel" means every establishment kept, used, maintained, 103108
advertised, or held out to the public to be a place where sleeping 103109
accommodations are offered to guests, in which five or more rooms 103110
are used for the accommodation of such guests, whether the rooms 103111
are in one or several structures, except as otherwise provided in 103112
division (G) of section 5739.09 of the Revised Code. 103113

(N) "Transient guests" means persons occupying a room or 103114
rooms for sleeping accommodations for less than thirty consecutive 103115
days. 103116

(O) "Making retail sales" means the effecting of transactions 103117
wherein one party is obligated to pay the price and the other 103118
party is obligated to provide a service or to transfer title to or 103119
possession of the item sold. "Making retail sales" does not 103120
include the preliminary acts of promoting or soliciting the retail 103121
sales, other than the distribution of printed matter which 103122
displays or describes and prices the item offered for sale, nor 103123
does it include delivery of a predetermined quantity of tangible 103124
personal property or transportation of property or personnel to or 103125
from a place where a service is performed, regardless of whether 103126
the vendor is a delivery vendor. 103127

(P) "Used directly in the rendition of a public utility 103128
service" means that property that is to be incorporated into and 103129
will become a part of the consumer's production, transmission, 103130
transportation, or distribution system and that retains its 103131
classification as tangible personal property after such 103132
incorporation; fuel or power used in the production, transmission, 103133

transportation, or distribution system; and tangible personal 103134
property used in the repair and maintenance of the production, 103135
transmission, transportation, or distribution system, including 103136
only such motor vehicles as are specially designed and equipped 103137
for such use. Tangible personal property and services used 103138
primarily in providing highway transportation for hire are not 103139
used directly in the rendition of a public utility service. In 103140
this definition, "public utility" includes a citizen of the United 103141
States holding, and required to hold, a certificate of public 103142
convenience and necessity issued under 49 U.S.C. 41102. 103143

(Q) "Refining" means removing or separating a desirable 103144
product from raw or contaminated materials by distillation or 103145
physical, mechanical, or chemical processes. 103146

(R) "Assembly" and "assembling" mean attaching or fitting 103147
together parts to form a product, but do not include packaging a 103148
product. 103149

(S) "Manufacturing operation" means a process in which 103150
materials are changed, converted, or transformed into a different 103151
state or form from which they previously existed and includes 103152
refining materials, assembling parts, and preparing raw materials 103153
and parts by mixing, measuring, blending, or otherwise committing 103154
such materials or parts to the manufacturing process. 103155
"Manufacturing operation" does not include packaging. 103156

(T) "Fiscal officer" means, with respect to a regional 103157
transit authority, the secretary-treasurer thereof, and with 103158
respect to a county that is a transit authority, the fiscal 103159
officer of the county transit board if one is appointed pursuant 103160
to section 306.03 of the Revised Code or the county auditor if the 103161
board of county commissioners operates the county transit system. 103162

(U) "Transit authority" means a regional transit authority 103163
created pursuant to section 306.31 of the Revised Code or a county 103164

in which a county transit system is created pursuant to section 103165
306.01 of the Revised Code. For the purposes of this chapter, a 103166
transit authority must extend to at least the entire area of a 103167
single county. A transit authority that includes territory in more 103168
than one county must include all the area of the most populous 103169
county that is a part of such transit authority. County population 103170
shall be measured by the most recent census taken by the United 103171
States census bureau. 103172

(V) "Legislative authority" means, with respect to a regional 103173
transit authority, the board of trustees thereof, and with respect 103174
to a county that is a transit authority, the board of county 103175
commissioners. 103176

(W) "Territory of the transit authority" means all of the 103177
area included within the territorial boundaries of a transit 103178
authority as they from time to time exist. Such territorial 103179
boundaries must at all times include all the area of a single 103180
county or all the area of the most populous county that is a part 103181
of such transit authority. County population shall be measured by 103182
the most recent census taken by the United States census bureau. 103183

(X) "Providing a service" means providing or furnishing 103184
anything described in division (B)(3) of this section for 103185
consideration. 103186

(Y)(1)(a) "Automatic data processing" means processing of 103187
others' data, including keypunching or similar data entry services 103188
together with verification thereof, or providing access to 103189
computer equipment for the purpose of processing data. 103190

(b) "Computer services" means providing services consisting 103191
of specifying computer hardware configurations and evaluating 103192
technical processing characteristics, computer programming, and 103193
training of computer programmers and operators, provided in 103194
conjunction with and to support the sale, lease, or operation of 103195

taxable computer equipment or systems. 103196

(c) "Electronic information services" means providing access 103197
to computer equipment by means of telecommunications equipment for 103198
the purpose of either of the following: 103199

(i) Examining or acquiring data stored in or accessible to 103200
the computer equipment; 103201

(ii) Placing data into the computer equipment to be retrieved 103202
by designated recipients with access to the computer equipment. 103203

For transactions occurring on or after the effective date of 103204
the amendment of this section by H.B. 157 of the 127th general 103205
assembly, December 21, 2007, "electronic information services" 103206
does not include electronic publishing as defined in division 103207
(LLL) of this section. 103208

(d) "Automatic data processing, computer services, or 103209
electronic information services" shall not include personal or 103210
professional services. 103211

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 103212
section, "personal and professional services" means all services 103213
other than automatic data processing, computer services, or 103214
electronic information services, including but not limited to: 103215

(a) Accounting and legal services such as advice on tax 103216
matters, asset management, budgetary matters, quality control, 103217
information security, and auditing and any other situation where 103218
the service provider receives data or information and studies, 103219
alters, analyzes, interprets, or adjusts such material; 103220

(b) Analyzing business policies and procedures; 103221

(c) Identifying management information needs; 103222

(d) Feasibility studies, including economic and technical 103223
analysis of existing or potential computer hardware or software 103224
needs and alternatives; 103225

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	103226 103227 103228 103229
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	103230 103231 103232
(g) Testing of business procedures;	103233
(h) Training personnel in business procedure applications;	103234
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	103235 103236 103237 103238 103239 103240
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	103241 103242
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	103243 103244
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	103245 103246 103247
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	103248 103249 103250 103251 103252
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare	103253 103254 103255

but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming 103286
services, regardless of the medium, including the furnishing of 103287
transmission, conveyance, and routing of such services by the 103288
programming service provider. Radio and television audio and video 103289
programming services include, but are not limited to, cable 103290
service, as defined in 47 U.S.C. 522(6), and audio and video 103291
programming services delivered by commercial mobile radio service 103292
providers, as defined in 47 C.F.R. 20.3; 103293

(h) Ancillary service; 103294

(i) Digital products delivered electronically, including 103295
software, music, video, reading materials, or ring tones. 103296

(2) "Ancillary service" means a service that is associated 103297
with or incidental to the provision of telecommunications service, 103298
including conference bridging service, detailed telecommunications 103299
billing service, directory assistance, vertical service, and voice 103300
mail service. As used in this division: 103301

(a) "Conference bridging service" means an ancillary service 103302
that links two or more participants of an audio or video 103303
conference call, including providing a telephone number. 103304
"Conference bridging service" does not include telecommunications 103305
services used to reach the conference bridge. 103306

(b) "Detailed telecommunications billing service" means an 103307
ancillary service of separately stating information pertaining to 103308
individual calls on a customer's billing statement. 103309

(c) "Directory assistance" means an ancillary service of 103310
providing telephone number or address information. 103311

(d) "Vertical service" means an ancillary service that is 103312
offered in connection with one or more telecommunications 103313
services, which offers advanced calling features that allow 103314
customers to identify callers and manage multiple calls and call 103315
connections, including conference bridging service. 103316

(e) "Voice mail service" means an ancillary service that 103317
enables the customer to store, send, or receive recorded messages. 103318
"Voice mail service" does not include any vertical services that 103319
the customer may be required to have in order to utilize the voice 103320
mail service. 103321

(3) "900 service" means an inbound toll telecommunications 103322
service purchased by a subscriber that allows the subscriber's 103323
customers to call in to the subscriber's prerecorded announcement 103324
or live service, and which is typically marketed under the name 103325
"900" service and any subsequent numbers designated by the federal 103326
communications commission. "900 service" does not include the 103327
charge for collection services provided by the seller of the 103328
telecommunications service to the subscriber, or services or 103329
products sold by the subscriber to the subscriber's customer. 103330

(4) "Prepaid calling service" means the right to access 103331
exclusively telecommunications services, which must be paid for in 103332
advance and which enables the origination of calls using an access 103333
number or authorization code, whether manually or electronically 103334
dialed, and that is sold in predetermined units of dollars of 103335
which the number declines with use in a known amount. 103336

(5) "Prepaid wireless calling service" means a 103337
telecommunications service that provides the right to utilize 103338
mobile telecommunications service as well as other 103339
non-telecommunications services, including the download of digital 103340
products delivered electronically, and content and ancillary 103341
services, that must be paid for in advance and that is sold in 103342
predetermined units of dollars of which the number declines with 103343
use in a known amount. 103344

(6) "Value-added non-voice data service" means a 103345
telecommunications service in which computer processing 103346
applications are used to act on the form, content, code, or 103347
protocol of the information or data primarily for a purpose other 103348

than transmission, conveyance, or routing. 103349

(7) "Coin-operated telephone service" means a 103350
telecommunications service paid for by inserting money into a 103351
telephone accepting direct deposits of money to operate. 103352

(8) "Customer" has the same meaning as in section 5739.034 of 103353
the Revised Code. 103354

(BB) "Laundry and dry cleaning services" means removing soil 103355
or dirt from towels, linens, articles of clothing, or other fabric 103356
items that belong to others and supplying towels, linens, articles 103357
of clothing, or other fabric items. "Laundry and dry cleaning 103358
services" does not include the provision of self-service 103359
facilities for use by consumers to remove soil or dirt from 103360
towels, linens, articles of clothing, or other fabric items. 103361

(CC) "Magazines distributed as controlled circulation 103362
publications" means magazines containing at least twenty-four 103363
pages, at least twenty-five per cent editorial content, issued at 103364
regular intervals four or more times a year, and circulated 103365
without charge to the recipient, provided that such magazines are 103366
not owned or controlled by individuals or business concerns which 103367
conduct such publications as an auxiliary to, and essentially for 103368
the advancement of the main business or calling of, those who own 103369
or control them. 103370

(DD) "Landscaping and lawn care service" means the services 103371
of planting, seeding, sodding, removing, cutting, trimming, 103372
pruning, mulching, aerating, applying chemicals, watering, 103373
fertilizing, and providing similar services to establish, promote, 103374
or control the growth of trees, shrubs, flowers, grass, ground 103375
cover, and other flora, or otherwise maintaining a lawn or 103376
landscape grown or maintained by the owner for ornamentation or 103377
other nonagricultural purpose. However, "landscaping and lawn care 103378
service" does not include the providing of such services by a 103379

person who has less than five thousand dollars in sales of such 103380
services during the calendar year. 103381

(EE) "Private investigation and security service" means the 103382
performance of any activity for which the provider of such service 103383
is required to be licensed pursuant to Chapter 4749. of the 103384
Revised Code, or would be required to be so licensed in performing 103385
such services in this state, and also includes the services of 103386
conducting polygraph examinations and of monitoring or overseeing 103387
the activities on or in, or the condition of, the consumer's home, 103388
business, or other facility by means of electronic or similar 103389
monitoring devices. "Private investigation and security service" 103390
does not include special duty services provided by off-duty police 103391
officers, deputy sheriffs, and other peace officers regularly 103392
employed by the state or a political subdivision. 103393

(FF) "Information services" means providing conversation, 103394
giving consultation or advice, playing or making a voice or other 103395
recording, making or keeping a record of the number of callers, 103396
and any other service provided to a consumer by means of a nine 103397
hundred telephone call, except when the nine hundred telephone 103398
call is the means by which the consumer makes a contribution to a 103399
recognized charity. 103400

(GG) "Research and development" means designing, creating, or 103401
formulating new or enhanced products, equipment, or manufacturing 103402
processes, and also means conducting scientific or technological 103403
inquiry and experimentation in the physical sciences with the goal 103404
of increasing scientific knowledge which may reveal the bases for 103405
new or enhanced products, equipment, or manufacturing processes. 103406

(HH) "Qualified research and development equipment" means 103407
capitalized tangible personal property, and leased personal 103408
property that would be capitalized if purchased, used by a person 103409
primarily to perform research and development. Tangible personal 103410
property primarily used in testing, as defined in division (A)(4) 103411

of section 5739.011 of the Revised Code, or used for recording or 103412
storing test results, is not qualified research and development 103413
equipment unless such property is primarily used by the consumer 103414
in testing the product, equipment, or manufacturing process being 103415
created, designed, or formulated by the consumer in the research 103416
and development activity or in recording or storing such test 103417
results. 103418

(II) "Building maintenance and janitorial service" means 103419
cleaning the interior or exterior of a building and any tangible 103420
personal property located therein or thereon, including any 103421
services incidental to such cleaning for which no separate charge 103422
is made. However, "building maintenance and janitorial service" 103423
does not include the providing of such service by a person who has 103424
less than five thousand dollars in sales of such service during 103425
the calendar year. 103426

(JJ) "Employment service" means providing or supplying 103427
personnel, on a temporary or long-term basis, to perform work or 103428
labor under the supervision or control of another, when the 103429
personnel so provided or supplied receive their wages, salary, or 103430
other compensation from the provider or supplier of the employment 103431
service or from a third party that provided or supplied the 103432
personnel to the provider or supplier. "Employment service" does 103433
not include: 103434

(1) Acting as a contractor or subcontractor, where the 103435
personnel performing the work are not under the direct control of 103436
the purchaser. 103437

(2) Medical and health care services. 103438

(3) Supplying personnel to a purchaser pursuant to a contract 103439
of at least one year between the service provider and the 103440
purchaser that specifies that each employee covered under the 103441
contract is assigned to the purchaser on a permanent basis. 103442

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 103443
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(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party. 103445
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(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 103450
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(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure. 103453
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 103458
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, 103465
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card club, swimming club, tennis club, golf club, country club, 103474
riding club, amateur sports club, or similar organization. 103475

(OO) "Livestock" means farm animals commonly raised for food 103476
or food production, and includes but is not limited to cattle, 103477
sheep, goats, swine, and poultry. "Livestock" does not include 103478
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 103479
animals for use in laboratories or for exhibition, or other 103480
animals not commonly raised for food or food production. 103481

(PP) "Livestock structure" means a building or structure used 103482
exclusively for the housing, raising, feeding, or sheltering of 103483
livestock, and includes feed storage or handling structures and 103484
structures for livestock waste handling. 103485

(QQ) "Horticulture" means the growing, cultivation, and 103486
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 103487
and nursery stock. As used in this division, "nursery stock" has 103488
the same meaning as in section 927.51 of the Revised Code. 103489

(RR) "Horticulture structure" means a building or structure 103490
used exclusively for the commercial growing, raising, or 103491
overwintering of horticultural products, and includes the area 103492
used for stocking, storing, and packing horticultural products 103493
when done in conjunction with the production of those products. 103494

(SS) "Newspaper" means an unbound publication bearing a title 103495
or name that is regularly published, at least as frequently as 103496
biweekly, and distributed from a fixed place of business to the 103497
public in a specific geographic area, and that contains a 103498
substantial amount of news matter of international, national, or 103499
local events of interest to the general public. 103500

(TT) "Professional racing team" means a person that employs 103501
at least twenty full-time employees for the purpose of conducting 103502
a motor vehicle racing business for profit. The person must 103503
conduct the business with the purpose of racing one or more motor 103504

racing vehicles in at least ten competitive professional racing 103505
events each year that comprise all or part of a motor racing 103506
series sanctioned by one or more motor racing sanctioning 103507
organizations. A "motor racing vehicle" means a vehicle for which 103508
the chassis, engine, and parts are designed exclusively for motor 103509
racing, and does not include a stock or production model vehicle 103510
that may be modified for use in racing. For the purposes of this 103511
division: 103512

(1) A "competitive professional racing event" is a motor 103513
vehicle racing event sanctioned by one or more motor racing 103514
sanctioning organizations, at which aggregate cash prizes in 103515
excess of eight hundred thousand dollars are awarded to the 103516
competitors. 103517

(2) "Full-time employee" means an individual who is employed 103518
for consideration for thirty-five or more hours a week, or who 103519
renders any other standard of service generally accepted by custom 103520
or specified by contract as full-time employment. 103521

(UU)(1) "Lease" or "rental" means any transfer of the 103522
possession or control of tangible personal property for a fixed or 103523
indefinite term, for consideration. "Lease" or "rental" includes 103524
future options to purchase or extend, and agreements described in 103525
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 103526
the amount of consideration may be increased or decreased by 103527
reference to the amount realized upon the sale or disposition of 103528
the property. "Lease" or "rental" does not include: 103529

(a) A transfer of possession or control of tangible personal 103530
property under a security agreement or a deferred payment plan 103531
that requires the transfer of title upon completion of the 103532
required payments; 103533

(b) A transfer of possession or control of tangible personal 103534
property under an agreement that requires the transfer of title 103535

upon completion of required payments and payment of an option 103536
price that does not exceed the greater of one hundred dollars or 103537
one per cent of the total required payments; 103538

(c) Providing tangible personal property along with an 103539
operator for a fixed or indefinite period of time, if the operator 103540
is necessary for the property to perform as designed. For purposes 103541
of this division, the operator must do more than maintain, 103542
inspect, or set-up the tangible personal property. 103543

(2) "Lease" and "rental," as defined in division (UU) of this 103544
section, shall not apply to leases or rentals that exist before 103545
June 26, 2003. 103546

(3) "Lease" and "rental" have the same meaning as in division 103547
(UU)(1) of this section regardless of whether a transaction is 103548
characterized as a lease or rental under generally accepted 103549
accounting principles, the Internal Revenue Code, Title XIII of 103550
the Revised Code, or other federal, state, or local laws. 103551

(VV) "Mobile telecommunications service" has the same meaning 103552
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 103553
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 103554
on and after August 1, 2003, includes related fees and ancillary 103555
services, including universal service fees, detailed billing 103556
service, directory assistance, service initiation, voice mail 103557
service, and vertical services, such as caller ID and three-way 103558
calling. 103559

(WW) "Certified service provider" has the same meaning as in 103560
section 5740.01 of the Revised Code. 103561

(XX) "Satellite broadcasting service" means the distribution 103562
or broadcasting of programming or services by satellite directly 103563
to the subscriber's receiving equipment without the use of ground 103564
receiving or distribution equipment, except the subscriber's 103565
receiving equipment or equipment used in the uplink process to the 103566

satellite, and includes all service and rental charges, premium 103567
channels or other special services, installation and repair 103568
service charges, and any other charges having any connection with 103569
the provision of the satellite broadcasting service. 103570

(YY) "Tangible personal property" means personal property 103571
that can be seen, weighed, measured, felt, or touched, or that is 103572
in any other manner perceptible to the senses. For purposes of 103573
this chapter and Chapter 5741. of the Revised Code, "tangible 103574
personal property" includes motor vehicles, electricity, water, 103575
gas, steam, and prewritten computer software. 103576

(ZZ) "Direct mail" means printed material delivered or 103577
distributed by United States mail or other delivery service to a 103578
mass audience or to addressees on a mailing list provided by the 103579
consumer or at the direction of the consumer when the cost of the 103580
items are not billed directly to the recipients. "Direct mail" 103581
includes tangible personal property supplied directly or 103582
indirectly by the consumer to the direct mail vendor for inclusion 103583
in the package containing the printed material. "Direct mail" does 103584
not include multiple items of printed material delivered to a 103585
single address. 103586

(AAA) "Computer" means an electronic device that accepts 103587
information in digital or similar form and manipulates it for a 103588
result based on a sequence of instructions. 103589

(BBB) "Computer software" means a set of coded instructions 103590
designed to cause a computer or automatic data processing 103591
equipment to perform a task. 103592

(CCC) "Delivered electronically" means delivery of computer 103593
software from the seller to the purchaser by means other than 103594
tangible storage media. 103595

(DDD) "Prewritten computer software" means computer software, 103596
including prewritten upgrades, that is not designed and developed 103597

by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (EEE)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such

a form, is not represented as conventional food for use as a sole 103630
item of a meal or of the diet; that is required to be labeled as a 103631
dietary supplement, identifiable by the "supplement facts" box 103632
found on the label, as required by 21 C.F.R. 101.36; and that 103633
contains one or more of the following dietary ingredients: 103634

- (i) A vitamin; 103635
- (ii) A mineral; 103636
- (iii) An herb or other botanical; 103637
- (iv) An amino acid; 103638
- (v) A dietary substance for use by humans to supplement the 103639
diet by increasing the total dietary intake; 103640
- (vi) A concentrate, metabolite, constituent, extract, or 103641
combination of any ingredient described in divisions 103642
(EEE)(2)(b)(i) to (v) of this section. 103643

(c) "Soft drinks" means nonalcoholic beverages that contain 103644
natural or artificial sweeteners. "Soft drinks" does not include 103645
beverages that contain milk or milk products, soy, rice, or 103646
similar milk substitutes, or that contains greater than fifty per 103647
cent vegetable or fruit juice by volume. 103648

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 103649
tobacco, or any other item that contains tobacco. 103650

(FFF) "Drug" means a compound, substance, or preparation, and 103651
any component of a compound, substance, or preparation, other than 103652
food, dietary supplements, or alcoholic beverages that is 103653
recognized in the official United States pharmacopoeia, official 103654
homeopathic pharmacopoeia of the United States, or official 103655
national formulary, and supplements to them; is intended for use 103656
in the diagnosis, cure, mitigation, treatment, or prevention of 103657
disease; or is intended to affect the structure or any function of 103658
the body. 103659

(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis.

(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners. 103692
103693
103694

(b) Each program aircraft is owned or possessed by at least one fractional owner. 103695
103696

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 103697
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103699

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 103700
103701

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 103702
103703
103704

(2) As used in division (KKK)(1) of this section: 103705

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 103706
103707

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 103708
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 103712
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under 103719
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103721

division (KKK)(1)(e) of this section, and offered by the program 103722
manager to the fractional owners, including, at a minimum, the 103723
establishment and implementation of safety guidelines; the 103724
coordination of the scheduling of the program aircraft and crews; 103725
program aircraft maintenance; program aircraft insurance; crew 103726
training for crews employed, furnished, or contracted by the 103727
program manager or the fractional owner; the satisfaction of 103728
record-keeping requirements; and the development and use of an 103729
operations manual and a maintenance manual for the fractional 103730
aircraft ownership program. 103731

(e) "Program manager" means the person that offers management 103732
services to fractional owners pursuant to a management services 103733
agreement under division (KKK)(1)(e) of this section. 103734

(LLL) "Electronic publishing" means providing access to one 103735
or more of the following primarily for business customers, 103736
including the federal government or a state government or a 103737
political subdivision thereof, to conduct research: news; 103738
business, financial, legal, consumer, or credit materials; 103739
editorials, columns, reader commentary, or features; photos or 103740
images; archival or research material; legal notices, identity 103741
verification, or public records; scientific, educational, 103742
instructional, technical, professional, trade, or other literary 103743
materials; or other similar information which has been gathered 103744
and made available by the provider to the consumer in an 103745
electronic format. Providing electronic publishing includes the 103746
functions necessary for the acquisition, formatting, editing, 103747
storage, and dissemination of data or information that is the 103748
subject of a sale. 103749

(MMM) "Medicaid health insuring corporation" means a health 103750
insuring corporation that holds a certificate of authority under 103751
Chapter 1751. of the Revised Code and is under contract with the 103752
department of job and family services pursuant to section 5111.17 103753

of the Revised Code. 103754

(NNN) "Managed care premium" means any premium, capitation, 103755
or other payment a medicaid health insuring corporation receives 103756
for providing or arranging for the provision of health care 103757
services to its members or enrollees residing in this state. 103758

Sec. 5739.02. For the purpose of providing revenue with which 103759
to meet the needs of the state, for the use of the general revenue 103760
fund of the state, for the purpose of securing a thorough and 103761
efficient system of common schools throughout the state, for the 103762
purpose of affording revenues, in addition to those from general 103763
property taxes, permitted under constitutional limitations, and 103764
from other sources, for the support of local governmental 103765
functions, and for the purpose of reimbursing the state for the 103766
expense of administering this chapter, an excise tax is hereby 103767
levied on each retail sale made in this state. 103768

(A)(1) The tax shall be collected as provided in section 103769
5739.025 of the Revised Code. The rate of the tax shall be five 103770
and one-half per cent. The tax applies and is collectible when the 103771
sale is made, regardless of the time when the price is paid or 103772
delivered. 103773

(2) In the case of the lease or rental, with a fixed term of 103774
more than thirty days or an indefinite term with a minimum period 103775
of more than thirty days, of any motor vehicles designed by the 103776
manufacturer to carry a load of not more than one ton, watercraft, 103777
outboard motor, or aircraft, or of any tangible personal property, 103778
other than motor vehicles designed by the manufacturer to carry a 103779
load of more than one ton, to be used by the lessee or renter 103780
primarily for business purposes, the tax shall be collected by the 103781
vendor at the time the lease or rental is consummated and shall be 103782
calculated by the vendor on the basis of the total amount to be 103783
paid by the lessee or renter under the lease agreement. If the 103784

total amount of the consideration for the lease or rental includes 103785
amounts that are not calculated at the time the lease or rental is 103786
executed, the tax shall be calculated and collected by the vendor 103787
at the time such amounts are billed to the lessee or renter. In 103788
the case of an open-end lease or rental, the tax shall be 103789
calculated by the vendor on the basis of the total amount to be 103790
paid during the initial fixed term of the lease or rental, and for 103791
each subsequent renewal period as it comes due. As used in this 103792
division, "motor vehicle" has the same meaning as in section 103793
4501.01 of the Revised Code, and "watercraft" includes an outdrive 103794
unit attached to the watercraft. 103795

A lease with a renewal clause and a termination penalty or 103796
similar provision that applies if the renewal clause is not 103797
exercised is presumed to be a sham transaction. In such a case, 103798
the tax shall be calculated and paid on the basis of the entire 103799
length of the lease period, including any renewal periods, until 103800
the termination penalty or similar provision no longer applies. 103801
The taxpayer shall bear the burden, by a preponderance of the 103802
evidence, that the transaction or series of transactions is not a 103803
sham transaction. 103804

(3) Except as provided in division (A)(2) of this section, in 103805
the case of a sale, the price of which consists in whole or in 103806
part of the lease or rental of tangible personal property, the tax 103807
shall be measured by the installments of that lease or rental. 103808

(4) In the case of a sale of a physical fitness facility 103809
service or recreation and sports club service, the price of which 103810
consists in whole or in part of a membership for the receipt of 103811
the benefit of the service, the tax applicable to the sale shall 103812
be measured by the installments thereof. 103813

(B) The tax does not apply to the following: 103814

(1) Sales to the state or any of its political subdivisions, 103815

or to any other state or its political subdivisions if the laws of 103816
that state exempt from taxation sales made to this state and its 103817
political subdivisions; 103818

(2) Sales of food for human consumption off the premises 103819
where sold; 103820

(3) Sales of food sold to students only in a cafeteria, 103821
dormitory, fraternity, or sorority maintained in a private, 103822
public, or parochial school, college, or university; 103823

(4) Sales of newspapers and of magazine subscriptions and 103824
sales or transfers of magazines distributed as controlled 103825
circulation publications; 103826

(5) The furnishing, preparing, or serving of meals without 103827
charge by an employer to an employee provided the employer records 103828
the meals as part compensation for services performed or work 103829
done; 103830

(6) Sales of motor fuel upon receipt, use, distribution, or 103831
sale of which in this state a tax is imposed by the law of this 103832
state, but this exemption shall not apply to the sale of motor 103833
fuel on which a refund of the tax is allowable under division (A) 103834
of section 5735.14 of the Revised Code; and the tax commissioner 103835
may deduct the amount of tax levied by this section applicable to 103836
the price of motor fuel when granting a refund of motor fuel tax 103837
pursuant to division (A) of section 5735.14 of the Revised Code 103838
and shall cause the amount deducted to be paid into the general 103839
revenue fund of this state; 103840

(7) Sales of natural gas by a natural gas company, of water 103841
by a water-works company, or of steam by a heating company, if in 103842
each case the thing sold is delivered to consumers through pipes 103843
or conduits, and all sales of communications services by a 103844
telegraph company, all terms as defined in section 5727.01 of the 103845
Revised Code, and sales of electricity delivered through wires; 103846

(8) Casual sales by a person, or auctioneer employed directly 103847
by the person to conduct such sales, except as to such sales of 103848
motor vehicles, watercraft or outboard motors required to be 103849
titled under section 1548.06 of the Revised Code, watercraft 103850
documented with the United States coast guard, snowmobiles, and 103851
all-purpose vehicles as defined in section 4519.01 of the Revised 103852
Code; 103853

(9)(a) Sales of services or tangible personal property, other 103854
than motor vehicles, mobile homes, and manufactured homes, by 103855
churches, organizations exempt from taxation under section 103856
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 103857
organizations operated exclusively for charitable purposes as 103858
defined in division (B)(12) of this section, provided that the 103859
number of days on which such tangible personal property or 103860
services, other than items never subject to the tax, are sold does 103861
not exceed six in any calendar year, except as otherwise provided 103862
in division (B)(9)(b) of this section. If the number of days on 103863
which such sales are made exceeds six in any calendar year, the 103864
church or organization shall be considered to be engaged in 103865
business and all subsequent sales by it shall be subject to the 103866
tax. In counting the number of days, all sales by groups within a 103867
church or within an organization shall be considered to be sales 103868
of that church or organization. 103869

(b) The limitation on the number of days on which tax-exempt 103870
sales may be made by a church or organization under division 103871
(B)(9)(a) of this section does not apply to sales made by student 103872
clubs and other groups of students of a primary or secondary 103873
school, or a parent-teacher association, booster group, or similar 103874
organization that raises money to support or fund curricular or 103875
extracurricular activities of a primary or secondary school. 103876

(c) Divisions (B)(9)(a) and (b) of this section do not apply 103877
to sales by a noncommercial educational radio or television 103878

broadcasting station. 103879

(10) Sales not within the taxing power of this state under 103880
the Constitution of the United States; 103881

(11) Except for transactions that are sales under division 103882
(B)(3)(r) of section 5739.01 of the Revised Code, the 103883
transportation of persons or property, unless the transportation 103884
is by a private investigation and security service; 103885

(12) Sales of tangible personal property or services to 103886
churches, to organizations exempt from taxation under section 103887
501(c)(3) of the Internal Revenue Code of 1986, and to any other 103888
nonprofit organizations operated exclusively for charitable 103889
purposes in this state, no part of the net income of which inures 103890
to the benefit of any private shareholder or individual, and no 103891
substantial part of the activities of which consists of carrying 103892
on propaganda or otherwise attempting to influence legislation; 103893
sales to offices administering one or more homes for the aged or 103894
one or more hospital facilities exempt under section 140.08 of the 103895
Revised Code; and sales to organizations described in division (D) 103896
of section 5709.12 of the Revised Code. 103897

"Charitable purposes" means the relief of poverty; the 103898
improvement of health through the alleviation of illness, disease, 103899
or injury; the operation of an organization exclusively for the 103900
provision of professional, laundry, printing, and purchasing 103901
services to hospitals or charitable institutions; the operation of 103902
a home for the aged, as defined in section 5701.13 of the Revised 103903
Code; the operation of a radio or television broadcasting station 103904
that is licensed by the federal communications commission as a 103905
noncommercial educational radio or television station; the 103906
operation of a nonprofit animal adoption service or a county 103907
humane society; the promotion of education by an institution of 103908
learning that maintains a faculty of qualified instructors, 103909
teaches regular continuous courses of study, and confers a 103910

recognized diploma upon completion of a specific curriculum; the 103911
operation of a parent-teacher association, booster group, or 103912
similar organization primarily engaged in the promotion and 103913
support of the curricular or extracurricular activities of a 103914
primary or secondary school; the operation of a community or area 103915
center in which presentations in music, dramatics, the arts, and 103916
related fields are made in order to foster public interest and 103917
education therein; the production of performances in music, 103918
dramatics, and the arts; or the promotion of education by an 103919
organization engaged in carrying on research in, or the 103920
dissemination of, scientific and technological knowledge and 103921
information primarily for the public. 103922

Nothing in this division shall be deemed to exempt sales to 103923
any organization for use in the operation or carrying on of a 103924
trade or business, or sales to a home for the aged for use in the 103925
operation of independent living facilities as defined in division 103926
(A) of section 5709.12 of the Revised Code. 103927

(13) Building and construction materials and services sold to 103928
construction contractors for incorporation into a structure or 103929
improvement to real property under a construction contract with 103930
this state or a political subdivision of this state, or with the 103931
United States government or any of its agencies; building and 103932
construction materials and services sold to construction 103933
contractors for incorporation into a structure or improvement to 103934
real property that are accepted for ownership by this state or any 103935
of its political subdivisions, or by the United States government 103936
or any of its agencies at the time of completion of the structures 103937
or improvements; building and construction materials sold to 103938
construction contractors for incorporation into a horticulture 103939
structure or livestock structure for a person engaged in the 103940
business of horticulture or producing livestock; building 103941
materials and services sold to a construction contractor for 103942

incorporation into a house of public worship or religious 103943
education, or a building used exclusively for charitable purposes 103944
under a construction contract with an organization whose purpose 103945
is as described in division (B)(12) of this section; building 103946
materials and services sold to a construction contractor for 103947
incorporation into a building under a construction contract with 103948
an organization exempt from taxation under section 501(c)(3) of 103949
the Internal Revenue Code of 1986 when the building is to be used 103950
exclusively for the organization's exempt purposes; building and 103951
construction materials sold for incorporation into the original 103952
construction of a sports facility under section 307.696 of the 103953
Revised Code; and building and construction materials and services 103954
sold to a construction contractor for incorporation into real 103955
property outside this state if such materials and services, when 103956
sold to a construction contractor in the state in which the real 103957
property is located for incorporation into real property in that 103958
state, would be exempt from a tax on sales levied by that state; 103959

(14) Sales of ships or vessels or rail rolling stock used or 103960
to be used principally in interstate or foreign commerce, and 103961
repairs, alterations, fuel, and lubricants for such ships or 103962
vessels or rail rolling stock; 103963

(15) Sales to persons primarily engaged in any of the 103964
activities mentioned in division (B)(42)(a) or (g) of this 103965
section, to persons engaged in making retail sales, or to persons 103966
who purchase for sale from a manufacturer tangible personal 103967
property that was produced by the manufacturer in accordance with 103968
specific designs provided by the purchaser, of packages, including 103969
material, labels, and parts for packages, and of machinery, 103970
equipment, and material for use primarily in packaging tangible 103971
personal property produced for sale, including any machinery, 103972
equipment, and supplies used to make labels or packages, to 103973
prepare packages or products for labeling, or to label packages or 103974

products, by or on the order of the person doing the packaging, or 103975
sold at retail. "Packages" includes bags, baskets, cartons, 103976
crates, boxes, cans, bottles, bindings, wrappings, and other 103977
similar devices and containers, but does not include motor 103978
vehicles or bulk tanks, trailers, or similar devices attached to 103979
motor vehicles. "Packaging" means placing in a package. Division 103980
(B)(15) of this section does not apply to persons engaged in 103981
highway transportation for hire. 103982

(16) Sales of food to persons using ~~food stamp~~ supplemental 103983
nutrition assistance program benefits to purchase the food. As 103984
used in this division, "food" has the same meaning as in ~~the "Food~~ 103985
~~Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended,~~ and 103986
federal regulations adopted pursuant to ~~that act~~ the Food and 103987
Nutrition Act of 2008. 103988

(17) Sales to persons engaged in farming, agriculture, 103989
horticulture, or floriculture, of tangible personal property for 103990
use or consumption directly in the production by farming, 103991
agriculture, horticulture, or floriculture of other tangible 103992
personal property for use or consumption directly in the 103993
production of tangible personal property for sale by farming, 103994
agriculture, horticulture, or floriculture; or material and parts 103995
for incorporation into any such tangible personal property for use 103996
or consumption in production; and of tangible personal property 103997
for such use or consumption in the conditioning or holding of 103998
products produced by and for such use, consumption, or sale by 103999
persons engaged in farming, agriculture, horticulture, or 104000
floriculture, except where such property is incorporated into real 104001
property; 104002

(18) Sales of drugs for a human being that may be dispensed 104003
only pursuant to a prescription; insulin as recognized in the 104004
official United States pharmacopoeia; urine and blood testing 104005
materials when used by diabetics or persons with hypoglycemia to 104006

test for glucose or acetone; hypodermic syringes and needles when 104007
used by diabetics for insulin injections; epoetin alfa when 104008
purchased for use in the treatment of persons with medical 104009
disease; hospital beds when purchased by hospitals, nursing homes, 104010
or other medical facilities; and medical oxygen and medical 104011
oxygen-dispensing equipment when purchased by hospitals, nursing 104012
homes, or other medical facilities; 104013

(19) Sales of prosthetic devices, durable medical equipment 104014
for home use, or mobility enhancing equipment, when made pursuant 104015
to a prescription and when such devices or equipment are for use 104016
by a human being. 104017

(20) Sales of emergency and fire protection vehicles and 104018
equipment to nonprofit organizations for use solely in providing 104019
fire protection and emergency services, including trauma care and 104020
emergency medical services, for political subdivisions of the 104021
state; 104022

(21) Sales of tangible personal property manufactured in this 104023
state, if sold by the manufacturer in this state to a retailer for 104024
use in the retail business of the retailer outside of this state 104025
and if possession is taken from the manufacturer by the purchaser 104026
within this state for the sole purpose of immediately removing the 104027
same from this state in a vehicle owned by the purchaser; 104028

(22) Sales of services provided by the state or any of its 104029
political subdivisions, agencies, instrumentalities, institutions, 104030
or authorities, or by governmental entities of the state or any of 104031
its political subdivisions, agencies, instrumentalities, 104032
institutions, or authorities; 104033

(23) Sales of motor vehicles to nonresidents of this state 104034
under the circumstances described in division (B) of section 104035
5739.029 of the Revised Code; 104036

(24) Sales to persons engaged in the preparation of eggs for 104037

sale of tangible personal property used or consumed directly in 104038
such preparation, including such tangible personal property used 104039
for cleaning, sanitizing, preserving, grading, sorting, and 104040
classifying by size; packages, including material and parts for 104041
packages, and machinery, equipment, and material for use in 104042
packaging eggs for sale; and handling and transportation equipment 104043
and parts therefor, except motor vehicles licensed to operate on 104044
public highways, used in intraplant or interplant transfers or 104045
shipment of eggs in the process of preparation for sale, when the 104046
plant or plants within or between which such transfers or 104047
shipments occur are operated by the same person. "Packages" 104048
includes containers, cases, baskets, flats, fillers, filler flats, 104049
cartons, closure materials, labels, and labeling materials, and 104050
"packaging" means placing therein. 104051

(25)(a) Sales of water to a consumer for residential use, 104052
except the sale of bottled water, distilled water, mineral water, 104053
carbonated water, or ice; 104054

(b) Sales of water by a nonprofit corporation engaged 104055
exclusively in the treatment, distribution, and sale of water to 104056
consumers, if such water is delivered to consumers through pipes 104057
or tubing. 104058

(26) Fees charged for inspection or reinspection of motor 104059
vehicles under section 3704.14 of the Revised Code; 104060

(27) Sales to persons licensed to conduct a food service 104061
operation pursuant to section 3717.43 of the Revised Code, of 104062
tangible personal property primarily used directly for the 104063
following: 104064

(a) To prepare food for human consumption for sale; 104065

(b) To preserve food that has been or will be prepared for 104066
human consumption for sale by the food service operator, not 104067
including tangible personal property used to display food for 104068

selection by the consumer;	104069
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	104070 104071
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	104072 104073
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	104074 104075 104076 104077
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	104078 104079 104080
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	104081 104082 104083
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	104084 104085 104086 104087 104088 104089
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	104090 104091 104092 104093 104094
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or	104095 104096 104097 104098

recording any interactive, one- or two-way electromagnetic 104099
communications, including voice, image, data, and information, 104100
through the use of any medium, including, but not limited to, 104101
poles, wires, cables, switching equipment, computers, and record 104102
storage devices and media, and component parts for the tangible 104103
personal property. The exemption provided in this division shall 104104
be in lieu of all other exemptions under division (B)(42)(a) of 104105
this section to which the vendor may otherwise be entitled, based 104106
upon the use of the thing purchased in providing the 104107
telecommunications, mobile telecommunications, or satellite 104108
broadcasting service. 104109

(35)(a) Sales where the purpose of the consumer is to use or 104110
consume the things transferred in making retail sales and 104111
consisting of newspaper inserts, catalogues, coupons, flyers, gift 104112
certificates, or other advertising material that prices and 104113
describes tangible personal property offered for retail sale. 104114

(b) Sales to direct marketing vendors of preliminary 104115
materials such as photographs, artwork, and typesetting that will 104116
be used in printing advertising material; of printed matter that 104117
offers free merchandise or chances to win sweepstake prizes and 104118
that is mailed to potential customers with advertising material 104119
described in division (B)(35)(a) of this section; and of equipment 104120
such as telephones, computers, facsimile machines, and similar 104121
tangible personal property primarily used to accept orders for 104122
direct marketing retail sales. 104123

(c) Sales of automatic food vending machines that preserve 104124
food with a shelf life of forty-five days or less by refrigeration 104125
and dispense it to the consumer. 104126

For purposes of division (B)(35) of this section, "direct 104127
marketing" means the method of selling where consumers order 104128
tangible personal property by United States mail, delivery 104129
service, or telecommunication and the vendor delivers or ships the 104130

tangible personal property sold to the consumer from a warehouse, 104131
catalogue distribution center, or similar fulfillment facility by 104132
means of the United States mail, delivery service, or common 104133
carrier. 104134

(36) Sales to a person engaged in the business of 104135
horticulture or producing livestock of materials to be 104136
incorporated into a horticulture structure or livestock structure; 104137

(37) Sales of personal computers, computer monitors, computer 104138
keyboards, modems, and other peripheral computer equipment to an 104139
individual who is licensed or certified to teach in an elementary 104140
or a secondary school in this state for use by that individual in 104141
preparation for teaching elementary or secondary school students; 104142

(38) Sales to a professional racing team of any of the 104143
following: 104144

(a) Motor racing vehicles; 104145

(b) Repair services for motor racing vehicles; 104146

(c) Items of property that are attached to or incorporated in 104147
motor racing vehicles, including engines, chassis, and all other 104148
components of the vehicles, and all spare, replacement, and 104149
rebuilt parts or components of the vehicles; except not including 104150
tires, consumable fluids, paint, and accessories consisting of 104151
instrumentation sensors and related items added to the vehicle to 104152
collect and transmit data by means of telemetry and other forms of 104153
communication. 104154

(39) Sales of used manufactured homes and used mobile homes, 104155
as defined in section 5739.0210 of the Revised Code, made on or 104156
after January 1, 2000; 104157

(40) Sales of tangible personal property and services to a 104158
provider of electricity used or consumed directly and primarily in 104159
generating, transmitting, or distributing electricity for use by 104160

others, including property that is or is to be incorporated into 104161
and will become a part of the consumer's production, transmission, 104162
or distribution system and that retains its classification as 104163
tangible personal property after incorporation; fuel or power used 104164
in the production, transmission, or distribution of electricity; 104165
and tangible personal property and services used in the repair and 104166
maintenance of the production, transmission, or distribution 104167
system, including only those motor vehicles as are specially 104168
designed and equipped for such use. The exemption provided in this 104169
division shall be in lieu of all other exemptions in division 104170
(B)(42)(a) of this section to which a provider of electricity may 104171
otherwise be entitled based on the use of the tangible personal 104172
property or service purchased in generating, transmitting, or 104173
distributing electricity. 104174

(41) Sales to a person providing services under division 104175
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 104176
personal property and services used directly and primarily in 104177
providing taxable services under that section. 104178

(42) Sales where the purpose of the purchaser is to do any of 104179
the following: 104180

(a) To incorporate the thing transferred as a material or a 104181
part into tangible personal property to be produced for sale by 104182
manufacturing, assembling, processing, or refining; or to use or 104183
consume the thing transferred directly in producing tangible 104184
personal property for sale by mining, including, without 104185
limitation, the extraction from the earth of all substances that 104186
are classed geologically as minerals, production of crude oil and 104187
natural gas, farming, agriculture, horticulture, or floriculture, 104188
or directly in the rendition of a public utility service, except 104189
that the sales tax levied by this section shall be collected upon 104190
all meals, drinks, and food for human consumption sold when 104191
transporting persons. Persons engaged in rendering farming, 104192

agricultural, horticultural, or floricultural services, and 104193
services in the exploration for, and production of, crude oil and 104194
natural gas, for others are deemed engaged directly in farming, 104195
agriculture, horticulture, and floriculture, or exploration for, 104196
and production of, crude oil and natural gas. This paragraph does 104197
not exempt from "retail sale" or "sales at retail" the sale of 104198
tangible personal property that is to be incorporated into a 104199
structure or improvement to real property. 104200

(b) To hold the thing transferred as security for the 104201
performance of an obligation of the vendor; 104202

(c) To resell, hold, use, or consume the thing transferred as 104203
evidence of a contract of insurance; 104204

(d) To use or consume the thing directly in commercial 104205
fishing; 104206

(e) To incorporate the thing transferred as a material or a 104207
part into, or to use or consume the thing transferred directly in 104208
the production of, magazines distributed as controlled circulation 104209
publications; 104210

(f) To use or consume the thing transferred in the production 104211
and preparation in suitable condition for market and sale of 104212
printed, imprinted, overprinted, lithographic, multilithic, 104213
blueprinted, photostatic, or other productions or reproductions of 104214
written or graphic matter; 104215

(g) To use the thing transferred, as described in section 104216
5739.011 of the Revised Code, primarily in a manufacturing 104217
operation to produce tangible personal property for sale; 104218

(h) To use the benefit of a warranty, maintenance or service 104219
contract, or similar agreement, as described in division (B)(7) of 104220
section 5739.01 of the Revised Code, to repair or maintain 104221
tangible personal property, if all of the property that is the 104222
subject of the warranty, contract, or agreement would not be 104223

subject to the tax imposed by this section;	104224
(i) To use the thing transferred as qualified research and development equipment;	104225 104226
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.	104227 104228 104229 104230 104231 104232 104233 104234 104235 104236 104237 104238 104239
(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;	104240 104241 104242 104243 104244 104245 104246
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	104247 104248
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	104249 104250 104251 104252 104253
(n) To use or consume the thing transferred in acquiring,	104254

formatting, editing, storing, and disseminating data or 104255
information by electronic publishing. 104256

As used in division (B)(42) of this section, "thing" includes 104257
all transactions included in divisions (B)(3)(a), (b), and (e) of 104258
section 5739.01 of the Revised Code. 104259

(43) Sales conducted through a coin operated device that 104260
activates vacuum equipment or equipment that dispenses water, 104261
whether or not in combination with soap or other cleaning agents 104262
or wax, to the consumer for the consumer's use on the premises in 104263
washing, cleaning, or waxing a motor vehicle, provided no other 104264
personal property or personal service is provided as part of the 104265
transaction. 104266

(44) Sales of replacement and modification parts for engines, 104267
airframes, instruments, and interiors in, and paint for, aircraft 104268
used primarily in a fractional aircraft ownership program, and 104269
sales of services for the repair, modification, and maintenance of 104270
such aircraft, and machinery, equipment, and supplies primarily 104271
used to provide those services. 104272

(45) Sales of telecommunications service that is used 104273
directly and primarily to perform the functions of a call center. 104274
As used in this division, "call center" means any physical 104275
location where telephone calls are placed or received in high 104276
volume for the purpose of making sales, marketing, customer 104277
service, technical support, or other specialized business 104278
activity, and that employs at least fifty individuals that engage 104279
in call center activities on a full-time basis, or sufficient 104280
individuals to fill fifty full-time equivalent positions. 104281

(46) Sales by a telecommunications service vendor of 900 104282
service to a subscriber. This division does not apply to 104283
information services, as defined in division (FF) of section 104284
5739.01 of the Revised Code. 104285

(47) Sales of value-added non-voice data service. This 104286
division does not apply to any similar service that is not 104287
otherwise a telecommunications service. 104288

(48)(a) Sales of machinery, equipment, and software to a 104289
qualified direct selling entity for use in a warehouse or 104290
distribution center primarily for storing, transporting, or 104291
otherwise handling inventory that is held for sale to independent 104292
salespersons who operate as direct sellers and that is held 104293
primarily for distribution outside this state; 104294

(b) As used in division (B)(48)(a) of this section: 104295

(i) "Direct seller" means a person selling consumer products 104296
to individuals for personal or household use and not from a fixed 104297
retail location, including selling such product at in-home product 104298
demonstrations, parties, and other one-on-one selling. 104299

(ii) "Qualified direct selling entity" means an entity 104300
selling to direct sellers at the time the entity enters into a tax 104301
credit agreement with the tax credit authority pursuant to section 104302
122.17 of the Revised Code, provided that the agreement was 104303
entered into on or after January 1, 2007. Neither contingencies 104304
relevant to the granting of, nor later developments with respect 104305
to, the tax credit shall impair the status of the qualified direct 104306
selling entity under division (B)(48) of this section after 104307
execution of the tax credit agreement by the tax credit authority. 104308

(c) Division (B)(48) of this section is limited to machinery, 104309
equipment, and software first stored, used, or consumed in this 104310
state within the period commencing June 24, 2008, and ending on 104311
the date that is five years after that date. 104312

(49) Sales of materials, parts, equipment, or engines used in 104313
the repair or maintenance of aircraft or avionics systems of such 104314
aircraft, and sales of repair, remodeling, replacement, or 104315
maintenance services in this state performed on aircraft or on an 104316

aircraft's avionics, engine, or component materials or parts. As 104317
used in division (B)(49) of this section, "aircraft" means 104318
aircraft of more than six thousand pounds maximum certified 104319
takeoff weight or used exclusively in general aviation. 104320

(50) Sales of full flight simulators that are used for pilot 104321
or flight-crew training, sales of repair or replacement parts or 104322
components, and sales of repair or maintenance services for such 104323
full flight simulators. "Full flight simulator" means a replica of 104324
a specific type, or make, model, and series of aircraft cockpit. 104325
It includes the assemblage of equipment and computer programs 104326
necessary to represent aircraft operations in ground and flight 104327
conditions, a visual system providing an out-of-the-cockpit view, 104328
and a system that provides cues at least equivalent to those of a 104329
three-degree-of-freedom motion system, and has the full range of 104330
capabilities of the systems installed in the device as described 104331
in appendices A and B of part 60 of chapter 1 of title 14 of the 104332
Code of Federal Regulations. 104333

104334

(C) For the purpose of the proper administration of this 104335
chapter, and to prevent the evasion of the tax, it is presumed 104336
that all sales made in this state are subject to the tax until the 104337
contrary is established. 104338

(D) The levy of this tax on retail sales of recreation and 104339
sports club service shall not prevent a municipal corporation from 104340
levying any tax on recreation and sports club dues or on any 104341
income generated by recreation and sports club dues. 104342

(E) The tax collected by the vendor from the consumer under 104343
this chapter is not part of the price, but is a tax collection for 104344
the benefit of the state, and of counties levying an additional 104345
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 104346
Code and of transit authorities levying an additional sales tax 104347
pursuant to section 5739.023 of the Revised Code. Except for the 104348

discount authorized under section 5739.12 of the Revised Code and 104349
the effects of any rounding pursuant to section 5703.055 of the 104350
Revised Code, no person other than the state or such a county or 104351
transit authority shall derive any benefit from the collection or 104352
payment of the tax levied by this section or section 5739.021, 104353
5739.023, or 5739.026 of the Revised Code. 104354

Sec. 5739.03. (A) Except as provided in section 5739.05 or 104355
section 5739.051 of the Revised Code, the tax imposed by or 104356
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 104357
the Revised Code shall be paid by the consumer to the vendor, and 104358
each vendor shall collect from the consumer, as a trustee for the 104359
state of Ohio, the full and exact amount of the tax payable on 104360
each taxable sale, in the manner and at the times provided as 104361
follows: 104362

(1) If the price is, at or prior to the provision of the 104363
service or the delivery of possession of the thing sold to the 104364
consumer, paid in currency passed from hand to hand by the 104365
consumer or the consumer's agent to the vendor or the vendor's 104366
agent, the vendor or the vendor's agent shall collect the tax with 104367
and at the same time as the price; 104368

(2) If the price is otherwise paid or to be paid, the vendor 104369
or the vendor's agent shall, at or prior to the provision of the 104370
service or the delivery of possession of the thing sold to the 104371
consumer, charge the tax imposed by or pursuant to section 104372
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 104373
the account of the consumer, which amount shall be collected by 104374
the vendor from the consumer in addition to the price. Such sale 104375
shall be reported on and the amount of the tax applicable thereto 104376
shall be remitted with the return for the period in which the sale 104377
is made, and the amount of the tax shall become a legal charge in 104378
favor of the vendor and against the consumer. 104379

(B)(1)(a) If any sale is claimed to be exempt under division 104380
(E) of section 5739.01 of the Revised Code or under section 104381
5739.02 of the Revised Code, with the exception of divisions 104382
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 104383
consumer must provide to the vendor, and the vendor must obtain 104384
from the consumer, a certificate specifying the reason that the 104385
sale is not legally subject to the tax. The certificate shall be 104386
in such form, and shall be provided either in a hard copy form or 104387
electronic form, as the tax commissioner prescribes. 104388

(b) A vendor that obtains a fully completed exemption 104389
certificate from a consumer is relieved of liability for 104390
collecting and remitting tax on any sale covered by that 104391
certificate. If it is determined the exemption was improperly 104392
claimed, the consumer shall be liable for any tax due on that sale 104393
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 104394
5741. of the Revised Code. Relief under this division from 104395
liability does not apply to any of the following: 104396

(i) A vendor that fraudulently fails to collect tax; 104397

(ii) A vendor that solicits consumers to participate in the 104398
unlawful claim of an exemption; 104399

(iii) A vendor that accepts an exemption certificate from a 104400
consumer that claims an exemption based on who purchases or who 104401
sells property or a service, when the subject of the transaction 104402
sought to be covered by the exemption certificate is actually 104403
received by the consumer at a location operated by the vendor in 104404
this state, and this state has posted to its web site an exemption 104405
certificate form that clearly and affirmatively indicates that the 104406
claimed exemption is not available in this state; 104407

(iv) A vendor that accepts an exemption certificate from a 104408
consumer who claims a multiple points of use exemption under 104409
division (D) of section 5739.033 of the Revised Code, if the item 104410

purchased is tangible personal property, other than prewritten 104411
computer software. 104412

(2) The vendor shall maintain records, including exemption 104413
certificates, of all sales on which a consumer has claimed an 104414
exemption, and provide them to the tax commissioner on request. 104415

(3) The tax commissioner may establish an identification 104416
system whereby the commissioner issues an identification number to 104417
a consumer that is exempt from payment of the tax. The consumer 104418
must present the number to the vendor, if any sale is claimed to 104419
be exempt as provided in this section. 104420

(4) If no certificate is provided or obtained within ninety 104421
days after the date on which such sale is consummated, it shall be 104422
presumed that the tax applies. Failure to have so provided or 104423
obtained a certificate shall not preclude a vendor, within one 104424
hundred twenty days after the tax commissioner gives written 104425
notice of intent to levy an assessment, from either establishing 104426
that the sale is not subject to the tax, or obtaining, in good 104427
faith, a fully completed exemption certificate. 104428

(5) Certificates need not be obtained nor provided where the 104429
identity of the consumer is such that the transaction is never 104430
subject to the tax imposed or where the item of tangible personal 104431
property sold or the service provided is never subject to the tax 104432
imposed, regardless of use, or when the sale is in interstate 104433
commerce. 104434

(6) If a transaction is claimed to be exempt under division 104435
(B)(13) of section 5739.02 of the Revised Code, the contractor 104436
shall obtain certification of the claimed exemption from the 104437
contractee. This certification shall be in addition to an 104438
exemption certificate provided by the contractor to the vendor. A 104439
contractee that provides a certification under this division shall 104440
be deemed to be the consumer of all items purchased by the 104441

contractor under the claim of exemption, if it is subsequently 104442
determined that the exemption is not properly claimed. The 104443
certification shall be in such form as the tax commissioner 104444
prescribes. 104445

(C) As used in this division, "contractee" means a person who 104446
seeks to enter or enters into a contract or agreement with a 104447
contractor or vendor for the construction of real property or for 104448
the sale and installation onto real property of tangible personal 104449
property. 104450

Any contractor or vendor may request from any contractee a 104451
certification of what portion of the property to be transferred 104452
under such contract or agreement is to be incorporated into the 104453
realty and what portion will retain its status as tangible 104454
personal property after installation is completed. The contractor 104455
or vendor shall request the certification by certified mail 104456
delivered to the contractee, return receipt requested. Upon 104457
receipt of such request and prior to entering into the contract or 104458
agreement, the contractee shall provide to the contractor or 104459
vendor a certification sufficiently detailed to enable the 104460
contractor or vendor to ascertain the resulting classification of 104461
all materials purchased or fabricated by the contractor or vendor 104462
and transferred to the contractee. This requirement applies to a 104463
contractee regardless of whether the contractee holds a direct 104464
payment permit under section 5739.031 of the Revised Code or 104465
provides to the contractor or vendor an exemption certificate as 104466
provided under this section. 104467

For the purposes of the taxes levied by this chapter and 104468
Chapter 5741. of the Revised Code, the contractor or vendor may in 104469
good faith rely on the contractee's certification. Notwithstanding 104470
division (B) of section 5739.01 of the Revised Code, if the tax 104471
commissioner determines that certain property certified by the 104472
contractee as tangible personal property pursuant to this division 104473

is, in fact, real property, the contractee shall be considered to 104474
be the consumer of all materials so incorporated into that real 104475
property and shall be liable for the applicable tax, and the 104476
contractor or vendor shall be excused from any liability on those 104477
materials. 104478

If a contractee fails to provide such certification upon the 104479
request of the contractor or vendor, the contractor or vendor 104480
shall comply with the provisions of this chapter and Chapter 5741. 104481
of the Revised Code without the certification. If the tax 104482
commissioner determines that such compliance has been performed in 104483
good faith and that certain property treated as tangible personal 104484
property by the contractor or vendor is, in fact, real property, 104485
the contractee shall be considered to be the consumer of all 104486
materials so incorporated into that real property and shall be 104487
liable for the applicable tax, and the construction contractor or 104488
vendor shall be excused from any liability on those materials. 104489

This division does not apply to any contract or agreement 104490
where the tax commissioner determines as a fact that a 104491
certification under this division was made solely on the decision 104492
or advice of the contractor or vendor. 104493

(D) Notwithstanding division (B) of section 5739.01 of the 104494
Revised Code, whenever the total rate of tax imposed under this 104495
chapter is increased after the date after a construction contract 104496
is entered into, the contractee shall reimburse the construction 104497
contractor for any additional tax paid on tangible property 104498
consumed or services received pursuant to the contract. 104499

(E) A vendor who files a petition for reassessment contesting 104500
the assessment of tax on sales for which the vendor obtained no 104501
valid exemption certificates and for which the vendor failed to 104502
establish that the sales were properly not subject to the tax 104503
during the one-hundred-twenty-day period allowed under division 104504
(B) of this section, may present to the tax commissioner 104505

additional evidence to prove that the sales were properly subject 104506
to a claim of exception or exemption. The vendor shall file such 104507
evidence within ninety days of the receipt by the vendor of the 104508
notice of assessment, except that, upon application and for 104509
reasonable cause, the period for submitting such evidence shall be 104510
extended thirty days. 104511

The commissioner shall consider such additional evidence in 104512
reaching the final determination on the assessment and petition 104513
for reassessment. 104514

(F) Whenever a vendor refunds the price, minus any separately 104515
stated delivery charge, of an item of tangible personal property 104516
on which the tax imposed under this chapter has been paid, the 104517
vendor shall also refund the amount of tax paid, minus the amount 104518
of tax attributable to the delivery charge. 104519

Sec. 5739.033. (A) Except as provided in division (B) of this 104520
section, divisions (C) to (I) of this section apply to sales made 104521
on and after January 1, 2008. Any vendor previously required to 104522
comply with divisions (C) to (I) of this section and any vendor 104523
that irrevocably elects to comply with divisions (C) to (I) of 104524
this section for all of the vendor's sales and places of business 104525
in this state shall continue to source its sales under those 104526
divisions. 104527

The amount of tax due pursuant to sections 5739.02, 5739.021, 104528
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 104529
imposed pursuant to those sections at the sourcing location of the 104530
sale as determined under this section or, if applicable, under 104531
division (C) of section 5739.031 or section 5739.034 of the 104532
Revised Code, or at the situs of the sale as determined under 104533
section 5739.035 of the Revised Code. This section applies only to 104534
a vendor's or seller's obligation to collect and remit sales taxes 104535
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 104536

Revised Code or use taxes under section 5741.02, 5741.021, 104537
5741.022, or 5741.023 of the Revised Code. Division (A) of this 104538
section does not apply in determining the jurisdiction for which 104539
sellers are required to collect the use tax under section 5741.05 104540
of the Revised Code. This section does not affect the obligation 104541
of a consumer to remit use taxes on the storage, use, or other 104542
consumption of tangible personal property or on the benefit 104543
realized of any service provided, to the jurisdiction of that 104544
storage, use, or consumption, or benefit realized. 104545

(B)(1) As used in this division: 104546

(a) "Delivery sale" means the taxable sale of tangible 104547
personal property or a service that is received by a consumer, or 104548
a donee designated by the consumer, in a taxing jurisdiction that 104549
is not the taxing jurisdiction in which the vendor has a fixed 104550
place of business. 104551

(b) "Agreement" has the same meaning as in section 5740.01 of 104552
the Revised Code. 104553

(c) "Governing board" has the same meaning as in section 104554
5740.02 of the Revised Code. 104555

(2) If the tax commissioner does not make the certification 104556
under section 5740.10 of the Revised Code, a vendor that is not 104557
required by division (A) of this section to situs sales under 104558
divisions (C) to (I) of this section on the date of the 104559
commissioner's certification may continue after that date to situs 104560
its sales under section 5739.035 of the Revised Code unless it is 104561
required, under division (B)(5) of this section, to situs its 104562
sales under divisions (C) to (I) of this section. 104563

(3) Except as otherwise provided in divisions (B)(4) and (5) 104564
of this section, a vendor with total delivery sales within this 104565
state in prior calendar years, beginning with calendar year 2007, 104566
of less than five hundred thousand dollars may situs its sales 104567

under section 5739.035 of the Revised Code. 104568

(4) Once a vendor has total delivery sales in this state of 104569
five hundred thousand dollars or more for a prior calendar year, 104570
the vendor shall source its sales under divisions (C) to (I) of 104571
this section and shall continue to source its sales under those 104572
divisions regardless of the amount of the vendor's total delivery 104573
sales in future years. 104574

(5) A vendor permitted under division (B)(3) of this section 104575
to situs its sales under section 5739.035 of the Revised Code that 104576
fails to provide, absent a clerical error, the notices required 104577
under division (I)(1) of section 5739.035 of the Revised Code 104578
shall situs all subsequent sales as required under divisions (C) 104579
to (I) of this section. 104580

(C) Except for sales, other than leases, of titled motor 104581
vehicles, titled watercraft, or titled outboard motors as provided 104582
in section 5741.05 of the Revised Code, or as otherwise provided 104583
in this section and section 5739.034 of the Revised Code, all 104584
sales shall be sourced as follows: 104585

(1) If the consumer or a donee designated by the consumer 104586
receives tangible personal property or a service at a vendor's 104587
place of business, the sale shall be sourced to that place of 104588
business. 104589

(2) When the tangible personal property or service is not 104590
received at a vendor's place of business, the sale shall be 104591
sourced to the location known to the vendor where the consumer or 104592
the donee designated by the consumer receives the tangible 104593
personal property or service, including the location indicated by 104594
instructions for delivery to the consumer or the consumer's donee. 104595

(3) If divisions (C)(1) and (2) of this section do not apply, 104596
the sale shall be sourced to the location indicated by an address 104597
for the consumer that is available from the vendor's business 104598

records that are maintained in the ordinary course of the vendor's 104599
business, when use of that address does not constitute bad faith. 104600

104601

(4) If divisions (C)(1), (2), and (3) of this section do not 104602
apply, the sale shall be sourced to the location indicated by an 104603
address for the consumer obtained during the consummation of the 104604
sale, including the address associated with the consumer's payment 104605
instrument, if no other address is available, when use of that 104606
address does not constitute bad faith. 104607

(5) If divisions (C)(1), (2), (3), and (4) of this section do 104608
not apply, including in the circumstance where the vendor is 104609
without sufficient information to apply any of those divisions, 104610
the sale shall be sourced to the address from which tangible 104611
personal property was shipped, or from which the service was 104612
provided, disregarding any location that merely provided the 104613
electronic transfer of the property sold or service provided. 104614

(6) As used in division (C) of this section, "receive" means 104615
taking possession of tangible personal property or making first 104616
use of a service. "Receive" does not include possession by a 104617
shipping company on behalf of a consumer. 104618

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 104619
section, a business consumer that is not a holder of a direct 104620
payment permit granted under section 5739.031 of the Revised Code, 104621
that purchases a digital good, computer software, except computer 104622
software received in person by a business consumer at a vendor's 104623
place of business, or a service, and that knows at the time of 104624
purchase that such digital good, software, or service will be 104625
concurrently available for use in more than one taxing 104626
jurisdiction shall deliver to the vendor in conjunction with its 104627
purchase an exemption certificate claiming multiple points of use, 104628
or shall meet the requirements of division (D)(2) of this section. 104629
On receipt of the exemption certificate claiming multiple points 104630

of use, the vendor is relieved of its obligation to collect, pay, 104631
or remit the tax due, and the business consumer must pay the tax 104632
directly to the state. 104633

(b) A business consumer that delivers the exemption 104634
certificate claiming multiple points of use to a vendor may use 104635
any reasonable, consistent, and uniform method of apportioning the 104636
tax due on the digital good, computer software, or service that is 104637
supported by the consumer's business records as they existed at 104638
the time of the sale. The business consumer shall report and pay 104639
the appropriate tax to each jurisdiction where concurrent use 104640
occurs. The tax due shall be calculated as if the apportioned 104641
amount of the digital good, computer software, or service had been 104642
delivered to each jurisdiction to which the sale is apportioned 104643
under this division. 104644

(c) The exemption certificate claiming multiple points of use 104645
shall remain in effect for all future sales by the vendor to the 104646
business consumer until it is revoked in writing by the business 104647
consumer, except as to the business consumer's specific 104648
apportionment of a subsequent sale under division (D)(1)(b) of 104649
this section and the facts existing at the time of the sale. 104650

(2) When the vendor knows that a digital good, computer 104651
software, or service sold will be concurrently available for use 104652
by the business consumer in more than one jurisdiction, but the 104653
business consumer does not provide an exemption certificate 104654
claiming multiple points of use as required by division (D)(1) of 104655
this section, the vendor may work with the business consumer to 104656
produce the correct apportionment. Governed by the principles of 104657
division (D)(1)(b) of this section, the vendor and business 104658
consumer may use any reasonable, but consistent and uniform, 104659
method of apportionment that is supported by the vendor's and 104660
business consumer's books and records as they exist at the time 104661
the sale is reported for purposes of the taxes levied under this 104662

chapter. If the business consumer certifies to the accuracy of the 104663
apportionment and the vendor accepts the certification, the vendor 104664
shall collect and remit the tax accordingly. In the absence of bad 104665
faith, the vendor is relieved of any further obligation to collect 104666
tax on any transaction where the vendor has collected tax pursuant 104667
to the information certified by the business consumer. 104668

(3) When the vendor knows that the digital good, computer 104669
software, or service will be concurrently available for use in 104670
more than one jurisdiction, and the business consumer does not 104671
have a direct pay permit and does not provide to the vendor an 104672
exemption certificate claiming multiple points of use as required 104673
in division (D)(1) of this section, or certification pursuant to 104674
division (D)(2) of this section, the vendor shall collect and 104675
remit the tax based on division (C) of this section. 104676

(4) Nothing in this section shall limit a person's obligation 104677
for sales or use tax to any state in which a digital good, 104678
computer software, or service is concurrently available for use, 104679
nor limit a person's ability under local, state, or federal law, 104680
to claim a credit for sales or use taxes legally due and paid to 104681
other jurisdictions. 104682

(E) A person who holds a direct payment permit issued under 104683
section 5739.031 of the Revised Code is not required to deliver an 104684
exemption certificate claiming multiple points of use to a vendor. 104685
But such permit holder shall comply with division (D)(2) of this 104686
section in apportioning the tax due on a digital good, computer 104687
software, or a service for use in business that will be 104688
concurrently available for use in more than one taxing 104689
jurisdiction. 104690

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 104691
section, the consumer of direct mail that is not a holder of a 104692
direct payment permit shall provide to the vendor in conjunction 104693
with the sale either an exemption certificate claiming direct mail 104694

prescribed by the tax commissioner, or information to show the 104695
jurisdictions to which the direct mail is delivered to recipients. 104696

(2) Upon receipt of such exemption certificate, the vendor is 104697
relieved of all obligations to collect, pay, or remit the 104698
applicable tax and the consumer is obligated to pay that tax on a 104699
direct pay basis. An exemption certificate claiming direct mail 104700
shall remain in effect for all future sales of direct mail by the 104701
vendor to the consumer until it is revoked in writing. 104702

(3) Upon receipt of information from the consumer showing the 104703
jurisdictions to which the direct mail is delivered to recipients, 104704
the vendor shall collect the tax according to the delivery 104705
information provided by the consumer. In the absence of bad faith, 104706
the vendor is relieved of any further obligation to collect tax on 104707
any transaction where the vendor has collected tax pursuant to the 104708
delivery information provided by the consumer. 104709

(4) If the consumer of direct mail does not have a direct 104710
payment permit and does not provide the vendor with either an 104711
exemption certificate claiming direct mail or delivery information 104712
as required by division (F)(1) of this section, the vendor shall 104713
collect the tax according to division (C)(5) of this section. 104714
Nothing in division (F)(4) of this section shall limit a 104715
consumer's obligation to pay sales or use tax to any state to 104716
which the direct mail is delivered. 104717

(5) If a consumer of direct mail provides the vendor with 104718
documentation of direct payment authority, the consumer shall not 104719
be required to provide an exemption certificate claiming direct 104720
mail or delivery information to the vendor. 104721

(G) If the vendor provides lodging to transient guests as 104722
specified in division (B)(2) of section 5739.01 of the Revised 104723
Code, the sale shall be sourced to the location where the lodging 104724
is located. 104725

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(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.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(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:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) Sales described in division (B)(11) of section 5739.01 of the Revised Code shall be sourced to the location of the enrollee for whom a medicaid health insuring corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

Sec. 5739.051. (A) The tax commissioner shall issue a direct payment permit to a medicaid health insuring corporation that authorizes the medicaid health insuring corporation to pay all taxes due on sales described in division (B)(11) of section 5739.01 of the Revised Code directly to the state. Each medicaid health insuring corporation shall pay pursuant to such direct payment authority all sales tax levied on such sales by sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and all use tax levied on such sales pursuant to sections 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, unless division (B)(11)(b) of section 5739.01 of the Revised Code applies.

(B) Each medicaid health insuring corporation shall, on or before the twenty-third day of each month, file a return for the preceding month on a form prescribed by the tax commissioner and shall pay the tax shown on the return to be due, unless division (B)(11)(b) of section 5739.01 of the Revised Code applies. The return shall show the amount of tax due from the medicaid health care insuring corporation for the period covered by the return and other such information as the commissioner deems necessary. Upon written request, the commissioner may extend the time for filing the return and paying the tax. The commissioner may require each medicaid health insuring corporation to file returns and remit

payment by electronic means as provided in section 5739.032 of the 104819
Revised Code. 104820

Sec. 5739.09. (A)(1) A board of county commissioners may, by 104821
resolution adopted by a majority of the members of the board, levy 104822
an excise tax not to exceed three per cent on transactions by 104823
which lodging by a hotel is or is to be furnished to transient 104824
guests. The board shall establish all regulations necessary to 104825
provide for the administration and allocation of the tax. The 104826
regulations may prescribe the time for payment of the tax, and may 104827
provide for the imposition of a penalty or interest, or both, for 104828
late payments, provided that the penalty does not exceed ten per 104829
cent of the amount of tax due, and the rate at which interest 104830
accrues does not exceed the rate per annum prescribed pursuant to 104831
section 5703.47 of the Revised Code. Except as provided in 104832
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 104833
regulations shall provide, after deducting the real and actual 104834
costs of administering the tax, for the return to each municipal 104835
corporation or township that does not levy an excise tax on the 104836
transactions, a uniform percentage of the tax collected in the 104837
municipal corporation or in the unincorporated portion of the 104838
township from each transaction, not to exceed thirty-three and 104839
one-third per cent. The remainder of the revenue arising from the 104840
tax shall be deposited in a separate fund and shall be spent 104841
solely to make contributions to the convention and visitors' 104842
bureau operating within the county, including a pledge and 104843
contribution of any portion of the remainder pursuant to an 104844
agreement authorized by section 307.695 of the Revised Code, 104845
provided that if the board of county commissioners of an eligible 104846
county as defined in section 307.695 of the Revised Code adopts a 104847
resolution amending a resolution levying a tax under this division 104848
to provide that the revenue from the tax shall be used by the 104849
board as described in division (H) of section 307.695 of the 104850

Revised Code, the remainder of the revenue shall be used as 104851
described in the resolution making that amendment. Except as 104852
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 104853
this section, on and after May 10, 1994, a board of county 104854
commissioners may not levy an excise tax pursuant to this division 104855
in any municipal corporation or township located wholly or partly 104856
within the county that has in effect an ordinance or resolution 104857
levying an excise tax pursuant to division (B) of this section. 104858
The board of a county that has levied a tax under division (C) of 104859
this section may, by resolution adopted within ninety days after 104860
July 15, 1985, by a majority of the members of the board, amend 104861
the resolution levying a tax under this division to provide for a 104862
portion of that tax to be pledged and contributed in accordance 104863
with an agreement entered into under section 307.695 of the 104864
Revised Code. A tax, any revenue from which is pledged pursuant to 104865
such an agreement, shall remain in effect at the rate at which it 104866
is imposed for the duration of the period for which the revenue 104867
from the tax has been so pledged. 104868

The board of county commissioners of an eligible county as 104869
defined in section 307.695 of the Revised Code may, by resolution 104870
adopted by a majority of the members of the board, amend a 104871
resolution levying a tax under this division to provide that the 104872
revenue from the tax shall be used by the board as described in 104873
division (H) of section 307.695 of the Revised Code, in which case 104874
the tax shall remain in effect at the rate at which it was imposed 104875
for the duration of any agreement entered into by the board under 104876
section 307.695 of the Revised Code, the duration during which any 104877
securities issued by the board under that section are outstanding, 104878
or the duration of the period during which the board owns a 104879
project as defined in section 307.695 of the Revised Code, 104880
whichever duration is longest. 104881

(2) A board of county commissioners that levies an excise tax 104882

under division (A)(1) of this section on June 30, 1997, at a rate 104883
of three per cent, and that has pledged revenue from the tax to an 104884
agreement entered into under section 307.695 of the Revised Code 104885
or, in the case of the board of county commissioners of an 104886
eligible county as defined in section 307.695 of the Revised Code, 104887
has amended a resolution levying a tax under division (C) of this 104888
section to provide that proceeds from the tax shall be used by the 104889
board as described in division (H) of section 307.695 of the 104890
Revised Code, may, at any time by a resolution adopted by a 104891
majority of the members of the board, amend the resolution levying 104892
a tax under division (A)(1) of this section to provide for an 104893
increase in the rate of that tax up to seven per cent on each 104894
transaction; to provide that revenue from the increase in the rate 104895
shall be used as described in division (H) of section 307.695 of 104896
the Revised Code or be spent solely to make contributions to the 104897
convention and visitors' bureau operating within the county to be 104898
used specifically for promotion, advertising, and marketing of the 104899
region in which the county is located; and to provide that the 104900
rate in excess of the three per cent levied under division (A)(1) 104901
of this section shall remain in effect at the rate at which it is 104902
imposed for the duration of the period during which any agreement 104903
is in effect that was entered into under section 307.695 of the 104904
Revised Code by the board of county commissioners levying a tax 104905
under division (A)(1) of this section, the duration of the period 104906
during which any securities issued by the board under division (I) 104907
of section 307.695 of the Revised Code are outstanding, or the 104908
duration of the period during which the board owns a project as 104909
defined in section 307.695 of the Revised Code, whichever duration 104910
is longest. The amendment also shall provide that no portion of 104911
that revenue need be returned to townships or municipal 104912
corporations as would otherwise be required under division (A)(1) 104913
of this section. 104914

(3) A board of county commissioners that levies a tax under 104915

division (A)(1) of this section on March 18, 1999, at a rate of 104916
three per cent may, by resolution adopted not later than 104917
forty-five days after March 18, 1999, amend the resolution levying 104918
the tax to provide for all of the following: 104919

(a) That the rate of the tax shall be increased by not more 104920
than an additional four per cent on each transaction; 104921

(b) That all of the revenue from the increase in the rate 104922
shall be pledged and contributed to a convention facilities 104923
authority established by the board of county commissioners under 104924
Chapter 351. of the Revised Code on or before November 15, 1998, 104925
and used to pay costs of constructing, maintaining, operating, and 104926
promoting a facility in the county, including paying bonds, or 104927
notes issued in anticipation of bonds, as provided by that 104928
chapter; 104929

(c) That no portion of the revenue arising from the increase 104930
in rate need be returned to municipal corporations or townships as 104931
otherwise required under division (A)(1) of this section; 104932

(d) That the increase in rate shall not be subject to 104933
diminution by initiative or referendum or by law while any bonds, 104934
or notes in anticipation of bonds, issued by the authority under 104935
Chapter 351. of the Revised Code to which the revenue is pledged, 104936
remain outstanding in accordance with their terms, unless 104937
provision is made by law or by the board of county commissioners 104938
for an adequate substitute therefor that is satisfactory to the 104939
trustee if a trust agreement secures the bonds. 104940

Division (A)(3) of this section does not apply to the board 104941
of county commissioners of any county in which a convention center 104942
or facility exists or is being constructed on November 15, 1998, 104943
or of any county in which a convention facilities authority levies 104944
a tax pursuant to section 351.021 of the Revised Code on that 104945
date. 104946

As used in division (A)(3) of this section, "cost" and 104947
"facility" have the same meanings as in section 351.01 of the 104948
Revised Code, and "convention center" has the same meaning as in 104949
section 307.695 of the Revised Code. 104950

(4)(a) A board of county commissioners that levies a tax 104951
under division (A)(1) of this section on June 30, 2002, at a rate 104952
of three per cent may, by resolution adopted not later than 104953
September 30, 2002, amend the resolution levying the tax to 104954
provide for all of the following: 104955

(i) That the rate of the tax shall be increased by not more 104956
than an additional three and one-half per cent on each 104957
transaction; 104958

(ii) That all of the revenue from the increase in rate shall 104959
be pledged and contributed to a convention facilities authority 104960
established by the board of county commissioners under Chapter 104961
351. of the Revised Code on or before May 15, 2002, and be used to 104962
pay costs of constructing, expanding, maintaining, operating, or 104963
promoting a convention center in the county, including paying 104964
bonds, or notes issued in anticipation of bonds, as provided by 104965
that chapter; 104966

(iii) That no portion of the revenue arising from the 104967
increase in rate need be returned to municipal corporations or 104968
townships as otherwise required under division (A)(1) of this 104969
section; 104970

(iv) That the increase in rate shall not be subject to 104971
diminution by initiative or referendum or by law while any bonds, 104972
or notes in anticipation of bonds, issued by the authority under 104973
Chapter 351. of the Revised Code to which the revenue is pledged, 104974
remain outstanding in accordance with their terms, unless 104975
provision is made by law or by the board of county commissioners 104976
for an adequate substitute therefor that is satisfactory to the 104977

trustee if a trust agreement secures the bonds. 104978

(b) Any board of county commissioners that, pursuant to 104979
division (A)(4)(a) of this section, has amended a resolution 104980
levying the tax authorized by division (A)(1) of this section may 104981
further amend the resolution to provide that the revenue referred 104982
to in division (A)(4)(a)(ii) of this section shall be pledged and 104983
contributed both to a convention facilities authority to pay the 104984
costs of constructing, expanding, maintaining, or operating one or 104985
more convention centers in the county, including paying bonds, or 104986
notes issued in anticipation of bonds, as provided in Chapter 351. 104987
of the Revised Code, and to a convention and visitors' bureau to 104988
pay the costs of promoting one or more convention centers in the 104989
county. 104990

As used in division (A)(4) of this section, "cost" has the 104991
same meaning as in section 351.01 of the Revised Code, and 104992
"convention center" has the same meaning as in section 307.695 of 104993
the Revised Code. 104994

(5)(a) As used in division (A)(5) of this section: 104995

(i) "Port authority" means a port authority created under 104996
Chapter 4582. of the Revised Code. 104997

(ii) "Port authority military-use facility" means port 104998
authority facilities on which or adjacent to which is located an 104999
installation of the armed forces of the United States, a reserve 105000
component thereof, or the national guard and at least part of 105001
which is made available for use, for consideration, by the armed 105002
forces of the United States, a reserve component thereof, or the 105003
national guard. 105004

(b) For the purpose of contributing revenue to pay operating 105005
expenses of a port authority that operates a port authority 105006
military-use facility, the board of county commissioners of a 105007
county that created, participated in the creation of, or has 105008

joined such a port authority may do one or both of the following: 105009

(i) Amend a resolution previously adopted under division 105010
(A)(1) of this section to designate some or all of the revenue 105011
from the tax levied under the resolution to be used for that 105012
purpose, notwithstanding that division; 105013

(ii) Amend a resolution previously adopted under division 105014
(A)(1) of this section to increase the rate of the tax by not more 105015
than an additional two per cent and use the revenue from the 105016
increase exclusively for that purpose. 105017

(c) If a board of county commissioners amends a resolution to 105018
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 105019
of this section, the board also may amend the resolution to 105020
specify that the increase in rate of the tax does not apply to 105021
"hotels," as otherwise defined in section 5739.01 of the Revised 105022
Code, having fewer rooms used for the accommodation of guests than 105023
a number of rooms specified by the board. 105024

(6) A board of county commissioners of a county organized 105025
under a county charter adopted pursuant to Article X, Section 3, 105026
Ohio Constitution, and that levies an excise tax under division 105027
(A)(1) of this section at a rate of three per cent and levies an 105028
additional excise tax under division (E) of this section at a rate 105029
of one and one-half per cent may, by resolution adopted not later 105030
than January 1, 2008, by a majority of the members of the board, 105031
amend the resolution levying a tax under division (A)(1) of this 105032
section to provide for an increase in the rate of that tax by not 105033
more than an additional one per cent on transactions by which 105034
lodging by a hotel is or is to be furnished to transient guests. 105035
Notwithstanding divisions (A)(1) and (E) of this section, the 105036
resolution shall provide that all of the revenue from the increase 105037
in rate, after deducting the real and actual costs of 105038
administering the tax, shall be used to pay the costs of 105039
improving, expanding, equipping, financing, or operating a 105040

convention center by a convention and visitors' bureau in the 105041
county. The increase in rate shall remain in effect for the period 105042
specified in the resolution, not to exceed ten years. The increase 105043
in rate shall be subject to the regulations adopted under division 105044
(A)(1) of this section, except that the resolution may provide 105045
that no portion of the revenue from the increase in the rate shall 105046
be returned to townships or municipal corporations as would 105047
otherwise be required under that division. 105048

(7) Division (A)(7) of this section applies only to a county 105049
with a population greater than sixty-five thousand and less than 105050
seventy thousand according to the most recent federal decennial 105051
census and in which, on December 31, 2006, an excise tax is levied 105052
under division (A)(1) of this section at a rate not less than and 105053
not greater than three per cent, and in which the most recent 105054
increase in the rate of that tax was enacted or took effect in 105055
November 1984. 105056

The board of county commissioners of a county to which this 105057
division applies, by resolution adopted by a majority of the 105058
members of the board, may increase the rate of the tax by not more 105059
than one per cent on transactions by which lodging by a hotel is 105060
or is to be furnished to transient guests. The increase in rate 105061
shall be for the purpose of paying expenses deemed necessary by 105062
the convention and visitors' bureau operating in the county to 105063
promote travel and tourism. The increase in rate shall remain in 105064
effect for the period specified in the resolution, not to exceed 105065
twenty years, provided that the increase in rate may not continue 105066
beyond the time when the purpose for which the increase is levied 105067
ceases to exist. If revenue from the increase in rate is pledged 105068
to the payment of debt charges on securities, the increase in rate 105069
is not subject to diminution by initiative or referendum or by law 105070
for so long as the securities are outstanding, unless provision is 105071
made by law or by the board of county commissioners for an 105072

adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section. A resolution adopted under division (A)(7) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(B)(1) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of this section may, by ordinance or resolution, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or the board of trustees of the township shall deposit at least fifty per cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The levy of a tax under this division is in addition to any tax

imposed on the same transaction by a municipal corporation or a township as authorized by division (A) of section 5739.08 of the Revised Code.

(2)(a) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following:

(i) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) The legislative authority of a municipal corporation

that, pursuant to division (B)(2)(a) of this section, has amended 105137
its ordinance or resolution to increase the rate of the tax 105138
authorized by division (B)(1) of this section may further amend 105139
the ordinance or resolution to provide that the revenue referred 105140
to in division (B)(2)(a)(ii) of this section shall be pledged and 105141
contributed both to a convention facilities authority to pay the 105142
costs of constructing, expanding, maintaining, or operating one or 105143
more convention centers in the county, including paying bonds, or 105144
notes issued in anticipation of bonds, as provided in Chapter 351. 105145
of the Revised Code, and to a convention and visitors' bureau to 105146
pay the costs of promoting one or more convention centers in the 105147
county. 105148

As used in division (B)(2) of this section, "cost" has the 105149
same meaning as in section 351.01 of the Revised Code, and 105150
"convention center" has the same meaning as in section 307.695 of 105151
the Revised Code. 105152

(C) For the purposes described in section 307.695 of the 105153
Revised Code and to cover the costs of administering the tax, a 105154
board of county commissioners of a county where a tax imposed 105155
under division (A)(1) of this section is in effect may, by 105156
resolution adopted within ninety days after July 15, 1985, by a 105157
majority of the members of the board, levy an additional excise 105158
tax not to exceed three per cent on transactions by which lodging 105159
by a hotel is or is to be furnished to transient guests. The tax 105160
authorized by this division shall be in addition to any tax that 105161
is levied pursuant to division (A) of this section, but it shall 105162
not apply to transactions subject to a tax levied by a municipal 105163
corporation or township pursuant to the authorization granted by 105164
division (A) of section 5739.08 of the Revised Code. The board 105165
shall establish all regulations necessary to provide for the 105166
administration and allocation of the tax. The regulations may 105167
prescribe the time for payment of the tax, and may provide for the 105168

imposition of a penalty or interest, or both, for late payments, 105169
provided that the penalty does not exceed ten per cent of the 105170
amount of tax due, and the rate at which interest accrues does not 105171
exceed the rate per annum prescribed pursuant to section 5703.47 105172
of the Revised Code. All revenues arising from the tax shall be 105173
expended in accordance with section 307.695 of the Revised Code. 105174
The board of county commissioners of an eligible county as defined 105175
in section 307.695 of the Revised Code may, by resolution adopted 105176
by a majority of the members of the board, amend the resolution 105177
levying a tax under this division to provide that the revenue from 105178
the tax shall be used by the board as described in division (H) of 105179
section 307.695 of the Revised Code. A tax imposed under this 105180
division shall remain in effect at the rate at which it is imposed 105181
for the duration of the period during which any agreement entered 105182
into by the board under section 307.695 of the Revised Code is in 105183
effect, the duration of the period during which any securities 105184
issued by the board under division (I) of section 307.695 of the 105185
Revised Code are outstanding, or the duration of the period during 105186
which the board owns a project as defined in section 307.695 of 105187
the Revised Code, whichever duration is longest. 105188

(D) For the purpose of providing contributions under division 105189
(B)(1) of section 307.671 of the Revised Code to enable the 105190
acquisition, construction, and equipping of a port authority 105191
educational and cultural facility in the county and, to the extent 105192
provided for in the cooperative agreement authorized by that 105193
section, for the purpose of paying debt service charges on bonds, 105194
or notes in anticipation of bonds, described in division (B)(1)(b) 105195
of that section, a board of county commissioners, by resolution 105196
adopted within ninety days after December 22, 1992, by a majority 105197
of the members of the board, may levy an additional excise tax not 105198
to exceed one and one-half per cent on transactions by which 105199
lodging by a hotel is or is to be furnished to transient guests. 105200
The excise tax authorized by this division shall be in addition to 105201

any tax that is levied pursuant to divisions (A), (B), and (C) of 105202
this section, to any excise tax levied pursuant to section 5739.08 105203
of the Revised Code, and to any excise tax levied pursuant to 105204
section 351.021 of the Revised Code. The board of county 105205
commissioners shall establish all regulations necessary to provide 105206
for the administration and allocation of the tax that are not 105207
inconsistent with this section or section 307.671 of the Revised 105208
Code. The regulations may prescribe the time for payment of the 105209
tax, and may provide for the imposition of a penalty or interest, 105210
or both, for late payments, provided that the penalty does not 105211
exceed ten per cent of the amount of tax due, and the rate at 105212
which interest accrues does not exceed the rate per annum 105213
prescribed pursuant to section 5703.47 of the Revised Code. All 105214
revenues arising from the tax shall be expended in accordance with 105215
section 307.671 of the Revised Code and division (D) of this 105216
section. The levy of a tax imposed under this division may not 105217
commence prior to the first day of the month next following the 105218
execution of the cooperative agreement authorized by section 105219
307.671 of the Revised Code by all parties to that agreement. The 105220
tax shall remain in effect at the rate at which it is imposed for 105221
the period of time described in division (C) of section 307.671 of 105222
the Revised Code for which the revenue from the tax has been 105223
pledged by the county to the corporation pursuant to that section, 105224
but, to any extent provided for in the cooperative agreement, for 105225
no lesser period than the period of time required for payment of 105226
the debt service charges on bonds, or notes in anticipation of 105227
bonds, described in division (B)(1)(b) of that section. 105228

(E) For the purpose of paying the costs of acquiring, 105229
constructing, equipping, and improving a municipal educational and 105230
cultural facility, including debt service charges on bonds 105231
provided for in division (B) of section 307.672 of the Revised 105232
Code, and for any additional purposes determined by the county in 105233
the resolution levying the tax or amendments to the resolution, 105234

including subsequent amendments providing for paying costs of 105235
acquiring, constructing, renovating, rehabilitating, equipping, 105236
and improving a port authority educational and cultural performing 105237
arts facility, as defined in section 307.674 of the Revised Code, 105238
and including debt service charges on bonds provided for in 105239
division (B) of section 307.674 of the Revised Code, the 105240
legislative authority of a county, by resolution adopted within 105241
ninety days after June 30, 1993, by a majority of the members of 105242
the legislative authority, may levy an additional excise tax not 105243
to exceed one and one-half per cent on transactions by which 105244
lodging by a hotel is or is to be furnished to transient guests. 105245
The excise tax authorized by this division shall be in addition to 105246
any tax that is levied pursuant to divisions (A), (B), (C), and 105247
(D) of this section, to any excise tax levied pursuant to section 105248
5739.08 of the Revised Code, and to any excise tax levied pursuant 105249
to section 351.021 of the Revised Code. The legislative authority 105250
of the county shall establish all regulations necessary to provide 105251
for the administration and allocation of the tax. The regulations 105252
may prescribe the time for payment of the tax, and may provide for 105253
the imposition of a penalty or interest, or both, for late 105254
payments, provided that the penalty does not exceed ten per cent 105255
of the amount of tax due, and the rate at which interest accrues 105256
does not exceed the rate per annum prescribed pursuant to section 105257
5703.47 of the Revised Code. All revenues arising from the tax 105258
shall be expended in accordance with section 307.672 of the 105259
Revised Code and this division. The levy of a tax imposed under 105260
this division shall not commence prior to the first day of the 105261
month next following the execution of the cooperative agreement 105262
authorized by section 307.672 of the Revised Code by all parties 105263
to that agreement. The tax shall remain in effect at the rate at 105264
which it is imposed for the period of time determined by the 105265
legislative authority of the county. That period of time shall not 105266
exceed fifteen years, except that the legislative authority of a 105267

county with a population of less than two hundred fifty thousand 105268
according to the most recent federal decennial census, by 105269
resolution adopted by a majority of its members before the 105270
original tax expires, may extend the duration of the tax for an 105271
additional period of time. The additional period of time by which 105272
a legislative authority extends a tax levied under this division 105273
shall not exceed fifteen years. 105274

(F) The legislative authority of a county that has levied a 105275
tax under division (E) of this section may, by resolution adopted 105276
within one hundred eighty days after January 4, 2001, by a 105277
majority of the members of the legislative authority, amend the 105278
resolution levying a tax under that division to provide for the 105279
use of the proceeds of that tax, to the extent that it is no 105280
longer needed for its original purpose as determined by the 105281
parties to a cooperative agreement amendment pursuant to division 105282
(D) of section 307.672 of the Revised Code, to pay costs of 105283
acquiring, constructing, renovating, rehabilitating, equipping, 105284
and improving a port authority educational and cultural performing 105285
arts facility, including debt service charges on bonds provided 105286
for in division (B) of section 307.674 of the Revised Code, and to 105287
pay all obligations under any guaranty agreements, reimbursement 105288
agreements, or other credit enhancement agreements described in 105289
division (C) of section 307.674 of the Revised Code. The 105290
resolution may also provide for the extension of the tax at the 105291
same rate for the longer of the period of time determined by the 105292
legislative authority of the county, but not to exceed an 105293
additional twenty-five years, or the period of time required to 105294
pay all debt service charges on bonds provided for in division (B) 105295
of section 307.672 of the Revised Code and on port authority 105296
revenue bonds provided for in division (B) of section 307.674 of 105297
the Revised Code. All revenues arising from the amendment and 105298
extension of the tax shall be expended in accordance with section 105299
307.674 of the Revised Code, this division, and division (E) of 105300

this section. 105301

(G) For purposes of a tax levied by a county, township, or 105302
municipal corporation under this section or section 5739.08 of the 105303
Revised Code, a board of county commissioners, board of township 105304
trustees, or the legislative authority of a municipal corporation 105305
may adopt a resolution or ordinance at any time specifying that 105306
"hotel," as otherwise defined in section 5739.01 of the Revised 105307
Code, includes ~~establishments~~ the following: 105308

(1) Establishments in which fewer than five rooms are used 105309
for the accommodation of guests. ~~The~~ 105310

(2) Establishments at which rooms are used for the 105311
accommodation of guests regardless of whether each room is 105312
accessible through its own keyed entry or several rooms are 105313
accessible through the same keyed entry; and, in determining the 105314
number of rooms, all rooms are included regardless of the number 105315
of structures in which the rooms are situated or the number of 105316
parcels of land on which the structures are located if the 105317
structures are under the same ownership and the structures are not 105318
identified in advertisements of the accommodations as distinct 105319
establishments. For the purposes of division (G)(2) of this 105320
section, two or more structures are under the same ownership if 105321
they are owned by the same person, or if they are owned by two or 105322
more persons the majority of the ownership interests of which are 105323
owned by the same person. 105324

The resolution or ordinance may apply to a tax imposed 105325
pursuant to this section prior to the adoption of the resolution 105326
or ordinance if the resolution or ordinance so states, but the tax 105327
shall not apply to transactions by which lodging by such an 105328
establishment is provided to transient guests prior to the 105329
adoption of the resolution or ordinance. 105330

(H)(1) As used in this division: 105331

(a) "Convention facilities authority" has the same meaning as 105332
in section 351.01 of the Revised Code. 105333

(b) "Convention center" has the same meaning as in section 105334
307.695 of the Revised Code. 105335

(2) Notwithstanding any contrary provision of division (D) of 105336
this section, the legislative authority of a county with a 105337
population of one million or more according to the most recent 105338
federal decennial census that has levied a tax under division (D) 105339
of this section may, by resolution adopted by a majority of the 105340
members of the legislative authority, provide for the extension of 105341
such levy and may provide that the proceeds of that tax, to the 105342
extent that they are no longer needed for their original purpose 105343
as defined by a cooperative agreement entered into under section 105344
307.671 of the Revised Code, shall be deposited into the county 105345
general revenue fund. The resolution shall provide for the 105346
extension of the tax at a rate not to exceed the rate specified in 105347
division (D) of this section for a period of time determined by 105348
the legislative authority of the county, but not to exceed an 105349
additional forty years. 105350

(3) The legislative authority of a county with a population 105351
of one million or more that has levied a tax under division (A)(1) 105352
of this section may, by resolution adopted by a majority of the 105353
members of the legislative authority, increase the rate of the tax 105354
levied by such county under division (A)(1) of this section to a 105355
rate not to exceed five per cent on transactions by which lodging 105356
by a hotel is or is to be furnished to transient guests. 105357
Notwithstanding any contrary provision of division (A)(1) of this 105358
section, the resolution may provide that all collections resulting 105359
from the rate levied in excess of three per cent, after deducting 105360
the real and actual costs of administering the tax, shall be 105361
deposited in the county general fund. 105362

(4) The legislative authority of a county with a population 105363

of one million or more that has levied a tax under division (A)(1) 105364
of this section may, by resolution adopted on or before August 30, 105365
2004, by a majority of the members of the legislative authority, 105366
provide that all or a portion of the proceeds of the tax levied 105367
under division (A)(1) of this section, after deducting the real 105368
and actual costs of administering the tax and the amounts required 105369
to be returned to townships and municipal corporations with 105370
respect to the first three per cent levied under division (A)(1) 105371
of this section, shall be deposited in the county general fund, 105372
provided that such proceeds shall be used to satisfy any pledges 105373
made in connection with an agreement entered into under section 105374
307.695 of the Revised Code. 105375

(5) No amount collected from a tax levied, extended, or 105376
required to be deposited in the county general fund under division 105377
(H) of this section shall be contributed to a convention 105378
facilities authority, corporation, or other entity created after 105379
July 1, 2003, for the principal purpose of constructing, 105380
improving, expanding, equipping, financing, or operating a 105381
convention center unless the mayor of the municipal corporation in 105382
which the convention center is to be operated by that convention 105383
facilities authority, corporation, or other entity has consented 105384
to the creation of that convention facilities authority, 105385
corporation, or entity. Notwithstanding any contrary provision of 105386
section 351.04 of the Revised Code, if a tax is levied by a county 105387
under division (H) of this section, the board of county 105388
commissioners of that county may determine the manner of 105389
selection, the qualifications, the number, and terms of office of 105390
the members of the board of directors of any convention facilities 105391
authority, corporation, or other entity described in division 105392
(H)(5) of this section. 105393

(6)(a) No amount collected from a tax levied, extended, or 105394
required to be deposited in the county general fund under division 105395

(H) of this section may be used for any purpose other than paying 105396
the direct and indirect costs of constructing, improving, 105397
expanding, equipping, financing, or operating a convention center 105398
and for the real and actual costs of administering the tax, 105399
unless, prior to the adoption of the resolution of the legislative 105400
authority of the county authorizing the levy, extension, increase, 105401
or deposit, the county and the mayor of the most populous 105402
municipal corporation in that county have entered into an 105403
agreement as to the use of such amounts, provided that such 105404
agreement has been approved by a majority of the mayors of the 105405
other municipal corporations in that county. The agreement shall 105406
provide that the amounts to be used for purposes other than paying 105407
the convention center or administrative costs described in 105408
division (H)(6)(a) of this section be used only for the direct and 105409
indirect costs of capital improvements, including the financing of 105410
capital improvements. 105411

(b) If the county in which the tax is levied has an 105412
association of mayors and city managers, the approval of that 105413
association of an agreement described in division (H)(6)(a) of 105414
this section shall be considered to be the approval of the 105415
majority of the mayors of the other municipal corporations for 105416
purposes of that division. 105417

(7) Each year, the auditor of state shall conduct an audit of 105418
the uses of any amounts collected from taxes levied, extended, or 105419
deposited under division (H) of this section and shall prepare a 105420
report of the auditor of state's findings. The auditor of state 105421
shall submit the report to the legislative authority of the county 105422
that has levied, extended, or deposited the tax, the speaker of 105423
the house of representatives, the president of the senate, and the 105424
leaders of the minority parties of the house of representatives 105425
and the senate. 105426

(I)(1) As used in this division: 105427

(a) "Convention facilities authority" has the same meaning as 105428
in section 351.01 of the Revised Code. 105429

(b) "Convention center" has the same meaning as in section 105430
307.695 of the Revised Code. 105431

(2) Notwithstanding any contrary provision of division (D) of 105432
this section, the legislative authority of a county with a 105433
population of one million two hundred thousand or more according 105434
to the most recent federal decennial census or the most recent 105435
annual population estimate published or released by the United 105436
States census bureau at the time the resolution is adopted placing 105437
the levy on the ballot, that has levied a tax under division (D) 105438
of this section may, by resolution adopted by a majority of the 105439
members of the legislative authority, provide for the extension of 105440
such levy and may provide that the proceeds of that tax, to the 105441
extent that the proceeds are no longer needed for their original 105442
purpose as defined by a cooperative agreement entered into under 105443
section 307.671 of the Revised Code and after deducting the real 105444
and actual costs of administering the tax, shall be used for 105445
paying the direct and indirect costs of constructing, improving, 105446
expanding, equipping, financing, or operating a convention center. 105447
The resolution shall provide for the extension of the tax at a 105448
rate not to exceed the rate specified in division (D) of this 105449
section for a period of time determined by the legislative 105450
authority of the county, but not to exceed an additional forty 105451
years. 105452

(3) The legislative authority of a county with a population 105453
of one million two hundred thousand or more that has levied a tax 105454
under division (A)(1) of this section may, by resolution adopted 105455
by a majority of the members of the legislative authority, 105456
increase the rate of the tax levied by such county under division 105457
(A)(1) of this section to a rate not to exceed five per cent on 105458
transactions by which lodging by a hotel is or is to be furnished 105459

to transient guests. Notwithstanding any contrary provision of 105460
division (A)(1) of this section, the resolution shall provide that 105461
all collections resulting from the rate levied in excess of three 105462
per cent, after deducting the real and actual costs of 105463
administering the tax, shall be used for paying the direct and 105464
indirect costs of constructing, improving, expanding, equipping, 105465
financing, or operating a convention center. 105466

(4) The legislative authority of a county with a population 105467
of one million two hundred thousand or more that has levied a tax 105468
under division (A)(1) of this section may, by resolution adopted 105469
on or before July 1, 2008, by a majority of the members of the 105470
legislative authority, provide that all or a portion of the 105471
proceeds of the tax levied under division (A)(1) of this section, 105472
after deducting the real and actual costs of administering the tax 105473
and the amounts required to be returned to townships and municipal 105474
corporations with respect to the first three per cent levied under 105475
division (A)(1) of this section, shall be used to satisfy any 105476
pledges made in connection with an agreement entered into under 105477
section 307.695 of the Revised Code or shall otherwise be used for 105478
paying the direct and indirect costs of constructing, improving, 105479
expanding, equipping, financing, or operating a convention center. 105480

(5) Any amount collected from a tax levied or extended under 105481
division (I) of this section may be contributed to a convention 105482
facilities authority created before July 1, 2005, but no amount 105483
collected from a tax levied or extended under division (I) of this 105484
section may be contributed to a convention facilities authority, 105485
corporation, or other entity created after July 1, 2005, unless 105486
the mayor of the municipal corporation in which the convention 105487
center is to be operated by that convention facilities authority, 105488
corporation, or other entity has consented to the creation of that 105489
convention facilities authority, corporation, or entity. 105490

Sec. 5739.131. Any nonresident of this state who accepts the 105491
privilege extended by the laws of this state to nonresidents of 105492
engaging in the business of selling in this state, as defined in 105493
section 5741.01 of the Revised Code, and any resident of this 105494
state who is required by sections 5739.17 and 5739.31 of the 105495
Revised Code to have a vendor's license and subsequently becomes a 105496
nonresident or conceals ~~his~~ the person's whereabouts, makes the 105497
secretary of state ~~his~~ the person's agent for the service of 105498
process or notice in any assessment, action, or proceedings 105499
instituted in this state against such person under sections 105500
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 105501

Such process or notice shall be served, ~~by the officer to~~ 105502
~~whom the same is directed or by the tax commissioner, or by the~~ 105503
~~sheriff of Franklin county, who may be deputized for such purpose~~ 105504
~~by the officer to whom the service is directed, upon the secretary~~ 105505
~~of state by leaving at the office of the secretary of state, at~~ 105506
~~least fifteen days before the return day of such process or~~ 105507
~~notice, a true and attested copy thereof, and by sending to the~~ 105508
~~defendant by certified mail, postage prepaid, a like and true~~ 105509
~~attested copy, with an endorsement thereon of the service upon the~~ 105510
~~secretary of state, addressed to such defendant at his last known~~ 105511
~~address as provided under section 5703.37 of the Revised Code.~~ 105512

Sec. 5743.15. (A) ~~No~~ Except as otherwise provided in this 105513
division, no person shall engage in this state in the wholesale or 105514
retail business of trafficking in cigarettes or in the business of 105515
a manufacturer or importer of cigarettes without having a license 105516
to conduct each such activity issued by a county auditor under 105517
division (B) of this section or the tax commissioner under 105518
~~division (E)~~ divisions (C) and (F) of this section, ~~except that~~ 105519
~~en.~~ On dissolution of a partnership by death, the surviving 105520
partner may operate under the license of the partnership until 105521

expiration of the license, and the heirs or legal representatives 105522
of deceased persons, and receivers and trustees in bankruptcy 105523
appointed by any competent authority, may operate under the 105524
license of the person succeeded in possession by such heir, 105525
representative, receiver, or trustee in bankruptcy if the partner 105526
or successor notifies the auditor or commissioner of the 105527
dissolution or succession within thirty days after the dissolution 105528
or succession. 105529

(B)(1) Each applicant for a license to engage in the 105530
~~wholesale or~~ retail business of trafficking in cigarettes under 105531
this section, annually, on or before the fourth Monday of May, 105532
shall make and deliver to the county auditor of the county in 105533
which the applicant desires to engage in the ~~wholesale or~~ retail 105534
business of trafficking in cigarettes, upon a blank form furnished 105535
by such auditor for that purpose, a statement showing the name of 105536
the applicant, each physical place in the county where the 105537
applicant's business is conducted, the nature of the business, and 105538
any other information the tax commissioner requires in the form of 105539
statement prescribed by the commissioner. If the applicant is a 105540
firm, partnership, or association other than a corporation, the 105541
application shall state the name and address of each of its 105542
members. If the applicant is a corporation, the application shall 105543
state the name and address of each of its officers. At the time of 105544
making the application required by this section, every person 105545
~~desiring to engage in the wholesale business of trafficking in~~ 105546
~~cigarettes shall pay into the county treasury a license tax in the~~ 105547
~~sum of two hundred dollars, or if desiring to engage in the retail~~ 105548
~~business of trafficking in cigarettes, a license tax shall pay an~~ 105549
application fee in the sum of thirty one hundred twenty-five 105550
dollars for each of the ~~first five places~~ physical place where the 105551
person proposes to carry on such business ~~and twenty five dollars~~ 105552
~~for each additional place.~~ Each place of business shall be deemed 105553
such space, under lease or license to, or under the control of, or 105554

under the supervision of the applicant, as is contained in one or 105555
more contiguous, adjacent, or adjoining buildings constituting an 105556
industrial plant or a place of business operated by, or under the 105557
control of, one person, or under one roof and connected by doors, 105558
halls, stairways, or elevators, which space may contain any number 105559
of points at which cigarettes are offered for sale, provided that 105560
each additional point at which cigarettes are offered for sale 105561
shall be listed in the application. 105562

105563

(2) Upon receipt of the application and exhibition of the 105564
county treasurer's receipt showing the payment of the ~~tax~~ 105565
application fee, the county auditor shall issue to the applicant a 105566
license for each place of business designated in the application, 105567
authorizing the applicant to engage in such business at such place 105568
for one year commencing on the fourth Monday of May. ~~Companies~~ 105569
~~operating club or dining cars or other cars upon which cigarettes~~ 105570
~~are sold shall obtain licenses at railroad terminals within the~~ 105571
~~state, under such rules as are prescribed by the commissioner.~~ The 105572
form of the license shall be prescribed by the commissioner. A 105573
duplicate license may be obtained from the county auditor upon 105574
payment of a ~~fifty-cent~~ five-dollar fee if the original license is 105575
lost, destroyed, or defaced. When an application is filed after 105576
the fourth Monday of May, the ~~license tax~~ application fee required 105577
to be paid shall be proportioned in amount to the remainder of the 105578
license year, except that it shall not be less than ~~one-fifth of~~ 105579
~~the whole amount~~ twenty-five dollars in any one year. 105580

105581

(3) The holder of a ~~wholesale or~~ retail dealer's cigarette 105582
license may transfer the license to a place of business within the 105583
same county other than that designated on the license ~~or may~~ 105584
~~assign the license to another person for use in the same county on~~ 105585
condition that the ~~licensee or assignee, whichever is applicable,~~ 105586

make application licensee's ownership interest and business 105587
structure remain unchanged, and that the license applies to the 105588
county auditor therefor, upon forms approved by the commissioner 105589
and the payment of a fee of ~~one dollar~~ five dollars into the 105590
county treasury. 105591

(C)(1) Each applicant for a license to engage in the 105592
wholesale business of trafficking in cigarettes under this 105593
section, annually, on or before the fourth Monday in May, shall 105594
make and deliver to the tax commissioner, upon a blank form 105595
furnished by the commissioner for that purpose, a statement 105596
showing the name of the applicant, physical street address where 105597
the applicant's business is conducted, the nature of the business, 105598
and any other information required by the commissioner. If the 105599
applicant is a firm, partnership, or association other than a 105600
corporation, the applicant shall state the name and address of 105601
each of its members. If the applicant is a corporation, the 105602
applicant shall state the name and address of each of its 105603
officers. At the time of making the application required by this 105604
section, every person desiring to engage in the wholesale business 105605
of trafficking in cigarettes shall pay an application fee of one 105606
thousand dollars for each physical place where the person proposes 105607
to carry on such business. Each place of business shall be deemed 105608
such space, under lease or license to, or under the control of, or 105609
under the supervision of the applicant, as is contained in one or 105610
more contiguous, adjacent, or adjoining buildings constituting an 105611
industrial plant or a place of business operated by, or under the 105612
control of, one person, or under one roof and connected by doors, 105613
halls, stairways, or elevators. A duplicate license may be 105614
obtained from the commissioner upon payment of a 105615
twenty-five-dollar fee if the original license is lost, destroyed, 105616
or defaced. 105617

(2) Upon receipt of the application and payment of any 105618

application fee required by this section, the commissioner shall 105619
verify that the applicant is in good standing under Chapter 1346, 105620
and Title LVII of the Revised Code. Upon approval, the 105621
commissioner shall issue to the applicant a license for each 105622
physical place of business designated in the application 105623
authorizing the applicant to engage in business at that location 105624
for one year commencing on the fourth Monday in May. For licenses 105625
issued after the fourth Monday in May, the application fee shall 105626
be reduced proportionately by the remainder of the twelve-month 105627
period for which the license is issued, except that the 105628
application fee required to be paid under this section shall be 105629
not less than two hundred dollars in any one year. 105630

(3) The holder of a wholesale dealer cigarette license may 105631
transfer the license to a place of business other than that 105632
designated on the license on condition that the licensee's 105633
ownership or business structure remains unchanged, and that the 105634
licensee applies to the commissioner for such a transfer upon a 105635
form promulgated by the commissioner and pays a fee of twenty-five 105636
dollars, which shall be deposited into the cigarette tax 105637
enforcement fund created in division (E) of this section. 105638

(D)(1) The wholesale cigarette license ~~tax revenue~~ 105639
application fees collected under this section shall be ~~distributed~~ 105640
as follows: 105641

~~(a) Thirty seven and one half per cent shall be paid upon the~~ 105642
~~warrant of the county auditor into the treasury of the municipal~~ 105643
~~corporation or township in which the place of business for which~~ 105644
~~the tax revenue was received is located;~~ 105645

~~(b) Fifteen per cent shall be credited to the general fund of~~ 105646
~~the county;~~ 105647

~~(c) Forty seven and one half per cent shall be paid into the~~ 105648
~~cigarette tax enforcement fund created by division (C) of this~~ 105649

section. 105650

(2) The ~~revenue~~ retail cigarette license application fees 105651
collected ~~from the thirty dollar tax imposed upon the first five~~ 105652
~~places of business of a person engaged in the retail business of~~ 105653
~~trafficking in cigarettes~~ under this section shall be distributed 105654
as follows: 105655

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 105656
the warrant of the county auditor into the treasury of the 105657
municipal corporation or township in which the places of business 105658
for which the tax revenue was received are located; 105659

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 105660
the general fund of the county; 105661

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 105662
tax enforcement fund ~~created by division (C) of this section.~~ 105663

(3) The remainder of the revenues and fines collected under 105664
this section and the penal laws relating to cigarettes shall be 105665
distributed as follows: 105666

(a) Three-fourths shall be paid upon the warrant of the 105667
county auditor into the treasury of the municipal corporation or 105668
township in which the place of business, on account of which the 105669
revenues and fines were received, is located; 105670

(b) One-fourth shall be credited to the general fund of the 105671
county. 105672

~~(D)~~(E) There is hereby created within the state treasury the 105673
cigarette tax enforcement fund for the purpose of providing funds 105674
to assist in paying the costs of enforcing sections 1333.11 to 105675
1333.21 and Chapter 5743. of the Revised Code. 105676

The portion of cigarette license ~~tax revenues~~ application 105677
fees received by a county auditor during the annual application 105678
period that ends ~~before~~ on the fourth Monday in May ~~which~~ and that 105679

is required to be deposited in the cigarette tax enforcement fund 105680
shall be sent to the treasurer of state by the thirtieth day of 105681
June each year accompanied by the form prescribed by the tax 105682
commissioner. The portion of cigarette license tax money 105683
application fees received by each county auditor after the fourth 105684
Monday in May ~~which~~ and that is required to be deposited in the 105685
cigarette tax enforcement fund shall be sent to the treasurer of 105686
state by the ~~thirty first day of December~~ last day of the month 105687
following the month in which such fees were collected. 105688

~~(E)~~(F)(1) Every person who desires to engage in the business 105689
of a manufacturer or importer of cigarettes shall, annually, on or 105690
before the fourth Monday of May, make and deliver to the tax 105691
commissioner, upon a blank form furnished by the commissioner for 105692
that purpose, a statement showing the name of the applicant, the 105693
nature of the applicant's business, and any other information 105694
required by the commissioner. If the applicant is a firm, 105695
partnership, or association other than a corporation, the 105696
applicant shall state the name and address of each of its members. 105697
If the applicant is a corporation, the applicant shall state the 105698
name and address of each of its officers. 105699

(2) Upon receipt of the application and payment of the fee 105700
required under this section, the commissioner shall verify that 105701
the applicant is in good standing under Chapter 1346. and Title 105702
LVII of the Revised Code. Upon approval, the commissioner shall 105703
issue to the applicant a license authorizing the applicant to 105704
engage in the business of manufacturer or importer, whichever the 105705
case may be, for one year commencing on the fourth Monday of May. 105706

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 105707
this section to a manufacturer does not excuse a manufacturer from 105708
the certification process required under section 1346.05 of the 105709
Revised Code. A manufacturer who is issued a license under 105710
division ~~(E)~~(F)(1) of this section and who is not listed on the 105711

directory required under section 1346.05 of the Revised Code shall 105712
not be permitted to sell cigarettes in this state other than to a 105713
licensed cigarette wholesaler for sale outside this state. Such a 105714
manufacturer shall provide documentation to the commissioner 105715
evidencing that the cigarettes are legal for sale in another 105716
state. 105717

~~(3)(G)~~ The tax commissioner may adopt rules necessary to 105718
administer ~~division (E)~~ of this section. 105719

Sec. 5743.61. (A) ~~No~~ Except as otherwise provided in this 105720
division, no distributor shall engage in the business of 105721
distributing tobacco products within this state without having a 105722
license issued by the department of taxation to engage in that 105723
business, ~~except that on~~. On the dissolution of a partnership by 105724
death, the surviving partner may operate under the license of the 105725
partnership until the expiration of the license, and the heirs or 105726
legal representatives of deceased persons, and receivers and 105727
trustees in bankruptcy appointed by any competent authority, may 105728
operate under the license of the person succeeded in possession by 105729
the heir, representative, receiver, or trustee in bankruptcy if 105730
the partner or successor notifies the department of taxation of 105731
the dissolution or succession within thirty days after the 105732
dissolution or succession. 105733

(B)(1) Each applicant for a license to engage in the business 105734
of distributing tobacco products, annually, on or before the first 105735
day of February, shall make and deliver to the tax commissioner, 105736
upon a form furnished by the commissioner for that purpose, a 105737
statement showing the name of the applicant, each physical place 105738
from which the applicant distributes to distributors, retail 105739
dealers, or wholesale dealers, and any other information the 105740
commissioner considers necessary for the administration of 105741
sections 5743.51 to 5743.66 of the Revised Code. 105742

(2) At the time of making the license application, the applicant shall pay ~~a license~~ an application fee of one ~~hundred thousand~~ dollars for each place listed ~~in~~ on the application where ~~he the applicant~~ proposes to carry on that business. The fee charged for the ~~license~~ application shall accompany the application and shall be made payable to the treasurer of state for deposit into the cigarette tax enforcement fund.

(3) Upon receipt of the application and payment of any licensing fee required by this section, the commissioner shall issue to the applicant a license for each place of distribution designated in the application authorizing the applicant to engage in business at that location for one year commencing on the first day of February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars.

(C) The holder of a tobacco products license may transfer the license to a place of business ~~or may assign the license to another person for use,~~ on condition that the licensee's ownership and business structure remains unchanged and the licensee or assignee applies to the commissioner for the transfer, ~~upon forms on a form~~ issued by the commissioner, and pays a transfer fee of twenty-five dollars.

(D) If a distributor fails to file ~~the returns~~ forms as required under Chapter 1346. or section 5743.52 of the Revised Code, ~~or pay the tax due thereon,~~ on for two consecutive ~~months~~ periods or three ~~months~~ periods during any twelve-month period,

the commissioner may suspend the license issued to the distributor 105775
under this section. The suspension is effective ten days after the 105776
commissioner notifies the distributor of the suspension in writing 105777
personally or by certified mail. The commissioner shall lift the 105778
suspension when the distributor files the delinquent ~~returns~~ forms 105779
and pays the tax due, including any penalties, interest, and 105780
additional charges. The commissioner may refuse to issue the 105781
annual renewal of the license required by this section and may 105782
refuse to issue a new license for the same location until all 105783
delinquent ~~returns~~ forms are filed and outstanding taxes are paid. 105784
This division does not apply to any unpaid or underpaid tax 105785
liability that is the subject of a ~~petition~~ petition or appeal 105786
filed pursuant to section 5743.56, 5717.02, or 5717.04 of the 105787
Revised Code. 105788

Sec. 5747.01. Except as otherwise expressly provided or 105789
clearly appearing from the context, any term used in this chapter 105790
that is not otherwise defined in this section has the same meaning 105791
as when used in a comparable context in the laws of the United 105792
States relating to federal income taxes or if not used in a 105793
comparable context in those laws, has the same meaning as in 105794
section 5733.40 of the Revised Code. Any reference in this chapter 105795
to the Internal Revenue Code includes other laws of the United 105796
States relating to federal income taxes. 105797

As used in this chapter: 105798

(A) "Adjusted gross income" or "Ohio adjusted gross income" 105799
means federal adjusted gross income, as defined and used in the 105800
Internal Revenue Code, adjusted as provided in this section: 105801

(1) Add interest or dividends on obligations or securities of 105802
any state or of any political subdivision or authority of any 105803
state, other than this state and its subdivisions and authorities. 105804

(2) Add interest or dividends on obligations of any 105805

authority, commission, instrumentality, territory, or possession 105806
of the United States to the extent that the interest or dividends 105807
are exempt from federal income taxes but not from state income 105808
taxes. 105809

(3) Deduct interest or dividends on obligations of the United 105810
States and its territories and possessions or of any authority, 105811
commission, or instrumentality of the United States to the extent 105812
that the interest or dividends are included in federal adjusted 105813
gross income but exempt from state income taxes under the laws of 105814
the United States. 105815

(4) Deduct disability and survivor's benefits to the extent 105816
included in federal adjusted gross income. 105817

(5) Deduct benefits under Title II of the Social Security Act 105818
and tier 1 railroad retirement benefits to the extent included in 105819
federal adjusted gross income under section 86 of the Internal 105820
Revenue Code. 105821

(6) In the case of a taxpayer who is a beneficiary of a trust 105822
that makes an accumulation distribution as defined in section 665 105823
of the Internal Revenue Code, add, for the beneficiary's taxable 105824
years beginning before 2002, the portion, if any, of such 105825
distribution that does not exceed the undistributed net income of 105826
the trust for the three taxable years preceding the taxable year 105827
in which the distribution is made to the extent that the portion 105828
was not included in the trust's taxable income for any of the 105829
trust's taxable years beginning in 2002 or thereafter. 105830

"Undistributed net income of a trust" means the taxable income of 105831
the trust increased by (a)(i) the additions to adjusted gross 105832
income required under division (A) of this section and (ii) the 105833
personal exemptions allowed to the trust pursuant to section 105834
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 105835
deductions to adjusted gross income required under division (A) of 105836
this section, (ii) the amount of federal income taxes attributable 105837

to such income, and (iii) the amount of taxable income that has 105838
been included in the adjusted gross income of a beneficiary by 105839
reason of a prior accumulation distribution. Any undistributed net 105840
income included in the adjusted gross income of a beneficiary 105841
shall reduce the undistributed net income of the trust commencing 105842
with the earliest years of the accumulation period. 105843

(7) Deduct the amount of wages and salaries, if any, not 105844
otherwise allowable as a deduction but that would have been 105845
allowable as a deduction in computing federal adjusted gross 105846
income for the taxable year, had the targeted jobs credit allowed 105847
and determined under sections 38, 51, and 52 of the Internal 105848
Revenue Code not been in effect. 105849

(8) Deduct any interest or interest equivalent on public 105850
obligations and purchase obligations to the extent that the 105851
interest or interest equivalent is included in federal adjusted 105852
gross income. 105853

(9) Add any loss or deduct any gain resulting from the sale, 105854
exchange, or other disposition of public obligations to the extent 105855
that the loss has been deducted or the gain has been included in 105856
computing federal adjusted gross income. 105857

(10) Deduct or add amounts, as provided under section 5747.70 105858
of the Revised Code, related to contributions to variable college 105859
savings program accounts made or tuition units purchased pursuant 105860
to Chapter 3334. of the Revised Code. 105861

(11)(a) Deduct, to the extent not otherwise allowable as a 105862
deduction or exclusion in computing federal or Ohio adjusted gross 105863
income for the taxable year, the amount the taxpayer paid during 105864
the taxable year for medical care insurance and qualified 105865
long-term care insurance for the taxpayer, the taxpayer's spouse, 105866
and dependents. No deduction for medical care insurance under 105867
division (A)(11) of this section shall be allowed either to any 105868

taxpayer who is eligible to participate in any subsidized health 105869
plan maintained by any employer of the taxpayer or of the 105870
taxpayer's spouse, or to any taxpayer who is entitled to, or on 105871
application would be entitled to, benefits under part A of Title 105872
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 105873
301, as amended. For the purposes of division (A)(11)(a) of this 105874
section, "subsidized health plan" means a health plan for which 105875
the employer pays any portion of the plan's cost. The deduction 105876
allowed under division (A)(11)(a) of this section shall be the net 105877
of any related premium refunds, related premium reimbursements, or 105878
related insurance premium dividends received during the taxable 105879
year. 105880

(b) Deduct, to the extent not otherwise deducted or excluded 105881
in computing federal or Ohio adjusted gross income during the 105882
taxable year, the amount the taxpayer paid during the taxable 105883
year, not compensated for by any insurance or otherwise, for 105884
medical care of the taxpayer, the taxpayer's spouse, and 105885
dependents, to the extent the expenses exceed seven and one-half 105886
per cent of the taxpayer's federal adjusted gross income. 105887

(c) Deduct, to the extent not otherwise deducted or excluded 105888
in computing federal or Ohio adjusted gross income, any amount 105889
included in federal adjusted gross income under section 105 or not 105890
excluded under section 106 of the Internal Revenue Code solely 105891
because it relates to an accident and health plan for a person who 105892
otherwise would be a "qualifying relative" and thus a "dependent" 105893
under section 152 of the Internal Revenue Code but for the fact 105894
that the person fails to meet the income and support limitations 105895
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 105896

(d) For purposes of division (A)(11) of this section, 105897
"medical care" has the meaning given in section 213 of the 105898
Internal Revenue Code, subject to the special rules, limitations, 105899
and exclusions set forth therein, and "qualified long-term care" 105900

has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(12)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(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.

(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:

(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;

(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.

(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 105963
the tax commissioner's opinion, is necessary to establish the 105964
amount deducted under division (A)(17) of this section. 105965

(18) Beginning in taxable year 2001 but not for any taxable 105966
year beginning after December 31, 2005, if the taxpayer is married 105967
and files a joint return and the combined federal adjusted gross 105968
income of the taxpayer and the taxpayer's spouse for the taxable 105969
year does not exceed one hundred thousand dollars, or if the 105970
taxpayer is single and has a federal adjusted gross income for the 105971
taxable year not exceeding fifty thousand dollars, deduct amounts 105972
paid during the taxable year for qualified tuition and fees paid 105973
to an eligible institution for the taxpayer, the taxpayer's 105974
spouse, or any dependent of the taxpayer, who is a resident of 105975
this state and is enrolled in or attending a program that 105976
culminates in a degree or diploma at an eligible institution. The 105977
deduction may be claimed only to the extent that qualified tuition 105978
and fees are not otherwise deducted or excluded for any taxable 105979
year from federal or Ohio adjusted gross income. The deduction may 105980
not be claimed for educational expenses for which the taxpayer 105981
claims a credit under section 5747.27 of the Revised Code. 105982

(19) Add any reimbursement received during the taxable year 105983
of any amount the taxpayer deducted under division (A)(18) of this 105984
section in any previous taxable year to the extent the amount is 105985
not otherwise included in Ohio adjusted gross income. 105986

(20)(a)(i) Add five-sixths of the amount of depreciation 105987
expense allowed by subsection (k) of section 168 of the Internal 105988
Revenue Code, including the taxpayer's proportionate or 105989
distributive share of the amount of depreciation expense allowed 105990
by that subsection to a pass-through entity in which the taxpayer 105991
has a direct or indirect ownership interest. 105992

(ii) Add five-sixths of the amount of qualifying section 179 105993
depreciation expense, including a person's proportionate or 105994

distributive share of the amount of qualifying section 179 105995
depreciation expense allowed to any pass-through entity in which 105996
the person has a direct or indirect ownership. For the purposes of 105997
this division, "qualifying section 179 depreciation expense" means 105998
the difference between (I) the amount of depreciation expense 105999
directly or indirectly allowed to the taxpayer under section 179 106000
of the Internal Revenue Code, and (II) the amount of depreciation 106001
expense directly or indirectly allowed to the taxpayer under 106002
section 179 of the Internal Revenue Code as that section existed 106003
on December 31, 2002. 106004

The tax commissioner, under procedures established by the 106005
commissioner, may waive the add-backs related to a pass-through 106006
entity if the taxpayer owns, directly or indirectly, less than 106007
five per cent of the pass-through entity. 106008

(b) Nothing in division (A)(20) of this section shall be 106009
construed to adjust or modify the adjusted basis of any asset. 106010

(c) To the extent the add-back required under division 106011
(A)(20)(a) of this section is attributable to property generating 106012
nonbusiness income or loss allocated under section 5747.20 of the 106013
Revised Code, the add-back shall be situated to the same location 106014
as the nonbusiness income or loss generated by the property for 106015
the purpose of determining the credit under division (A) of 106016
section 5747.05 of the Revised Code. Otherwise, the add-back shall 106017
be apportioned, subject to one or more of the four alternative 106018
methods of apportionment enumerated in section 5747.21 of the 106019
Revised Code. 106020

(d) For the purposes of division (A) of this section, net 106021
operating loss carryback and carryforward shall not include 106022
five-sixths of the allowance of any net operating loss deduction 106023
carryback or carryforward to the taxable year to the extent such 106024
loss resulted from depreciation allowed by section 168(k) of the 106025
Internal Revenue Code and by the qualifying section 179 106026

depreciation expense amount. 106027

(21)(a) If the taxpayer was required to add an amount under 106028
division (A)(20)(a) of this section for a taxable year, deduct 106029
one-fifth of the amount so added for each of the five succeeding 106030
taxable years. 106031

(b) If the amount deducted under division (A)(21)(a) of this 106032
section is attributable to an add-back allocated under division 106033
(A)(20)(c) of this section, the amount deducted shall be sitused 106034
to the same location. Otherwise, the add-back shall be apportioned 106035
using the apportionment factors for the taxable year in which the 106036
deduction is taken, subject to one or more of the four alternative 106037
methods of apportionment enumerated in section 5747.21 of the 106038
Revised Code. 106039

(c) No deduction is available under division (A)(21)(a) of 106040
this section with regard to any depreciation allowed by section 106041
168(k) of the Internal Revenue Code and by the qualifying section 106042
179 depreciation expense amount to the extent that such 106043
depreciation resulted in or increased a federal net operating loss 106044
carryback or carryforward to a taxable year to which division 106045
(A)(20)(d) of this section does not apply. 106046

(22) Deduct, to the extent not otherwise deducted or excluded 106047
in computing federal or Ohio adjusted gross income for the taxable 106048
year, the amount the taxpayer received during the taxable year as 106049
reimbursement for life insurance premiums under section 5919.31 of 106050
the Revised Code. 106051

(23) Deduct, to the extent not otherwise deducted or excluded 106052
in computing federal or Ohio adjusted gross income for the taxable 106053
year, the amount the taxpayer received during the taxable year as 106054
a death benefit paid by the adjutant general under section 5919.33 106055
of the Revised Code. 106056

(24) Deduct, to the extent included in federal adjusted gross 106057

income and not otherwise allowable as a deduction or exclusion in 106058
computing federal or Ohio adjusted gross income for the taxable 106059
year, military pay and allowances received by the taxpayer during 106060
the taxable year for active duty service in the United States 106061
army, air force, navy, marine corps, or coast guard or reserve 106062
components thereof or the national guard. The deduction may not be 106063
claimed for military pay and allowances received by the taxpayer 106064
while the taxpayer is stationed in this state. 106065

(25) Deduct, to the extent not otherwise allowable as a 106066
deduction or exclusion in computing federal or Ohio adjusted gross 106067
income for the taxable year and not otherwise compensated for by 106068
any other source, the amount of qualified organ donation expenses 106069
incurred by the taxpayer during the taxable year, not to exceed 106070
ten thousand dollars. A taxpayer may deduct qualified organ 106071
donation expenses only once for all taxable years beginning with 106072
taxable years beginning in 2007. 106073

For the purposes of division (A)(25) of this section: 106074

(a) "Human organ" means all or any portion of a human liver, 106075
pancreas, kidney, intestine, or lung, and any portion of human 106076
bone marrow. 106077

(b) "Qualified organ donation expenses" means travel 106078
expenses, lodging expenses, and wages and salary forgone by a 106079
taxpayer in connection with the taxpayer's donation, while living, 106080
of one or more of the taxpayer's human organs to another human 106081
being. 106082

(26) Deduct, to the extent not otherwise deducted or excluded 106083
in computing federal or Ohio adjusted gross income for the taxable 106084
year, amounts received by the taxpayer as retired military 106085
personnel pay for service in the United States army, navy, air 106086
force, coast guard, or marine corps or reserve components thereof, 106087
or the national guard, or received by the surviving spouse or 106088

former spouse of such a taxpayer under the survivor benefit plan 106089
on account of such a taxpayer's death. If the taxpayer receives 106090
income on account of retirement paid under the federal civil 106091
service retirement system or federal employees retirement system, 106092
or under any successor retirement program enacted by the congress 106093
of the United States that is established and maintained for 106094
retired employees of the United States government, and such 106095
retirement income is based, in whole or in part, on credit for the 106096
taxpayer's military service, the deduction allowed under this 106097
division shall include only that portion of such retirement income 106098
that is attributable to the taxpayer's military service, to the 106099
extent that portion of such retirement income is otherwise 106100
included in federal adjusted gross income and is not otherwise 106101
deducted under this section. Any amount deducted under division 106102
(A)(26) of this section is not included in a taxpayer's adjusted 106103
gross income for the purposes of section 5747.055 of the Revised 106104
Code. No amount may be deducted under division (A)(26) of this 106105
section on the basis of which a credit was claimed under section 106106
5747.055 of the Revised Code. 106107

(27) Deduct, to the extent not otherwise deducted or excluded 106108
in computing federal or Ohio adjusted gross income for the taxable 106109
year, the amount the taxpayer received during the taxable year 106110
from the military injury relief fund created in section 5101.98 of 106111
the Revised Code. 106112

(B) "Business income" means income, including gain or loss, 106113
arising from transactions, activities, and sources in the regular 106114
course of a trade or business and includes income, gain, or loss 106115
from real property, tangible property, and intangible property if 106116
the acquisition, rental, management, and disposition of the 106117
property constitute integral parts of the regular course of a 106118
trade or business operation. "Business income" includes income, 106119
including gain or loss, from a partial or complete liquidation of 106120

a business, including, but not limited to, gain or loss from the 106121
sale or other disposition of goodwill. 106122

(C) "Nonbusiness income" means all income other than business 106123
income and may include, but is not limited to, compensation, rents 106124
and royalties from real or tangible personal property, capital 106125
gains, interest, dividends and distributions, patent or copyright 106126
royalties, or lottery winnings, prizes, and awards. 106127

(D) "Compensation" means any form of remuneration paid to an 106128
employee for personal services. 106129

(E) "Fiduciary" means a guardian, trustee, executor, 106130
administrator, receiver, conservator, or any other person acting 106131
in any fiduciary capacity for any individual, trust, or estate. 106132

(F) "Fiscal year" means an accounting period of twelve months 106133
ending on the last day of any month other than December. 106134

(G) "Individual" means any natural person. 106135

(H) "Internal Revenue Code" means the "Internal Revenue Code 106136
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 106137

(I) "Resident" means any of the following, provided that 106138
division (I)(3) of this section applies only to taxable years of a 106139
trust beginning in 2002 or thereafter: 106140

(1) An individual who is domiciled in this state, subject to 106141
section 5747.24 of the Revised Code; 106142

(2) The estate of a decedent who at the time of death was 106143
domiciled in this state. The domicile tests of section 5747.24 of 106144
the Revised Code are not controlling for purposes of division 106145
(I)(2) of this section. 106146

(3) A trust that, in whole or part, resides in this state. If 106147
only part of a trust resides in this state, the trust is a 106148
resident only with respect to that part. 106149

For the purposes of division (I)(3) of this section: 106150

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the

fair market value of all the trust's assets immediately after the 106214
subsequent transfer, net of any related liabilities. 106215

(iii) Whether a transfer to the trust is by or from any of 106216
the sources enumerated in division (I)(3)(a) of this section shall 106217
be ascertained without regard to the domicile of the trust's 106218
beneficiaries. 106219

(e) For the purposes of division (I)(3)(a)(i) of this 106220
section: 106221

(i) A trust is described in division (I)(3)(e)(i) of this 106222
section if the trust is a testamentary trust and the testator of 106223
that testamentary trust was domiciled in this state at the time of 106224
the testator's death for purposes of the taxes levied under 106225
Chapter 5731. of the Revised Code. 106226

(ii) A trust is described in division (I)(3)(e)(ii) of this 106227
section if the transfer is a qualifying transfer described in any 106228
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 106229
irrevocable inter vivos trust, and at least one of the trust's 106230
qualifying beneficiaries is domiciled in this state for purposes 106231
of this chapter during all or some portion of the trust's current 106232
taxable year. 106233

(f) For the purposes of division (I)(3)(e)(ii) of this 106234
section, a "qualifying transfer" is a transfer of assets, net of 106235
any related liabilities, directly or indirectly to a trust, if the 106236
transfer is described in any of the following: 106237

(i) The transfer is made to a trust, created by the decedent 106238
before the decedent's death and while the decedent was domiciled 106239
in this state for the purposes of this chapter, and, prior to the 106240
death of the decedent, the trust became irrevocable while the 106241
decedent was domiciled in this state for the purposes of this 106242
chapter. 106243

(ii) The transfer is made to a trust to which the decedent, 106244

prior to the decedent's death, had directly or indirectly 106245
transferred assets, net of any related liabilities, while the 106246
decedent was domiciled in this state for the purposes of this 106247
chapter, and prior to the death of the decedent the trust became 106248
irrevocable while the decedent was domiciled in this state for the 106249
purposes of this chapter. 106250

(iii) The transfer is made on account of a contractual 106251
relationship existing directly or indirectly between the 106252
transferor and either the decedent or the estate of the decedent 106253
at any time prior to the date of the decedent's death, and the 106254
decedent was domiciled in this state at the time of death for 106255
purposes of the taxes levied under Chapter 5731. of the Revised 106256
Code. 106257

(iv) The transfer is made to a trust on account of a 106258
contractual relationship existing directly or indirectly between 106259
the transferor and another person who at the time of the 106260
decedent's death was domiciled in this state for purposes of this 106261
chapter. 106262

(v) The transfer is made to a trust on account of the will of 106263
a testator. 106264

(vi) The transfer is made to a trust created by or caused to 106265
be created by a court, and the trust was directly or indirectly 106266
created in connection with or as a result of the death of an 106267
individual who, for purposes of the taxes levied under Chapter 106268
5731. of the Revised Code, was domiciled in this state at the time 106269
of the individual's death. 106270

(g) The tax commissioner may adopt rules to ascertain the 106271
part of a trust residing in this state. 106272

(J) "Nonresident" means an individual or estate that is not a 106273
resident. An individual who is a resident for only part of a 106274
taxable year is a nonresident for the remainder of that taxable 106275

year.	106276
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	106277 106278
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	106279 106280 106281 106282
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	106283 106284 106285 106286
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	106287 106288 106289 106290
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	106291 106292 106293 106294 106295
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	106296 106297 106298 106299 106300
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	106301 106302
(1) "Subdivision" means any county, municipal corporation, park district, or township.	106303 106304
(2) "Essential local government purposes" includes all	106305

functions that any subdivision is required by general law to 106306
exercise, including like functions that are exercised under a 106307
charter adopted pursuant to the Ohio Constitution. 106308

(R) "Overpayment" means any amount already paid that exceeds 106309
the figure determined to be the correct amount of the tax. 106310

(S) "Taxable income" or "Ohio taxable income" applies only to 106311
estates and trusts, and means federal taxable income, as defined 106312
and used in the Internal Revenue Code, adjusted as follows: 106313

(1) Add interest or dividends, net of ordinary, necessary, 106314
and reasonable expenses not deducted in computing federal taxable 106315
income, on obligations or securities of any state or of any 106316
political subdivision or authority of any state, other than this 106317
state and its subdivisions and authorities, but only to the extent 106318
that such net amount is not otherwise includible in Ohio taxable 106319
income and is described in either division (S)(1)(a) or (b) of 106320
this section: 106321

(a) The net amount is not attributable to the S portion of an 106322
electing small business trust and has not been distributed to 106323
beneficiaries for the taxable year; 106324

(b) The net amount is attributable to the S portion of an 106325
electing small business trust for the taxable year. 106326

(2) Add interest or dividends, net of ordinary, necessary, 106327
and reasonable expenses not deducted in computing federal taxable 106328
income, on obligations of any authority, commission, 106329
instrumentality, territory, or possession of the United States to 106330
the extent that the interest or dividends are exempt from federal 106331
income taxes but not from state income taxes, but only to the 106332
extent that such net amount is not otherwise includible in Ohio 106333
taxable income and is described in either division (S)(1)(a) or 106334
(b) of this section; 106335

(3) Add the amount of personal exemption allowed to the 106336

estate pursuant to section 642(b) of the Internal Revenue Code; 106337

(4) Deduct interest or dividends, net of related expenses 106338
deducted in computing federal taxable income, on obligations of 106339
the United States and its territories and possessions or of any 106340
authority, commission, or instrumentality of the United States to 106341
the extent that the interest or dividends are exempt from state 106342
taxes under the laws of the United States, but only to the extent 106343
that such amount is included in federal taxable income and is 106344
described in either division (S)(1)(a) or (b) of this section; 106345

(5) Deduct the amount of wages and salaries, if any, not 106346
otherwise allowable as a deduction but that would have been 106347
allowable as a deduction in computing federal taxable income for 106348
the taxable year, had the targeted jobs credit allowed under 106349
sections 38, 51, and 52 of the Internal Revenue Code not been in 106350
effect, but only to the extent such amount relates either to 106351
income included in federal taxable income for the taxable year or 106352
to income of the S portion of an electing small business trust for 106353
the taxable year; 106354

(6) Deduct any interest or interest equivalent, net of 106355
related expenses deducted in computing federal taxable income, on 106356
public obligations and purchase obligations, but only to the 106357
extent that such net amount relates either to income included in 106358
federal taxable income for the taxable year or to income of the S 106359
portion of an electing small business trust for the taxable year; 106360

(7) Add any loss or deduct any gain resulting from sale, 106361
exchange, or other disposition of public obligations to the extent 106362
that such loss has been deducted or such gain has been included in 106363
computing either federal taxable income or income of the S portion 106364
of an electing small business trust for the taxable year; 106365

(8) Except in the case of the final return of an estate, add 106366
any amount deducted by the taxpayer on both its Ohio estate tax 106367

return pursuant to section 5731.14 of the Revised Code, and on its 106368
federal income tax return in determining federal taxable income; 106369

(9)(a) Deduct any amount included in federal taxable income 106370
solely because the amount represents a reimbursement or refund of 106371
expenses that in a previous year the decedent had deducted as an 106372
itemized deduction pursuant to section 63 of the Internal Revenue 106373
Code and applicable treasury regulations. The deduction otherwise 106374
allowed under division (S)(9)(a) of this section shall be reduced 106375
to the extent the reimbursement is attributable to an amount the 106376
taxpayer or decedent deducted under this section in any taxable 106377
year. 106378

(b) Add any amount not otherwise included in Ohio taxable 106379
income for any taxable year to the extent that the amount is 106380
attributable to the recovery during the taxable year of any amount 106381
deducted or excluded in computing federal or Ohio taxable income 106382
in any taxable year, but only to the extent such amount has not 106383
been distributed to beneficiaries for the taxable year. 106384

(10) Deduct any portion of the deduction described in section 106385
1341(a)(2) of the Internal Revenue Code, for repaying previously 106386
reported income received under a claim of right, that meets both 106387
of the following requirements: 106388

(a) It is allowable for repayment of an item that was 106389
included in the taxpayer's taxable income or the decedent's 106390
adjusted gross income for a prior taxable year and did not qualify 106391
for a credit under division (A) or (B) of section 5747.05 of the 106392
Revised Code for that year. 106393

(b) It does not otherwise reduce the taxpayer's taxable 106394
income or the decedent's adjusted gross income for the current or 106395
any other taxable year. 106396

(11) Add any amount claimed as a credit under section 106397
5747.059 of the Revised Code to the extent that the amount 106398

satisfies either of the following: 106399

(a) The amount was deducted or excluded from the computation 106400
of the taxpayer's federal taxable income as required to be 106401
reported for the taxpayer's taxable year under the Internal 106402
Revenue Code; 106403

(b) The amount resulted in a reduction in the taxpayer's 106404
federal taxable income as required to be reported for any of the 106405
taxpayer's taxable years under the Internal Revenue Code. 106406

(12) Deduct any amount, net of related expenses deducted in 106407
computing federal taxable income, that a trust is required to 106408
report as farm income on its federal income tax return, but only 106409
if the assets of the trust include at least ten acres of land 106410
satisfying the definition of "land devoted exclusively to 106411
agricultural use" under section 5713.30 of the Revised Code, 106412
regardless of whether the land is valued for tax purposes as such 106413
land under sections 5713.30 to 5713.38 of the Revised Code. If the 106414
trust is a pass-through entity investor, section 5747.231 of the 106415
Revised Code applies in ascertaining if the trust is eligible to 106416
claim the deduction provided by division (S)(12) of this section 106417
in connection with the pass-through entity's farm income. 106418

Except for farm income attributable to the S portion of an 106419
electing small business trust, the deduction provided by division 106420
(S)(12) of this section is allowed only to the extent that the 106421
trust has not distributed such farm income. Division (S)(12) of 106422
this section applies only to taxable years of a trust beginning in 106423
2002 or thereafter. 106424

(13) Add the net amount of income described in section 641(c) 106425
of the Internal Revenue Code to the extent that amount is not 106426
included in federal taxable income. 106427

(14) Add or deduct the amount the taxpayer would be required 106428
to add or deduct under division (A)(20) or (21) of this section if 106429

the taxpayer's Ohio taxable income were computed in the same 106430
manner as an individual's Ohio adjusted gross income is computed 106431
under this section. In the case of a trust, division (S)(14) of 106432
this section applies only to any of the trust's taxable years 106433
beginning in 2002 or thereafter. 106434

(T) "School district income" and "school district income tax" 106435
have the same meanings as in section 5748.01 of the Revised Code. 106436

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 106437
of this section, "public obligations," "purchase obligations," and 106438
"interest or interest equivalent" have the same meanings as in 106439
section 5709.76 of the Revised Code. 106440

(V) "Limited liability company" means any limited liability 106441
company formed under Chapter 1705. of the Revised Code or under 106442
the laws of any other state. 106443

(W) "Pass-through entity investor" means any person who, 106444
during any portion of a taxable year of a pass-through entity, is 106445
a partner, member, shareholder, or equity investor in that 106446
pass-through entity. 106447

(X) "Banking day" has the same meaning as in section 1304.01 106448
of the Revised Code. 106449

(Y) "Month" means a calendar month. 106450

(Z) "Quarter" means the first three months, the second three 106451
months, the third three months, or the last three months of the 106452
taxpayer's taxable year. 106453

(AA)(1) "Eligible institution" means a state university or 106454
state institution of higher education as defined in section 106455
3345.011 of the Revised Code, or a private, nonprofit college, 106456
university, or other post-secondary institution located in this 106457
state that possesses a certificate of authorization issued by the 106458
Ohio board of regents pursuant to Chapter 1713. of the Revised 106459

Code or a certificate of registration issued by the state board of 106460
career colleges and schools under Chapter 3332. of the Revised 106461
Code. 106462

(2) "Qualified tuition and fees" means tuition and fees 106463
imposed by an eligible institution as a condition of enrollment or 106464
attendance, not exceeding two thousand five hundred dollars in 106465
each of the individual's first two years of post-secondary 106466
education. If the individual is a part-time student, "qualified 106467
tuition and fees" includes tuition and fees paid for the academic 106468
equivalent of the first two years of post-secondary education 106469
during a maximum of five taxable years, not exceeding a total of 106470
five thousand dollars. "Qualified tuition and fees" does not 106471
include: 106472

(a) Expenses for any course or activity involving sports, 106473
games, or hobbies unless the course or activity is part of the 106474
individual's degree or diploma program; 106475

(b) The cost of books, room and board, student activity fees, 106476
athletic fees, insurance expenses, or other expenses unrelated to 106477
the individual's academic course of instruction; 106478

(c) Tuition, fees, or other expenses paid or reimbursed 106479
through an employer, scholarship, grant in aid, or other 106480
educational benefit program. 106481

(BB)(1) "Modified business income" means the business income 106482
included in a trust's Ohio taxable income after such taxable 106483
income is first reduced by the qualifying trust amount, if any. 106484

(2) "Qualifying trust amount" of a trust means capital gains 106485
and losses from the sale, exchange, or other disposition of equity 106486
or ownership interests in, or debt obligations of, a qualifying 106487
investee to the extent included in the trust's Ohio taxable 106488
income, but only if the following requirements are satisfied: 106489

(a) The book value of the qualifying investee's physical 106490

assets in this state and everywhere, as of the last day of the 106491
qualifying investee's fiscal or calendar year ending immediately 106492
prior to the date on which the trust recognizes the gain or loss, 106493
is available to the trust. 106494

(b) The requirements of section 5747.011 of the Revised Code 106495
are satisfied for the trust's taxable year in which the trust 106496
recognizes the gain or loss. 106497

Any gain or loss that is not a qualifying trust amount is 106498
modified business income, qualifying investment income, or 106499
modified nonbusiness income, as the case may be. 106500

(3) "Modified nonbusiness income" means a trust's Ohio 106501
taxable income other than modified business income, other than the 106502
qualifying trust amount, and other than qualifying investment 106503
income, as defined in section 5747.012 of the Revised Code, to the 106504
extent such qualifying investment income is not otherwise part of 106505
modified business income. 106506

(4) "Modified Ohio taxable income" applies only to trusts, 106507
and means the sum of the amounts described in divisions (BB)(4)(a) 106508
to (c) of this section: 106509

(a) The fraction, calculated under section 5747.013, and 106510
applying section 5747.231 of the Revised Code, multiplied by the 106511
sum of the following amounts: 106512

(i) The trust's modified business income; 106513

(ii) The trust's qualifying investment income, as defined in 106514
section 5747.012 of the Revised Code, but only to the extent the 106515
qualifying investment income does not otherwise constitute 106516
modified business income and does not otherwise constitute a 106517
qualifying trust amount. 106518

(b) The qualifying trust amount multiplied by a fraction, the 106519
numerator of which is the sum of the book value of the qualifying 106520

investee's physical assets in this state on the last day of the 106521
qualifying investee's fiscal or calendar year ending immediately 106522
prior to the day on which the trust recognizes the qualifying 106523
trust amount, and the denominator of which is the sum of the book 106524
value of the qualifying investee's total physical assets 106525
everywhere on the last day of the qualifying investee's fiscal or 106526
calendar year ending immediately prior to the day on which the 106527
trust recognizes the qualifying trust amount. If, for a taxable 106528
year, the trust recognizes a qualifying trust amount with respect 106529
to more than one qualifying investee, the amount described in 106530
division (BB)(4)(b) of this section shall equal the sum of the 106531
products so computed for each such qualifying investee. 106532

(c)(i) With respect to a trust or portion of a trust that is 106533
a resident as ascertained in accordance with division (I)(3)(d) of 106534
this section, its modified nonbusiness income. 106535

(ii) With respect to a trust or portion of a trust that is 106536
not a resident as ascertained in accordance with division 106537
(I)(3)(d) of this section, the amount of its modified nonbusiness 106538
income satisfying the descriptions in divisions (B)(2) to (5) of 106539
section 5747.20 of the Revised Code, except as otherwise provided 106540
in division (BB)(4)(c)(ii) of this section. With respect to a 106541
trust or portion of a trust that is not a resident as ascertained 106542
in accordance with division (I)(3)(d) of this section, the trust's 106543
portion of modified nonbusiness income recognized from the sale, 106544
exchange, or other disposition of a debt interest in or equity 106545
interest in a section 5747.212 entity, as defined in section 106546
5747.212 of the Revised Code, without regard to division (A) of 106547
that section, shall not be allocated to this state in accordance 106548
with section 5747.20 of the Revised Code but shall be apportioned 106549
to this state in accordance with division (B) of section 5747.212 106550
of the Revised Code without regard to division (A) of that 106551
section. 106552

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the

pass-through entity's calendar or fiscal year ending within or 106585
with the last day of the qualifying investee's fiscal or calendar 106586
year ending immediately prior to the date on which the trust 106587
recognizes the qualifying trust amount. 106588

(iii) For the purposes of division (BB)(5)(a)(iii) of this 106589
section, "upper level pass-through entity" means a pass-through 106590
entity directly or indirectly owning any equity of another 106591
pass-through entity, and "lower level pass-through entity" means 106592
that other pass-through entity. 106593

An upper level pass-through entity, whether or not it is also 106594
a qualifying investee, is deemed to own, on the last day of the 106595
upper level pass-through entity's calendar or fiscal year, the 106596
proportionate share of the lower level pass-through entity's 106597
physical assets that the lower level pass-through entity directly 106598
or indirectly owns on the last day of the lower level pass-through 106599
entity's calendar or fiscal year ending within or with the last 106600
day of the upper level pass-through entity's fiscal or calendar 106601
year. If the upper level pass-through entity directly and 106602
indirectly owns less than fifty per cent of the equity of the 106603
lower level pass-through entity on each day of the upper level 106604
pass-through entity's calendar or fiscal year in which or with 106605
which ends the calendar or fiscal year of the lower level 106606
pass-through entity and if, based upon clear and convincing 106607
evidence, complete information about the location and cost of the 106608
physical assets of the lower pass-through entity is not available 106609
to the upper level pass-through entity, then solely for purposes 106610
of ascertaining if a gain or loss constitutes a qualifying trust 106611
amount, the upper level pass-through entity shall be deemed as 106612
owning no equity of the lower level pass-through entity for each 106613
day during the upper level pass-through entity's calendar or 106614
fiscal year in which or with which ends the lower level 106615
pass-through entity's calendar or fiscal year. Nothing in division 106616

(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. 106617
106618
106619

(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: 106620
106621
106622
106623
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(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. 106625
106626
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(ii) Such gain or loss constitutes nonbusiness income. 106629

(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. 106630
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(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 106634
106635

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 106636
106637

(EE)(1) For the purposes of division (EE) of this section: 106638

(a) "Qualifying person" means any person other than a qualifying corporation. 106639
106640

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 106641
106642
106643

(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 106644
106645
106646

taxable year; 106647

(ii) A subsidiary that is wholly owned by any corporation 106648
that has made an election under subchapter S, chapter one, 106649
subtitle A of the Internal Revenue Code for its taxable year 106650
ending within, or on the last day of, the investor's taxable year. 106651

(2) For the purposes of this chapter, unless expressly stated 106652
otherwise, no qualifying person indirectly owns any asset directly 106653
or indirectly owned by any qualifying corporation. 106654

(FF) For purposes of this chapter and Chapter 5751. of the 106655
Revised Code: 106656

(1) "Trust" does not include a qualified pre-income tax 106657
trust. 106658

(2) A "qualified pre-income tax trust" is any pre-income tax 106659
trust that makes a qualifying pre-income tax trust election as 106660
described in division (FF)(3) of this section. 106661

(3) A "qualifying pre-income tax trust election" is an 106662
election by a pre-income tax trust to subject to the tax imposed 106663
by section 5751.02 of the Revised Code the pre-income tax trust 106664
and all pass-through entities of which the trust owns or controls, 106665
directly, indirectly, or constructively through related interests, 106666
five per cent or more of the ownership or equity interests. The 106667
trustee shall notify the tax commissioner in writing of the 106668
election on or before April 15, 2006. The election, if timely 106669
made, shall be effective on and after January 1, 2006, and shall 106670
apply for all tax periods and tax years until revoked by the 106671
trustee of the trust. 106672

(4) A "pre-income tax trust" is a trust that satisfies all of 106673
the following requirements: 106674

(a) The document or instrument creating the trust was 106675
executed by the grantor before January 1, 1972; 106676

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code ~~for taxable years ending on or after October 14, 1983,~~ who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, or all of those funds, may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer.

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, and the Ohio historical society income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, or all of those funds the Ohio historical society income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, and the Ohio historical society income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and

the cost to the department of taxation of administering the income 106740
tax contribution system during that period. The cost of 106741
administering the income tax contribution system shall be 106742
certified by the tax commissioner to the director of budget and 106743
management, who shall transfer an amount equal to ~~one-third~~ 106744
one-fourth of such administrative costs from the natural areas and 106745
preserves fund, ~~one-third~~ one-fourth of such costs from the 106746
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 106747
such costs from the military injury relief fund, and one-fourth of 106748
such costs from the Ohio historical society income tax 106749
contribution fund to the ~~litter control and natural resource~~ 106750
income tax contribution administration fund, which is hereby 106751
created, provided that the moneys that the department receives to 106752
pay the cost of administering the income tax refund contribution 106753
system in any year shall not exceed two and one-half per cent of 106754
the total amount contributed under that system during that year. 106755

(E)(1) The director of natural resources, in January of every 106756
odd-numbered year, shall report to the general assembly on the 106757
effectiveness of the income tax refund contribution system as it 106758
pertains to the natural areas and preserves fund and the nongame 106759
and endangered wildlife fund. The report shall include the amount 106760
of money contributed to each fund in each of the previous five 106761
years, the amount of money contributed directly to each fund in 106762
addition to or independently of the income tax refund contribution 106763
system in each of the previous five years, and the purposes for 106764
which the money was expended. 106765

(2) The director of job and family services and the director 106766
of the Ohio historical society, in January of every odd-numbered 106767
year, each shall report to the general assembly on the 106768
effectiveness of the income tax refund contribution system as it 106769
pertains to the military injury relief fund and the Ohio 106770
historical society income tax contribution fund, respectively. The 106771

report shall include the amount of money contributed to the fund 106772
in each of the previous five years, the amount of money 106773
contributed directly to the fund in addition to or independently 106774
of the income tax refund contribution system in each of the 106775
previous five years, and the purposes for which the money was 106776
expended. 106777

Sec. 5747.13. (A) If any employer collects the tax imposed by 106778
section 5747.02 or under Chapter 5748. of the Revised Code and 106779
fails to remit the tax as required by law, or fails to collect the 106780
tax, the employer is personally liable for any amount collected 106781
that the employer fails to remit, or any amount that the employer 106782
fails to collect. If any taxpayer fails to file a return or fails 106783
to pay the tax imposed by section 5747.02 or under Chapter 5748. 106784
of the Revised Code, the taxpayer is personally liable for the 106785
amount of the tax. 106786

If any employer, taxpayer, or qualifying entity required to 106787
file a return under this chapter fails to file the return within 106788
the time prescribed, files an incorrect return, fails to remit the 106789
full amount of the taxes due for the period covered by the return, 106790
or fails to remit any additional tax due as a result of a 106791
reduction in the amount of the credit allowed under division (B) 106792
of section 5747.05 of the Revised Code together with interest on 106793
the additional tax within the time prescribed by that division, 106794
the tax commissioner may make an assessment against any person 106795
liable for any deficiency for the period for which the return is 106796
or taxes are due, based upon any information in the commissioner's 106797
possession. 106798

An assessment issued against either the employer or the 106799
taxpayer pursuant to this section shall not be considered an 106800
election of remedies or a bar to an assessment against the other 106801
for failure to report or pay the same tax. No assessment shall be 106802

issued against any person if the tax actually has been paid by 106803
another. 106804

No assessment shall be made or issued against an employer, 106805
taxpayer, or qualifying entity more than four years after the 106806
final date the return subject to assessment was required to be 106807
filed or the date the return was filed, whichever is later. 106808
However, the commissioner may assess any balance due as the result 106809
of a reduction in the credit allowed under division (B) of section 106810
5747.05 of the Revised Code, including applicable penalty and 106811
interest, within four years of the date on which the taxpayer 106812
reports a change in either the portion of the taxpayer's adjusted 106813
gross income subjected to an income tax or tax measured by income 106814
in another state or the District of Columbia, or the amount of 106815
liability for an income tax or tax measured by income to another 106816
state or the District of Columbia, as required by division (B)(3) 106817
of section 5747.05 of the Revised Code. Such time limits may be 106818
extended if both the employer, taxpayer, or qualifying entity and 106819
the commissioner consent in writing to the extension or if an 106820
agreement waiving or extending the time limits has been entered 106821
into pursuant to section 122.171 of the Revised Code. Any such 106822
extension shall extend the four-year time limit in division (B) of 106823
section 5747.11 of the Revised Code for the same period of time. 106824
There shall be no bar or limit to an assessment against an 106825
employer for taxes withheld from employees and not remitted to the 106826
state, against an employer, taxpayer, or qualifying entity that 106827
fails to file a return subject to assessment as required by this 106828
chapter, or against an employer, taxpayer, or qualifying entity 106829
that files a fraudulent return. 106830

The commissioner shall give the party assessed written notice 106831
of the assessment in the manner provided in section 5703.37 of the 106832
Revised Code. With the notice, the commissioner shall provide 106833
instructions on how to petition for reassessment and request a 106834

hearing on the petition. 106835

(B) Unless the party assessed files with the tax commissioner 106836
within sixty days after service of the notice of assessment, 106837
either personally or by certified mail, a written petition for 106838
reassessment, signed by the party assessed or that party's 106839
authorized agent having knowledge of the facts, the assessment 106840
becomes final, and the amount of the assessment is due and payable 106841
from the party assessed to the commissioner with remittance made 106842
payable to the treasurer of state. The petition shall indicate the 106843
objections of the party assessed, but additional objections may be 106844
raised in writing if received by the commissioner prior to the 106845
date shown on the final determination. If the petition has been 106846
properly filed, the commissioner shall proceed under section 106847
5703.60 of the Revised Code. 106848

(C) After an assessment becomes final, if any portion of the 106849
assessment remains unpaid, including accrued interest, a certified 106850
copy of the tax commissioner's entry making the assessment final 106851
may be filed in the office of the clerk of the court of common 106852
pleas in the county in which the employer's, taxpayer's, or 106853
qualifying entity's place of business is located or the county in 106854
which the party assessed resides. If the party assessed is not a 106855
resident of this state, the certified copy of the entry may be 106856
filed in the office of the clerk of the court of common pleas of 106857
Franklin county. 106858

Immediately upon the filing of the entry, the clerk shall 106859
enter a judgment against the party assessed in the amount shown on 106860
the entry. The judgment shall be filed by the clerk in one of two 106861
loose-leaf books, one entitled "special judgments for state and 106862
school district income taxes," and the other entitled "special 106863
judgments for qualifying entity taxes." The judgment shall have 106864
the same effect as other judgments. Execution shall issue upon the 106865
judgment upon the request of the tax commissioner, and all laws 106866

applicable to sales on execution shall apply to sales made under the judgment. 106867
106868

The portion of the assessment not paid within sixty days after the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section. 106869
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(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by this chapter or Chapter 5733. or 5748. of the Revised Code, as appropriate. 106875
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~~(E) The portion of an assessment that must be paid upon the filing of a petition for reassessment shall be as follows:~~ 106879
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~~(1) If the sole item objected to is the assessed penalty or interest, payment of the assessment, including interest but not penalty, is required;~~ 106881
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~~(2) If the taxpayer or qualifying entity that is assessed failed to file, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, any amended return or amended report required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, or any report required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, payment of the assessment, including interest but not penalty, is required, except as otherwise provided under division (E)(6) or (7) of this section;~~ 106884
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~~(3) If the employer assessed had not filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering~~ 106895
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~~the period at issue, payment of the assessment, including interest but not penalty, is required;~~ 106898
106899

~~(4) If the taxpayer or qualifying entity that is assessed filed, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, all amended returns or reports required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, and all reports required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, and a balance of the taxes shown due on the returns or reports as computed on the returns or reports remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 106900
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~~(5) If the employer assessed filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering the period at issue, and a balance of the taxes shown due on the return as computed on the return remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 106912
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~~(6) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does not dispute that it is a qualifying entity subject to that tax but claims the protections of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, no payment is required;~~ 106919
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~~(7) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does dispute that it is a qualifying entity subject to that tax, no payment is required;~~ 106925
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~~(8) If none of the conditions specified in divisions (E)(1) to (7) of this section apply, no payment is required. If the party assessed files a petition for reassessment under division (B) of this section, the person, on or before the last day the petition may be filed, shall pay the assessed amount, including assessed interest and assessed penalties, if any of the following conditions exists:~~ 106929
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(1) The person files a tax return reporting Ohio adjusted gross income, less the exemptions allowed by section 5747.025 of the Revised Code, in an amount less than one cent, and the reported amount is not based on the computations required under division (A) of section 5747.01 or section 5747.025 of the Revised Code. 106936
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(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 106942
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 106944
106945

(a) An assertion that the person has no nexus with this state; 106946
106947

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 106948
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 106952
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any 106957
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court to which the determination or decision has been appealed, so 106960
that the amount due from the party assessed under the corrected 106961
assessment is less than the portion paid, there shall be issued to 106962
the petitioner or to the petitioner's assigns or legal 106963
representative a refund in the amount of the overpayment as 106964
provided by section 5747.11 of the Revised Code, with interest on 106965
that amount as provided by such section, subject to section 106966
5747.12 of the Revised Code. 106967

Sec. 5747.16. Any nonresident who accepts the privileges 106968
extended by the laws of this state to nonresidents earning or 106969
receiving income in this state, and any resident who becomes a 106970
nonresident or conceals ~~his~~ the person's whereabouts thereby makes 106971
the secretary of state ~~his~~ the person's agent for the service of 106972
process or notice in any assessment, action, or proceedings 106973
instituted in this state against such person under this chapter, 106974
such process or notice shall be served ~~by the officer to whom the~~ 106975
~~same is directed by the tax commissioner, or by the sheriff of~~ 106976
~~Franklin county, who may be deputized for such purpose by the~~ 106977
~~officer to whom the service is directed, upon the secretary of~~ 106978
~~state by leaving at the secretary's office at least fifteen days~~ 106979
~~before the return day of such process or notice, a true and~~ 106980
~~attested copy thereof, and by sending to the defendant by~~ 106981
~~certified mail, postage prepaid, a like and true attested copy,~~ 106982
~~with an endorsement thereon of the service upon the secretary of~~ 106983
~~state, addressed to such defendant at his last known address as~~ 106984
provided under section 5703.37 of the Revised Code. 106985

Sec. 5747.66. (A) Any term used in this section has the same 106986
meaning as in section 122.85 of the Revised Code. 106987

(B) There is allowed a credit against the tax imposed by 106988
section 5747.02 of the Revised Code for any individual who, on the 106989
last day of the individual's taxable year, is the certificate 106990

owner of a tax credit certificate issued under section 122.85 of 106991
the Revised Code. The credit shall be claimed for the taxable year 106992
that includes the date the certificate was issued by the director 106993
of development. The credit amount equals the amount stated in the 106994
certificate. The credit shall be claimed in the order required 106995
under section 5747.98 of the Revised Code. If the credit amount 106996
exceeds the tax otherwise due under section 5747.02 of the Revised 106997
Code after deducting all other credits in that order, the excess 106998
shall be refunded. 106999

Nothing in this section limits or disallows pass-through 107000
treatment of the credit. 107001

Sec. 5747.98. (A) To provide a uniform procedure for 107002
calculating the amount of tax due under section 5747.02 of the 107003
Revised Code, a taxpayer shall claim any credits to which the 107004
taxpayer is entitled in the following order: 107005

(1) The retirement income credit under division (B) of 107006
section 5747.055 of the Revised Code; 107007

(2) The senior citizen credit under division (C) of section 107008
5747.05 of the Revised Code; 107009

(3) The lump sum distribution credit under division (D) of 107010
section 5747.05 of the Revised Code; 107011

(4) The dependent care credit under section 5747.054 of the 107012
Revised Code; 107013

(5) The lump sum retirement income credit under division (C) 107014
of section 5747.055 of the Revised Code; 107015

(6) The lump sum retirement income credit under division (D) 107016
of section 5747.055 of the Revised Code; 107017

(7) The lump sum retirement income credit under division (E) 107018
of section 5747.055 of the Revised Code; 107019

(8) The low-income credit under section 5747.056 of the Revised Code;	107020 107021
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	107022 107023
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	107024 107025
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	107026 107027
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	107028 107029
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	107030 107031
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	107032 107033
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	107034 107035
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	107036 107037
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	107038 107039
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	107040 107041
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	107042 107043
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	107044 107045
(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;	107046 107047 107048

(22) The job training credit under section 5747.39 of the Revised Code;	107049 107050
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	107051 107052
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	107053 107054
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	107055 107056
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	107057 107058
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	107059 107060
(28) The export sales credit under section 5747.057 of the Revised Code;	107061 107062
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	107063 107064
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	107065 107066
(31) The research and development credit under section 5747.331 of the Revised Code;	107067 107068
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	107069 107070
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	107071 107072
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	107073 107074
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	107075 107076
(36) The refundable credits for taxes paid by a qualifying	107077

pass-through entity granted under division (J) of section 5747.08 107078
of the Revised Code; 107079

(37) The refundable credit for tax withheld under division 107080
(B)(1) of section 5747.062 of the Revised Code; 107081

(38) The refundable credit under section 5747.80 of the 107082
Revised Code for losses on loans made to the Ohio venture capital 107083
program under sections 150.01 to 150.10 of the Revised Code; 107084

(39) The refundable motion picture production credit under 107085
section 5747.66 of the Revised Code. 107086

(B) For any credit, except the refundable credits enumerated 107087
in ~~divisions (A)(33) to (38)~~ of this section and the credit 107088
granted under division (I) of section 5747.08 of the Revised Code, 107089
the amount of the credit for a taxable year shall not exceed the 107090
tax due after allowing for any other credit that precedes it in 107091
the order required under this section. Any excess amount of a 107092
particular credit may be carried forward if authorized under the 107093
section creating that credit. Nothing in this chapter shall be 107094
construed to allow a taxpayer to claim, directly or indirectly, a 107095
credit more than once for a taxable year. 107096
107097

Sec. 5748.02. (A) The board of education of any school 107098
district, except a joint vocational school district, may declare, 107099
by resolution, the necessity of raising annually a specified 107100
amount of money for school district purposes. The resolution shall 107101
specify whether the income that is to be subject to the tax is 107102
taxable income of individuals and estates as defined in divisions 107103
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 107104
taxable income of individuals as defined in division (E)(1)(b) of 107105
that section. A copy of the resolution shall be certified to the 107106
tax commissioner no later than eighty-five days prior to the date 107107
of the election at which the board intends to propose a levy under 107108

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 107141
submitted, and the date of the election at which the proposal 107142
shall be submitted to the electors of the district, which shall be 107143
on the date of a primary, general, or special election the date of 107144
which is consistent with section 3501.01 of the Revised Code. The 107145
resolution shall specify whether the income that is to be subject 107146
to the tax is taxable income of individuals and estates as defined 107147
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 107148
Code or taxable income of individuals as defined in division 107149
(E)(1)(b) of that section. The specification shall be the same as 107150
the specification in the resolution adopted and certified under 107151
division (A) of this section. 107152

If the tax is to be levied for current expenses and permanent 107153
improvements, the resolution shall apportion the annual rate of 107154
the tax. The apportionment may be the same or different for each 107155
year the tax is levied, but the respective portions of the rate 107156
actually levied each year for current expenses and for permanent 107157
improvements shall be limited by the apportionment. 107158

If the board of education currently imposes an income tax 107159
pursuant to this chapter that is due to expire and a question is 107160
submitted under this section for a proposed income tax to take 107161
effect upon the expiration of the existing tax, the board may 107162
specify in the resolution that the proposed tax renews the 107163
expiring tax ~~and is not an additional income tax, provided that,~~ 107164
Two or more expiring income taxes may be renewed under this 107165
paragraph if the taxes are due to expire on the same date. If the 107166
tax rate being proposed is no higher than the total tax rate that 107167
is currently imposed by the expiring tax or taxes, the resolution 107168
may state that the proposed tax is not an additional income tax. 107169

(2) A board of education adopting a resolution under division 107170
(B)(1) of this section proposing a school district income tax for 107171
a continuing period of time and limited to the purpose of current 107172

expenses may propose in that resolution to reduce the rate or 107173
rates of one or more of the school district's property taxes 107174
levied for a continuing period of time in excess of the ten-mill 107175
limitation for the purpose of current expenses. The reduction in 107176
the rate of a property tax may be any amount, expressed in mills 107177
per one dollar in valuation, not exceeding the rate at which the 107178
tax is authorized to be levied. The reduction in the rate of a tax 107179
shall first take effect for the tax year that includes the day on 107180
which the school district income tax first takes effect, and shall 107181
continue for each tax year that both the school district income 107182
tax and the property tax levy are in effect. 107183

In addition to the matters required to be set forth in the 107184
resolution under division (B)(1) of this section, a resolution 107185
containing a proposal to reduce the rate of one or more property 107186
taxes shall state for each such tax the maximum rate at which it 107187
currently may be levied and the maximum rate at which the tax 107188
could be levied after the proposed reduction, expressed in mills 107189
per one dollar in valuation, and that the tax is levied for a 107190
continuing period of time. 107191

If a board of education proposes to reduce the rate of one or 107192
more property taxes under division (B)(2) of this section, the 107193
board, when it makes the certification required under division (A) 107194
of this section, shall designate the specific levy or levies to be 107195
reduced, the maximum rate at which each levy currently is 107196
authorized to be levied, and the rate by which each levy is 107197
proposed to be reduced. The tax commissioner, when making the 107198
certification to the board under division (A) of this section, 107199
also shall certify the reduction in the total effective tax rate 107200
for current expenses for each class of property that would have 107201
resulted if the proposed reduction in the rate or rates had been 107202
in effect the previous tax year. As used in this paragraph, 107203
"effective tax rate" has the same meaning as in section 323.08 of 107204

the Revised Code. 107205

(C) A resolution adopted under division (B) of this section 107206
shall go into immediate effect upon its passage, and no 107207
publication of the resolution shall be necessary other than that 107208
provided for in the notice of election. Immediately after its 107209
adoption and at least seventy-five days prior to the election at 107210
which the question will appear on the ballot, a copy of the 107211
resolution shall be certified to the board of elections of the 107212
proper county, which shall submit the proposal to the electors on 107213
the date specified in the resolution. The form of the ballot shall 107214
be as provided in section 5748.03 of the Revised Code. Publication 107215
of notice of the election shall be made in one or more newspapers 107216
of general circulation in the county once a week for two 107217
consecutive weeks prior to the election, and, if the board of 107218
elections operates and maintains a web site, the board of 107219
elections shall post notice of the election on its web site for 107220
thirty days prior to the election. The notice shall contain the 107221
time and place of the election and the question to be submitted to 107222
the electors. The question covered by the resolution shall be 107223
submitted as a separate proposition, but may be printed on the 107224
same ballot with any other proposition submitted at the same 107225
election, other than the election of officers. 107226

(D) No board of education shall submit the question of a tax 107227
on school district income to the electors of the district more 107228
than twice in any calendar year. If a board submits the question 107229
twice in any calendar year, one of the elections on the question 107230
shall be held on the date of the general election. 107231

(E)(1) No board of education may submit to the electors of 107232
the district the question of a tax on school district income on 107233
the taxable income of individuals as defined in division (E)(1)(b) 107234
of section 5748.01 of the Revised Code if that tax would be in 107235
addition to an existing tax on the taxable income of individuals 107236

and estates as defined in divisions (E)(1)(a) and (2) of that section. 107237
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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. 107239
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Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows: 107245
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"Shall an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by (state the name of the school district), for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)? 107248
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	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates." 107255
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(2) If the question submitted to electors proposes to renew 107266

~~an~~ one or more expiring income tax levies, the ballot shall be 107267
modified by adding the following language immediately after the 107268
name of the school district that would impose the tax: "to renew 107269
an income tax (or income taxes) expiring at the end of 107270
(state the last year the existing income tax or taxes may be 107271
levied)." 107272

(3) If the question includes a proposal under division (B)(2) 107273
of section 5748.02 of the Revised Code to reduce the rate of one 107274
or more school district property taxes, the ballot shall state 107275
that the purpose of the school district income tax is for current 107276
expenses, and the form of the ballot shall be modified by adding 107277
the following language immediately after the statement of the 107278
purpose of the proposed income tax: ", and shall the rate of an 107279
existing tax on property, currently levied for the purpose of 107280
current expenses at the rate of mills, be REDUCED to 107281
..... mills until any such time as the income tax is repealed." 107282
In lieu of "for the tax" and "against the tax," the phrases "for 107283
the issue" and "against the issue," respectively, shall be used. 107284
If a board of education proposes a reduction in the rates of more 107285
than one tax, the ballot language shall be modified accordingly to 107286
express the rates at which those taxes currently are levied and 107287
the rates to which the taxes will be reduced. 107288

(C) The board of elections shall certify the results of the 107289
election to the board of education and to the tax commissioner. If 107290
a majority of the electors voting on the question vote in favor of 107291
it, the income tax, the applicable provisions of Chapter 5747. of 107292
the Revised Code, and the reduction in the rate or rates of 107293
existing property taxes if the question included such a reduction 107294
shall take effect on the date specified in the resolution. If the 107295
question approved by the voters includes a reduction in the rate 107296
of a school district property tax, the board of education shall 107297
not levy the tax at a rate greater than the rate to which the tax 107298

is reduced, unless the school district income tax is repealed in 107299
an election under section 5748.04 of the Revised Code. 107300

(D) If the rate at which a property tax is levied and 107301
collected is reduced pursuant to a question approved under this 107302
section, the tax commissioner shall compute the percentage 107303
required to be computed for that tax under division (D) of section 107304
319.301 of the Revised Code each year the rate is reduced as if 107305
the tax had been levied in the preceding year at the rate at which 107306
it has been reduced. If the rate of a property tax increases due 107307
to the repeal of the school district income tax pursuant to 107308
section 5748.04 of the Revised Code, the tax commissioner, for the 107309
first year for which the rate increases, shall compute the 107310
percentage as if the tax in the preceding year had been levied at 107311
the rate at which the tax was authorized to be levied prior to any 107312
rate reduction. 107313

Sec. 5749.02. (A) For the purpose of providing revenue to 107314
administer the state's coal mining and reclamation regulatory 107315
program, to meet the environmental and resource management needs 107316
of this state, and to reclaim land affected by mining, an excise 107317
tax is hereby levied on the privilege of engaging in the severance 107318
of natural resources from the soil or water of this state. The tax 107319
shall be imposed upon the severer and shall be: 107320

(1) Ten cents per ton of coal; 107321

(2) Four cents per ton of salt; 107322

(3) Two cents per ton of limestone or dolomite; 107323

(4) Two cents per ton of sand and gravel; 107324

(5) Ten cents per barrel of oil; 107325

(6) Two and one-half cents per thousand cubic feet of natural 107326
gas; 107327

(7) One cent per ton of clay, sandstone or conglomerate, 107328

shale, gypsum, or quartzite; 107329

(8) Except as otherwise provided in this division or in rules 107330
adopted by the reclamation forfeiture fund advisory board under 107331
section 1513.182 of the Revised Code, an additional fourteen cents 107332
per ton of coal produced from an area under a coal mining and 107333
reclamation permit issued under Chapter 1513. of the Revised Code 107334
for which the performance security is provided under division 107335
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 107336
2007, if at the end of a fiscal biennium the balance of the 107337
reclamation forfeiture fund created in section 1513.18 of the 107338
Revised Code is equal to or greater than ten million dollars, the 107339
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 107340
if at the end of a fiscal biennium the balance of the fund is at 107341
least five million dollars, but less than ten million dollars, the 107342
rate levied shall be fourteen cents per ton. Beginning July 1, 107343
2007, if at the end of a fiscal biennium the balance of the fund 107344
is less than five million dollars, the rate levied shall be 107345
sixteen cents per ton. Beginning July 1, 2009, not later than 107346
thirty days after the close of a fiscal biennium, the chief of the 107347
division of mineral resources management shall certify to the tax 107348
commissioner the amount of the balance of the reclamation 107349
forfeiture fund as of the close of the fiscal biennium. Any 107350
necessary adjustment of the rate levied shall take effect on the 107351
first day of the following January and shall remain in effect 107352
during the calendar biennium that begins on that date. 107353

(9) An additional one and two-tenths cents per ton of coal 107354
mined by surface mining methods. 107355

(B) Of the moneys received by the treasurer of state from the 107356
tax levied in division (A)(1) of this section, four and 107357
seventy-six-hundredths per cent shall be credited to the 107358
geological mapping fund created in section 1505.09 of the Revised 107359
Code, eighty and ninety-five-hundredths per cent shall be credited 107360

to the coal mining administration and reclamation reserve fund 107361
created in section 1513.181 of the Revised Code, and fourteen and 107362
twenty-nine-hundredths per cent shall be credited to the 107363
unreclaimed lands fund created in section 1513.30 of the Revised 107364
Code. 107365

~~Fifteen per cent of the moneys~~ The money received by the 107366
treasurer of state from the tax levied in division (A)(2) of this 107367
section shall be credited to the geological mapping fund ~~and the~~ 107368
~~remainder shall be credited to the unreclaimed lands fund.~~ 107369

Of the moneys received by the treasurer of state from the tax 107370
levied in divisions (A)(3) and (4) of this section, seven and 107371
five-tenths per cent shall be credited to the geological mapping 107372
fund, forty-two and five-tenths per cent shall be credited to the 107373
unreclaimed lands fund, and the remainder shall be credited to the 107374
surface mining fund created in section 1514.06 of the Revised 107375
Code. 107376

Of the moneys received by the treasurer of state from the tax 107377
levied in divisions (A)(5) and (6) of this section, ninety per 107378
cent shall be credited to the oil and gas well fund created in 107379
section 1509.02 of the Revised Code and ten per cent shall be 107380
credited to the geological mapping fund. All of the moneys 107381
received by the treasurer of state from the tax levied in division 107382
(A)(7) of this section shall be credited to the surface mining 107383
fund. 107384

All of the moneys received by the treasurer of state from the 107385
tax levied in division (A)(8) of this section shall be credited to 107386
the reclamation forfeiture fund. 107387

All of the moneys received by the treasurer of state from the 107388
tax levied in division (A)(9) of this section shall be credited to 107389
the unreclaimed lands fund. 107390

(C) When, at the close of any fiscal year, the chief finds 107391

that the balance of the reclamation forfeiture fund, plus 107392
estimated transfers to it from the coal mining administration and 107393
reclamation reserve fund under section 1513.181 of the Revised 107394
Code, plus the estimated revenues from the tax levied by division 107395
(A)(8) of this section for the remainder of the calendar year that 107396
includes the close of the fiscal year, are sufficient to complete 107397
the reclamation of lands for which the performance security has 107398
been provided under division (C)(2) of section 1513.08 of the 107399
Revised Code, the purposes for which the tax under division (A)(8) 107400
of this section is levied shall be deemed accomplished at the end 107401
of that calendar year. The chief, within thirty days after the 107402
close of the fiscal year, shall certify those findings to the tax 107403
commissioner, and the tax levied under division (A)(8) of this 107404
section shall cease to be imposed after the last day of that 107405
calendar year on coal produced under a coal mining and reclamation 107406
permit issued under Chapter 1513. of the Revised Code if the 107407
permittee has made tax payments under division (A)(8) of this 107408
section during each of the preceding five full calendar years. Not 107409
later than thirty days after the close of a fiscal year, the chief 107410
shall certify to the tax commissioner the identity of any 107411
permittees who accordingly no longer are required to pay the tax 107412
levied under division (A)(8) of this section. 107413

Sec. 5749.12. Any nonresident of this state who accepts the 107414
privilege extended by the laws of this state to nonresidents 107415
severing natural resources in this state, and any resident of this 107416
state who subsequently becomes a nonresident or conceals ~~his~~ the 107417
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 107418
the person's agent for the service of process or notice in any 107419
assessment, action or proceedings instituted in this state against 107420
such person under this chapter. 107421

Such process or notice shall be served, ~~by the officer to~~ 107422
~~whom the same is directed by the tax commissioner or by the~~ 107423

~~sheriff of Franklin county, who may be deputized for such purpose 107424
by the officer to whom the service is directed, upon the secretary 107425
of state by leaving at the office of the secretary of state, at 107426
least fifteen days before the return day of such process or 107427
notice, a true and attested copy thereof, and by sending to the 107428
defendant by certified mail, a like and true attested copy, with 107429
an endorsement thereon of the service upon said secretary of 107430
state, addressed to such defendant at his last known address as 107431
provided under section 5703.37 of the Revised Code. 107432~~

Sec. 5751.01. As used in this chapter: 107433

(A) "Person" means, but is not limited to, individuals, 107434
combinations of individuals of any form, receivers, assignees, 107435
trustees in bankruptcy, firms, companies, joint-stock companies, 107436
business trusts, estates, partnerships, limited liability 107437
partnerships, limited liability companies, associations, joint 107438
ventures, clubs, societies, for-profit corporations, S 107439
corporations, qualified subchapter S subsidiaries, qualified 107440
subchapter S trusts, trusts, entities that are disregarded for 107441
federal income tax purposes, and any other entities. "~~Person~~" ~~does~~ 107442
~~not include nonprofit organizations or the state, its agencies,~~ 107443
~~its instrumentalities, and its political subdivisions.~~ 107444

(B) "Consolidated elected taxpayer" means a group of two or 107445
more persons treated as a single taxpayer for purposes of this 107446
chapter as the result of an election made under section 5751.011 107447
of the Revised Code. 107448

(C) "Combined taxpayer" means a group of two or more persons 107449
treated as a single taxpayer for purposes of this chapter under 107450
section 5751.012 of the Revised Code. 107451

(D) "Taxpayer" means any person, or any group of persons in 107452
the case of a consolidated elected taxpayer or combined taxpayer 107453
treated as one taxpayer, required to register or pay tax under 107454

this chapter. "Taxpayer" does not include excluded persons. 107455

(E) "Excluded person" means any of the following: 107456

(1) Any person with not more than one hundred fifty thousand 107457
dollars of taxable gross receipts during the calendar year. 107458

Division (E)(1) of this section does not apply to a person that is 107459

a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 107460

~~combined taxpayer;~~ 107461

(2) A public utility that paid the excise tax imposed by 107462

section 5727.24 or 5727.30 of the Revised Code based on one or 107463

more measurement periods that include the entire tax period under 107464

this chapter, except that a public utility that is a combined 107465

company is a taxpayer with regard to the following gross receipts: 107466

(a) Taxable gross receipts directly attributed to a public 107467

utility activity, but not directly attributed to an activity that 107468

is subject to the excise tax imposed by section 5727.24 or 5727.30 107469

of the Revised Code; 107470

(b) Taxable gross receipts that cannot be directly attributed 107471

to any activity, multiplied by a fraction whose numerator is the 107472

taxable gross receipts described in division (E)(2)(a) of this 107473

section and whose denominator is the total taxable gross receipts 107474

that can be directly attributed to any activity; 107475

(c) Except for any differences resulting from the use of an 107476

accrual basis method of accounting for purposes of determining 107477

gross receipts under this chapter and the use of the cash basis 107478

method of accounting for purposes of determining gross receipts 107479

under section 5727.24 of the Revised Code, the gross receipts 107480

directly attributed to the activity of a natural gas company shall 107481

be determined in a manner consistent with division (D) of section 107482

5727.03 of the Revised Code. 107483

As used in division (E)(2) of this section, "combined 107484

company" and "public utility" have the same meanings as in section 107485

5727.01 of the Revised Code. 107486

(3) A financial institution, as defined in section 5725.01 of 107487
the Revised Code, that paid the corporation franchise tax charged 107488
by division (D) of section 5733.06 of the Revised Code based on 107489
one or more taxable years that include the entire tax period under 107490
this chapter; 107491

(4) A dealer in intangibles, as defined in section 5725.01 of 107492
the Revised Code, that paid the dealer in intangibles tax levied 107493
by division (D) of section 5707.03 of the Revised Code based on 107494
one or more measurement periods that include the entire tax period 107495
under this chapter; 107496

(5) A financial holding company as defined in the "Bank 107497
Holding Company Act," 12 U.S.C. 1841(p); 107498

(6) A bank holding company as defined in the "Bank Holding 107499
Company Act," 12 U.S.C. 1841(a); 107500

(7) A savings and loan holding company as defined in the 107501
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 107502
only in activities or investments permissible for a financial 107503
holding company under 12 U.S.C. 1843(k); 107504

(8) A person directly or indirectly owned by one or more 107505
financial institutions, financial holding companies, bank holding 107506
companies, or savings and loan holding companies described in 107507
division (E)(3), (5), (6), or (7) of this section that is engaged 107508
in activities permissible for a financial holding company under 12 107509
U.S.C. 1843(k), except that any such person held pursuant to 107510
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 107511
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 107512
directly or indirectly owned by one or more insurance companies 107513
described in division (E)(9) of this section that is authorized to 107514
do the business of insurance in this state. 107515

For the purposes of division (E)(8) of this section, a person 107516

owns another person under the following circumstances: 107517

(a) In the case of corporations issuing capital stock, one 107518
corporation owns another corporation if it owns fifty per cent or 107519
more of the other corporation's capital stock with current voting 107520
rights; 107521

(b) In the case of a limited liability company, one person 107522
owns the company if that person's membership interest, as defined 107523
in section 1705.01 of the Revised Code, is fifty per cent or more 107524
of the combined membership interests of all persons owning such 107525
interests in the company; 107526

(c) In the case of a partnership, trust, or other 107527
unincorporated business organization other than a limited 107528
liability company, one person owns the organization if, under the 107529
articles of organization or other instrument governing the affairs 107530
of the organization, that person has a beneficial interest in the 107531
organization's profits, surpluses, losses, or distributions of 107532
fifty per cent or more of the combined beneficial interests of all 107533
persons having such an interest in the organization; 107534

(d) In the case of multiple ownership, the ownership 107535
interests of more than one person may be aggregated to meet the 107536
fifty per cent ownership tests in this division only when each 107537
such owner is described in division (E)(3), (5), (6), or (7) of 107538
this section and is engaged in activities permissible for a 107539
financial holding company under 12 U.S.C. 1843(k) or is a person 107540
directly or indirectly owned by one or more insurance companies 107541
described in division (E)(9) of this section that is authorized to 107542
do the business of insurance in this state. 107543

(9) A domestic insurance company or foreign insurance 107544
company, as defined in section 5725.01 of the Revised Code, that 107545
paid the insurance company premiums tax imposed by section 5725.18 107546
or Chapter 5729. of the Revised Code based on one or more 107547

measurement periods that include the entire tax period under this 107548
chapter; 107549

(10) A person that solely facilitates or services one or more 107550
securitizations or similar transactions for any person described 107551
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 107552
For purposes of this division, "securitization" means transferring 107553
one or more assets to one or more persons and then issuing 107554
securities backed by the right to receive payment from the asset 107555
or assets so transferred. 107556

(11) Except as otherwise provided in this division, a 107557
pre-income tax trust as defined in division (FF)(4) of section 107558
5747.01 of the Revised Code and any pass-through entity of which 107559
such pre-income tax trust owns or controls, directly, indirectly, 107560
or constructively through related interests, more than five per 107561
cent of the ownership or equity interests. If the pre-income tax 107562
trust has made a qualifying pre-income tax trust election under 107563
division (FF)(3) of section 5747.01 of the Revised Code, then the 107564
trust and the pass-through entities of which it owns or controls, 107565
directly, indirectly, or constructively through related interests, 107566
more than five per cent of the ownership or equity interests, 107567
shall not be excluded persons for purposes of the tax imposed 107568
under section 5751.02 of the Revised Code. 107569

(12) Nonprofit organizations or the state and its agencies, 107570
instrumentalities, or political subdivisions. 107571

(F) Except as otherwise provided in divisions (F)(2), (3), 107572
and (4) of this section, "gross receipts" means the total amount 107573
realized by a person, without deduction for the cost of goods sold 107574
or other expenses incurred, that contributes to the production of 107575
gross income of the person, including the fair market value of any 107576
property and any services received, and any debt transferred or 107577
forgiven as consideration. 107578

(1) The following are examples of gross receipts:	107579
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	107580 107581
(b) Amounts realized from the taxpayer's performance of services for another;	107582 107583
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	107584 107585
(d) Any combination of the foregoing amounts.	107586
(2) "Gross receipts" excludes the following amounts:	107587
(a) Interest income except interest on credit sales;	107588
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	107589 107590 107591 107592
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual	107593 107594 107595 107596 107597 107598 107599 107600 107601 107602 107603 107604 107605 107606 107607 107608

transfer of title of real or tangible personal property to another 107609
entity is not a hedging transaction. 107610

(d) Proceeds received attributable to the repayment, 107611
maturity, or redemption of the principal of a loan, bond, mutual 107612
fund, certificate of deposit, or marketable instrument; 107613

(e) The principal amount received under a repurchase 107614
agreement or on account of any transaction properly characterized 107615
as a loan to the person; 107616

(f) Contributions received by a trust, plan, or other 107617
arrangement, any of which is described in section 501(a) of the 107618
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 107619
1, Subchapter (D) of the Internal Revenue Code applies; 107620

(g) Compensation, whether current or deferred, and whether in 107621
cash or in kind, received or to be received by an employee, former 107622
employee, or the employee's legal successor for services rendered 107623
to or for an employer, including reimbursements received by or for 107624
an individual for medical or education expenses, health insurance 107625
premiums, or employee expenses, or on account of a dependent care 107626
spending account, legal services plan, any cafeteria plan 107627
described in section 125 of the Internal Revenue Code, or any 107628
similar employee reimbursement; 107629

(h) Proceeds received from the issuance of the taxpayer's own 107630
stock, options, warrants, puts, or calls, or from the sale of the 107631
taxpayer's treasury stock; 107632

(i) Proceeds received on the account of payments from life 107633
insurance policies, except those proceeds received for the loss of 107634
business revenue; 107635

(j) Gifts or charitable contributions received, membership 107636
dues received, by trade, professional, homeowners', or condominium 107637
associations; and payments received for educational courses, 107638
meetings, meals, or similar payments to a trade, professional, or 107639

other similar association; and fundraising receipts received by 107640
any person when any excess receipts are donated or used 107641
exclusively for charitable purposes; ~~and proceeds received by a~~ 107642
~~nonprofit organization including proceeds realized with regard to~~ 107643
~~its unrelated business taxable income;~~ 107644

(k) Damages received as the result of litigation in excess of 107645
amounts that, if received without litigation, would be gross 107646
receipts; 107647

(l) Property, money, and other amounts received or acquired 107648
by an agent on behalf of another in excess of the agent's 107649
commission, fee, or other remuneration; 107650

(m) Tax refunds, other tax benefit recoveries, and 107651
reimbursements for the tax imposed under this chapter made by 107652
entities that are part of the same combined taxpayer or 107653
consolidated elected taxpayer group, and reimbursements made by 107654
entities that are not members of a combined taxpayer or 107655
consolidated elected taxpayer group that are required to be made 107656
for economic parity among multiple owners of an entity whose tax 107657
obligation under this chapter is required to be reported and paid 107658
entirely by one owner, pursuant to the requirements of sections 107659
5751.011 and 5751.012 of the Revised Code; 107660

(n) Pension reversions; 107661

(o) Contributions to capital; 107662

(p) Sales or use taxes collected as a vendor or an 107663
out-of-state seller on behalf of the taxing jurisdiction from a 107664
consumer or other taxes the taxpayer is required by law to collect 107665
directly from a purchaser and remit to a local, state, or federal 107666
tax authority; 107667

(q) In the case of receipts from the sale of cigarettes or 107668
tobacco products by a wholesale dealer, retail dealer, 107669
distributor, manufacturer, or seller, all as defined in section 107670

5743.01 of the Revised Code, an amount equal to the federal and 107671
state excise taxes paid by any person on or for such cigarettes or 107672
tobacco products under subtitle E of the Internal Revenue Code or 107673
Chapter 5743. of the Revised Code; 107674

(r) In the case of receipts from the sale of motor fuel by a 107675
licensed motor fuel dealer, licensed retail dealer, or licensed 107676
permissive motor fuel dealer, all as defined in section 5735.01 of 107677
the Revised Code, an amount equal to federal and state excise 107678
taxes paid by any person on such motor fuel under section 4081 of 107679
the Internal Revenue Code or Chapter 5735. of the Revised Code; 107680

(s) In the case of receipts from the sale of beer or 107681
intoxicating liquor, as defined in section 4301.01 of the Revised 107682
Code, by a person holding a permit issued under Chapter 4301. or 107683
4303. of the Revised Code, an amount equal to federal and state 107684
excise taxes paid by any person on or for such beer or 107685
intoxicating liquor under subtitle E of the Internal Revenue Code 107686
or Chapter 4301. or 4305. of the Revised Code; 107687

(t) Receipts realized by a new motor vehicle dealer or used 107688
motor vehicle dealer, as defined in section 4517.01 of the Revised 107689
Code, from the sale or other transfer of a motor vehicle, as 107690
defined in that section, to another motor vehicle dealer for the 107691
purpose of resale by the transferee motor vehicle dealer, but only 107692
if the sale or other transfer was based upon the transferee's need 107693
to meet a specific customer's preference for a motor vehicle; 107694

(u) Receipts from a financial institution described in 107695
division (E)(3) of this section for services provided to the 107696
financial institution in connection with the issuance, processing, 107697
servicing, and management of loans or credit accounts, if such 107698
financial institution and the recipient of such receipts have at 107699
least fifty per cent of their ownership interests owned or 107700
controlled, directly or constructively through related interests, 107701
by common owners; 107702

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer; 107703
107704
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(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans. 107707
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(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer; 107717
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(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money; 107722
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(z) Qualifying distribution center receipts. 107727

(i) For purposes of division (F)(2)(z) of this section: 107728

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. 107729
107730
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(II) "Qualified property" means tangible personal property 107733

delivered to a qualified distribution center that is shipped to 107734
that qualified distribution center solely for further shipping by 107735
the qualified distribution center to another location in this 107736
state or elsewhere. "Further shipping" includes storing and 107737
repackaging such property into smaller or larger bundles, so long 107738
as such property is not subject to further manufacturing or 107739
processing. 107740

(III) "Qualified distribution center" means a warehouse or 107741
other similar facility in this state that, for the qualifying 107742
year, is operated by a person that is not part of a combined 107743
taxpayer group and that has a qualifying certificate. However, all 107744
warehouses or other similar facilities that are operated by 107745
persons in the same taxpayer group and that are located within one 107746
mile of each other shall be treated as one qualified distribution 107747
center. 107748

(IV) "Qualifying year" means the calendar year to which the 107749
qualifying certificate applies. 107750

(V) "Qualifying period" means the period of the first day of 107751
July of the second year preceding the qualifying year through the 107752
thirtieth day of June of the year preceding the qualifying year. 107753

(VI) "Qualifying certificate" means the certificate issued by 107754
the tax commissioner after the operator of a distribution center 107755
files an annual application approved by the tax commissioner from 107756
an operator of a distribution center that has filed an application 107757
as prescribed by the commissioner and paid the annual fee for the 107758
qualifying certificate on or before the first day of September 107759
prior to the qualifying year or forty five days after the opening 107760
of the distribution center, whichever is later with the 107761
commissioner. The application and annual fee shall be filed and 107762
paid for each qualified distribution center on or before the first 107763
day of September before the qualifying year or within forty-five 107764
days after the distribution center opens, whichever is later. 107765

The applicant must substantiate to the commissioner's 107766
satisfaction that, for the qualifying period, all persons 107767
operating the distribution center have more than fifty per cent of 107768
the cost of the qualified property shipped to a location such that 107769
it would be situated outside this state under the provisions of 107770
division (E) of section 5751.033 of the Revised Code. The 107771
applicant must also substantiate that the distribution center 107772
cumulatively had costs from its suppliers equal to or exceeding 107773
five hundred million dollars during the qualifying period. (For 107774
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 107775
excludes any person that is part of the consolidated elected 107776
taxpayer group, if applicable, of the operator of the qualified 107777
distribution center.) The commissioner may require the applicant 107778
to have an independent certified public accountant certify that 107779
the calculation of the minimum thresholds required for a qualified 107780
distribution center by the operator of a distribution center has 107781
been made in accordance with generally accepted accounting 107782
principles. The commissioner shall issue or deny the issuance of a 107783
certificate within sixty days after the receipt of the 107784
application. A denial is subject to appeal under section 5717.02 107785
of the Revised Code. If the operator files a timely appeal under 107786
section 5717.02 of the Revised Code, the operator shall be granted 107787
a qualifying certificate, provided that the operator is liable for 107788
any tax, interest, or penalty upon amounts claimed as qualifying 107789
distribution center receipts, other than those receipts exempt 107790
under division (C)(1) of section 5751.011 of the Revised Code, 107791
that would have otherwise not been owed by its suppliers if the 107792
qualifying certificate was valid. 107793

(VII) "Ohio delivery percentage" means the proportion of the 107794
total property delivered to a destination inside Ohio from the 107795
qualified distribution center during the qualifying period 107796
compared with total deliveries from such distribution center 107797
everywhere during the qualifying period. 107798

(ii) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if the qualifying certificate was valid. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (F)(2)(z)(i)(VI) of this section.

Within thirty days after all appeals have been exhausted, the

operator of the qualified distribution center shall notify the 107831
affected suppliers of qualified property that such suppliers are 107832
required to file, within sixty days after receiving notice from 107833
the operator of the qualified distribution center, amended reports 107834
for the impacted calendar quarter or quarters or calendar year, 107835
whichever the case may be. Any additional tax liability or tax 107836
overpayment shall be subject to interest but shall not be subject 107837
to the imposition of any penalty so long as the amended returns 107838
are timely filed. The supplier of tangible personal property 107839
delivered to the qualified distribution center shall include in 107840
its report of taxable gross receipts the receipts from the total 107841
sales of property delivered to the qualified distribution center 107842
for the calendar quarter or calendar year, whichever the case may 107843
be, multiplied by the Ohio delivery percentage for the qualifying 107844
year. Nothing in division (F)(2)(z)(iii) of this section shall be 107845
construed as imposing liability on the operator of a qualified 107846
distribution center for the tax imposed by this chapter arising 107847
from any change to the Ohio delivery percentage. 107848

(iv) In the case where the distribution center is new and not 107849
open for the entire qualifying period, the operator shall make a 107850
good faith estimate of an Ohio delivery percentage for use by 107851
suppliers in their reports of taxable gross receipts for the 107852
remainder of the qualifying period. The operator of the facility 107853
shall disclose to the suppliers that such Ohio delivery percentage 107854
is an estimate and is subject to recalculation. By the due date of 107855
the next application for a qualifying certificate, the operator 107856
shall determine the actual Ohio delivery percentage for the 107857
estimated qualifying period and proceed as provided in division 107858
(F)(2)(z)(iii) of this section with respect to the calculation and 107859
recalculation of the Ohio delivery percentage. The supplier is 107860
required to file, within sixty days after receiving notice from 107861
the operator of the qualified distribution center, amended reports 107862
for the impacted calendar quarter or quarters or calendar year, 107863

whichever the case may be. Any additional tax liability or tax 107864
overpayment shall be subject to interest but shall not be subject 107865
to the imposition of any penalty so long as the amended returns 107866
are timely filed. 107867

(v) Qualifying certificates and Ohio delivery percentages 107868
issued by the commissioner shall be open to public inspection and 107869
shall be timely published by the commissioner. A supplier relying 107870
in good faith on a certificate issued under this division shall 107871
not be subject to tax on the qualifying distribution center 107872
receipts under division (F)(2)(z) of this section. A person 107873
receiving a qualifying certificate is responsible for paying the 107874
tax, interest, and penalty upon amounts claimed as qualifying 107875
distribution center receipts that would not otherwise have been 107876
owed by the supplier if the qualifying certificate were available 107877
when it is later determined that the qualifying certificate should 107878
not have been issued because the statutory requirements were in 107879
fact not met. 107880

(vi) The annual fee for a qualifying certificate shall be one 107881
hundred thousand dollars for each qualified distribution center. 107882
If a qualifying certificate is not issued, the annual fee is 107883
subject to refund after the exhaustion of all appeals provided for 107884
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 107885
under this division may be assessed in the same manner as the tax 107886
imposed under this chapter. The first one hundred thousand dollars 107887
of the annual application fees collected each calendar year shall 107888
be credited to the commercial activity tax administrative fund. 107889
The remainder of the annual application fees collected shall be 107890
distributed in the same manner required under section 5751.20 of 107891
the Revised Code. 107892

(vii) The tax commissioner may require that adequate security 107893
be posted by the operator of the distribution center on appeal 107894
when the commissioner disagrees that the applicant has met the 107895

minimum thresholds for a qualified distribution center as set 107896
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 107897
section. 107898

(aa) Receipts of an employer from payroll deductions relating 107899
to the reimbursement of the employer for advancing moneys to an 107900
unrelated third party on an employee's behalf; 107901

(bb) Cash discounts allowed and taken; 107902

(cc) Returns and allowances; 107903

(dd) Bad debts from receipts on the basis of which the tax 107904
imposed by this chapter was paid in a prior quarterly tax payment 107905
period. For the purpose of this division, "bad debts" means any 107906
debts that have become worthless or uncollectible between the 107907
preceding and current quarterly tax payment periods, have been 107908
uncollected for at least six months, and that may be claimed as a 107909
deduction under section 166 of the Internal Revenue Code and the 107910
regulations adopted under that section, or that could be claimed 107911
as such if the taxpayer kept its accounts on the accrual basis. 107912
"Bad debts" does not include repossessed property, uncollectible 107913
amounts on property that remains in the possession of the taxpayer 107914
until the full purchase price is paid, or expenses in attempting 107915
to collect any account receivable or for any portion of the debt 107916
recovered; 107917

(ee) Any amount realized from the sale of an account 107918
receivable to the extent the receipts from the underlying 107919
transaction giving rise to the account receivable were included in 107920
the gross receipts of the taxpayer; 107921

(ff) Any receipts for which the tax imposed by this chapter 107922
is prohibited by the Constitution or laws of the United States or 107923
the Constitution of Ohio. 107924

(3) In the case of a taxpayer when acting as a real estate 107925
broker, "gross receipts" includes only the portion of any fee for 107926

the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

~~In calculating gross receipts, the following shall be deducted to the extent included as a gross receipt in the current tax period or reported as taxable gross receipts in a prior tax period:~~

~~(a) Cash discounts allowed and taken;~~

~~(b) Returns and allowances;~~

~~(c) Bad debts. For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property;~~

~~(d) Any amount realized from the sale of an account receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.~~

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work

done in this state; and 107988

(c) Any amount the person pays for services performed in this 107989
state on its behalf by another. 107990

(3) Has during the calendar year taxable gross receipts of at 107991
least five hundred thousand dollars. 107992

(4) Has at any time during the calendar year within this 107993
state at least twenty-five per cent of the person's total 107994
property, total payroll, or total gross receipts. 107995

(5) Is domiciled in this state as an individual or for 107996
corporate, commercial, or other business purposes. 107997

(J) "Tangible personal property" has the same meaning as in 107998
section 5739.01 of the Revised Code. 107999

(K) "Internal Revenue Code" means the Internal Revenue Code 108000
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 108001
this chapter that is not otherwise defined has the same meaning as 108002
when used in a comparable context in the laws of the United States 108003
relating to federal income taxes unless a different meaning is 108004
clearly required. Any reference in this chapter to the Internal 108005
Revenue Code includes other laws of the United States relating to 108006
federal income taxes. 108007

(L) "Calendar quarter" means a three-month period ending on 108008
the thirty-first day of March, the thirtieth day of June, the 108009
thirtieth day of September, or the thirty-first day of December. 108010

(M) "Tax period" means the calendar quarter or calendar year 108011
on the basis of which a taxpayer is required to pay the tax 108012
imposed under this chapter. 108013

(N) "Calendar year taxpayer" means a taxpayer for which the 108014
tax period is a calendar year. 108015

(O) "Calendar quarter taxpayer" means a taxpayer for which 108016
the tax period is a calendar quarter. 108017

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

Sec. 5751.011. (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements:

(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related

interests, by common owners during all or any portion of the tax 108048
period, together with the common owners. ~~At~~ 108049

A group making its initial election on the basis of the 108050
eighty per cent ownership test may change its election so that its 108051
consolidated elected taxpayer group is formed on the basis of the 108052
fifty per cent ownership test if all of the following are 108053
satisfied: 108054

(a) When the initial election was made, the group did not 108055
have any persons satisfying the fifty per cent ownership test; 108056

(b) One or more of the persons in the initial group 108057
subsequently acquires ownership interests in a person such that 108058
the fifty per cent ownership test is satisfied, the eighty per 108059
cent ownership test is not satisfied, and the acquired person 108060
would be required to be included in a combined taxpayer group 108061
under section 5751.012 of the Revised Code; 108062

(c) The group requests the change in a written request to the 108063
tax commissioner on or before the due date for filing the first 108064
return due under section 5751.051 of the Revised Code after the 108065
date of the acquisition; 108066

(d) The group has not previously changed its election. 108067

At the election of the group, all entities that are not 108068
incorporated or formed under the laws of a state or of the United 108069
States and that meet the consolidated elected ownership test shall 108070
either be included in the group or all shall be excluded from the 108071
group. ~~The~~ If, at the time of registration, the group does not 108072
include any such entities that meet the consolidated elected 108073
ownership test, the group shall elect to either include or exclude 108074
the newly acquired entities before the due date of the first 108075
return due after the date of the acquisition. 108076

Each group shall notify the tax commissioner of the foregoing 108077
elections before the due date of the return ~~in which the election~~ 108078

~~is to become effective~~ for the period in which the election 108079
becomes binding. If fifty per cent of the value of a person's 108080
ownership interests is owned or controlled by each of two 108081
consolidated elected taxpayer groups formed under the fifty per 108082
cent ownership or control test, that person is a member of each 108083
group for the purposes of this section, and each group shall 108084
include in the group's taxable gross receipts fifty per cent of 108085
that person's taxable gross receipts. Otherwise, all of that 108086
person's taxable gross receipts shall be included in the taxable 108087
gross receipts of the consolidated elected taxpayer group of which 108088
the person is a member. In no event shall the ownership or control 108089
of fifty per cent of the value of a person's ownership interests 108090
by two otherwise unrelated groups form the basis for consolidating 108091
the groups into a single consolidated elected taxpayer group or 108092
permit any exclusion under division (C) of this section of taxable 108093
gross receipts between members of the two groups. Division (A)(3) 108094
of this section applies with respect to the elections described in 108095
this division. 108096

(2) The group makes the election to be treated as a 108097
consolidated elected taxpayer in the manner prescribed under 108098
division (D) of this section. 108099

(3) Subject to review and audit by the tax commissioner, the 108100
group agrees that all of the following apply: 108101

(a) The group shall file reports as a single taxpayer for at 108102
least the next eight calendar quarters following the election so 108103
long as at least two or more of the members of the group meet the 108104
requirements of division (A)(1) of this section. 108105

(b) Before the expiration of the eighth such calendar 108106
quarter, the group shall notify the commissioner if it elects to 108107
cancel its designation as a consolidated elected taxpayer. If the 108108
group does not so notify the tax commissioner, the election 108109
remains in effect for another eight calendar quarters. 108110

(c) If, at any time during any of those eight calendar 108111
quarters following the election, a former member of the group no 108112
longer meets the requirements under division (A)(1) of this 108113
section, that member shall report and pay the tax imposed under 108114
this chapter separately, as a member of a combined taxpayer, or, 108115
if the former member satisfies such requirements with respect to 108116
another consolidated elected group, as a member of that 108117
consolidated elected group. 108118

(d) The group agrees to the application of division (B) of 108119
this section. 108120

(B) A group of persons making the election under this section 108121
shall report and pay tax on all of the group's taxable gross 108122
receipts even if substantial nexus with this state does not exist 108123
for one or more persons in the group. 108124

(C)(1)(a) Members of a consolidated elected taxpayer group 108125
shall exclude gross receipts among persons included in the 108126
consolidated elected taxpayer group. 108127

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 108128
section, nothing in this section shall have the effect of 108129
requiring a consolidated elected taxpayer group to include gross 108130
receipts received by a person enumerated in divisions (E)(2) to 108131
(10) of section 5751.01 of the Revised Code if that person is a 108132
member of the group pursuant to the elections made by the group 108133
under division (A)(1) of this section. 108134

(c)(i) As used in division (C)(1)(c) of this section, "dealer 108135
transfer" means a transfer of property that satisfies both of the 108136
following: (I) the property is directly transferred by any means 108137
from one member of the group to another member of the group that 108138
is a dealer in intangibles but is not a qualifying dealer as 108139
defined in section 5725.24 of the Revised Code; and (II) the 108140
property is subsequently delivered by the dealer in intangibles to 108141

a person that is not a member of the group. 108142

(ii) In the event of a dealer transfer, a consolidated 108143
elected taxpayer group shall not exclude, under division (C) of 108144
this section, gross receipts from the transfer described in 108145
division (C)(1)(c)(i)(I) of this section. 108146

(2) Gross receipts related to the sale or transmission of 108147
electricity through the use of an intermediary regional 108148
transmission organization approved by the federal energy 108149
regulatory commission shall be excluded from taxable gross 108150
receipts under division (C)(1) of this section if all other 108151
requirements of that division are met, even if the receipts are 108152
from and to the same member of the group. 108153

(D) To make the election to be a consolidated elected 108154
taxpayer, a group of persons shall notify the tax commissioner of 108155
the election in the manner prescribed by the commissioner and pay 108156
the commissioner a registration fee equal to the lesser of two 108157
hundred dollars or twenty dollars for each person in the group. No 108158
additional fee shall be imposed for the addition of new members to 108159
the group once the group has remitted a fee in the amount of two 108160
hundred dollars. The election shall be made and the fee paid 108161
before ~~the later of~~ the beginning of the first calendar quarter to 108162
which the election applies ~~or November 15, 2005~~. The fee shall be 108163
collected and used in the same manner as provided in section 108164
5751.04 of the Revised Code. 108165

The election shall be made on a form prescribed by the tax 108166
commissioner for that purpose and shall be signed by one or more 108167
individuals with authority, separately or together, to make a 108168
binding election on behalf of all persons in the group. 108169

Any person acquired or formed after the filing of the 108170
registration shall be included in the group if the person meets 108171
the requirements of division (A)(1) of this section, and the group 108172

shall notify the tax commissioner of any additions to the group 108173
with the next tax return it files with the commissioner. 108174

~~(E) Each member of a consolidated elected taxpayer is jointly 108175
and severally liable for the tax imposed by this chapter and any 108176
penalties or interest thereon. The tax commissioner may require 108177
one person in the group to be the taxpayer for purposes of 108178
registration and remittance of the tax, but all members of the 108179
group are subject to assessment under section 5751.09 of the 108180
Revised Code. 108181~~

Sec. 5751.012. (A) All persons, other than persons enumerated 108182
in divisions (E)(2) to (10) of section 5751.01 of the Revised 108183
Code, having more than fifty per cent of the value of their 108184
ownership interest owned or controlled, directly or constructively 108185
through related interests, by common owners during all or any 108186
portion of the tax period, together with the common owners, shall 108187
be members of a combined taxpayer if those persons are not members 108188
of a consolidated elected taxpayer pursuant to an election under 108189
section 5751.011 of the Revised Code. 108190

(B) A combined taxpayer shall register, file returns, and pay 108191
taxes under this chapter as a single taxpayer. 108192

(C) A combined taxpayer shall neither exclude taxable gross 108193
receipts between its members nor from others that are not members. 108194

(D) A combined taxpayer shall pay to the tax commissioner a 108195
registration fee equal to the lesser of two hundred dollars or 108196
twenty dollars for each person in the group. No additional fee 108197
shall be imposed for the addition of new members to the group once 108198
the group has remitted a fee in the amount of two hundred dollars. 108199
The fee shall be timely paid before the later of the beginning of 108200
the first calendar quarter or November 15, 2005. The fee shall be 108201
collected and used in the same manner as provided in section 108202
5751.04 of the Revised Code. 108203

Any person acquired or formed after the filing of the 108204
registration shall be included in the group if the person meets 108205
the requirements of division (A) of this section, and the group 108206
must notify the tax commissioner of any additions with the next 108207
quarterly tax return it files with the commissioner. 108208

~~(E) Each member of a combined taxpayer is jointly and 108209
severally liable for the tax imposed by this chapter and any 108210
penalties or interest thereon. The tax commissioner may require 108211
one person in the group to be the taxpayer for purposes of 108212
registration and remittance of the tax, but all members of the 108213
group are subject to assessment under section 5751.09 of the 108214
Revised Code. 108215~~

Sec. 5751.013. (A) Except as provided in division (B) of this 108216
section: 108217

(1) A person shall include as taxable gross receipts the 108218
value of property the person transfers into this state for the 108219
person's own use within one year after the person receives the 108220
property outside this state; and 108221

(2) In the case of ~~an elected~~ a consolidated elected taxpayer 108222
group or a combined taxpayer group, the taxpayer shall include as 108223
taxable gross receipts the value of property that any of the 108224
taxpayer's members transferred into this state for the use of any 108225
of the taxpayer's members within one year after the taxpayer 108226
receives the property outside this state. 108227

(B) Property brought into this state within one year after it 108228
is received outside this state by a person or group described in 108229
division (A)(1) or (2) of this section shall not be included as 108230
taxable gross receipts as required under those divisions if the 108231
tax commissioner ascertains that the property's receipt outside 108232
this state by the person or group followed by its transfer into 108233
this state within one year was not intended in whole or in part to 108234

avoid in whole or in part the tax imposed under this chapter. 108235

(C) The tax commissioner may adopt rules necessary to 108236
administer this section. 108237

Sec. 5751.014. All members of a consolidated elected taxpayer 108238
or combined taxpayer group during the tax period or periods for 108239
which additional tax, penalty, or interest is owed are jointly and 108240
severally liable for the tax imposed by this chapter. Although the 108241
reporting person will be assessed for the liability, such amounts 108242
due may be pursued against any member when a liability is 108243
certified to the attorney general under section 131.02 of the 108244
Revised Code. 108245

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 108246
of this section and in sections 5751.031 and 5751.032 of the 108247
Revised Code, the tax levied under this section for each tax 108248
period shall be the product of two and six-tenths mills per dollar 108249
times the remainder of the taxpayer's taxable gross receipts for 108250
the tax period after subtracting the exclusion amount provided for 108251
in division (C) of this section. 108252

(B) Notwithstanding division (C) of this section, the tax on 108253
the first one million dollars in taxable gross receipts each 108254
calendar year shall be one hundred fifty dollars. For calendar 108255
year 2006, the tax imposed under this division shall be paid not 108256
later than May 10, 2006, by both calendar year taxpayers and 108257
calendar quarter taxpayers. For calendar ~~year~~ years 2007 ~~and~~ 108258
~~thereafter, 2008, and 2009~~, the tax imposed under this division 108259
shall be paid with the fourth-quarter tax return or annual tax 108260
return for the prior calendar year by both calendar year taxpayers 108261
and calendar quarter taxpayers. For calendar years 2010 and 108262
thereafter, the tax imposed under this division shall be paid not 108263
later than the tenth day of May of each year along with the first 108264

quarter or annual tax return, as applicable. 108265

(C)(1) Each calendar quarter taxpayer may exclude the first 108266
two hundred fifty thousand dollars of taxable gross receipts for a 108267
calendar quarter and may carry forward and apply any unused 108268
exclusion amount to the three subsequent calendar quarters. Each 108269
calendar year taxpayer may exclude the first one million dollars 108270
of taxable gross receipts for a calendar year. 108271

(2) A taxpayer switching from a calendar year tax period to a 108272
calendar quarter tax period may, for the first quarter of the 108273
change, apply the prior calendar quarter exclusion amounts to the 108274
first calendar quarter return the taxpayer files that calendar 108275
year. The tax rate shall be based on the rate imposed that 108276
calendar quarter when the taxpayer switches from a calendar year 108277
to a calendar quarter tax period. 108278

(D) There is hereby allowed a credit against the tax imposed 108279
under this chapter for each of the following calendar years if a 108280
transfer was made in the preceding calendar year from the general 108281
revenue fund to the commercial activity tax refund fund under 108282
division (D) of section 5751.032 of the Revised Code: calendar 108283
years 2008, 2010, and 2012. The credit is allowed for taxpayers 108284
that paid in full the tax imposed under this chapter for the 108285
calendar year in which the transfer was made. The amount of a 108286
taxpayer's credit equals the amount computed under division (D) of 108287
section 5751.032 of the Revised Code. 108288

Sec. 5751.04. (A) As used in this section, "person" includes 108289
a reporting person. 108290

(B) ~~Not later than the later of November 15, 2005, or thirty~~ 108291
days after a person first has more than one hundred fifty thousand 108292
dollars in taxable gross receipts in a calendar year, each person 108293
subject to this chapter shall register with the tax commissioner 108294
on the form prescribed by the commissioner. The form shall include 108295

the following:	108296
(1) The person's name;	108297
(2) If applicable, the name of the state or country under the laws of which the person is incorporated;	108298 108299
(3) If applicable, the location of a person's principal office and the name and address of the officer or agent of the corporation in charge of the business;	108300 108301 108302
(4) If applicable, the names of the person's president, secretary, treasurer, and statutory agent designated pursuant to section 1703.041 of the Revised Code, with the post office address of each;	108303 108304 108305 108306
(5) The kind of business in which the person is engaged, including applicable business or industry codes;	108307 108308
(6) If required by the tax commissioner, the date of the beginning of the person's annual accounting period that includes the first day of January of the taxable calendar year;	108309 108310 108311
(7) If the person is not a corporation or a sole proprietor, the names of the person's owners and officers, if required by the tax commissioner;	108312 108313 108314
(8) The person's federal employer identification number or numbers or, if those are not applicable, the person's social security number or equivalent;	108315 108316 108317
(9) All other information that the commissioner requires to administer and enforce this chapter.	108318 108319
(B) (C) Except as otherwise provided in this division, each person registering with the tax commissioner as required by division (A) (B) of this section shall pay a registration fee. The fee shall be in the amount of fifteen dollars if a person registers electronically and twenty dollars if a person does not register electronically. The registration fee shall be paid in the	108320 108321 108322 108323 108324 108325

manner prescribed by the tax commissioner at the same time the 108326
registration is due if a person is subject to the tax imposed 108327
under this chapter before January 1, 2006. If a person first 108328
becomes subject to the tax after that date, the registration fee 108329
is payable with the first tax period return the person is required 108330
to file as prescribed by section 5751.051 of the Revised Code. If 108331
~~a registration fee is not paid when due~~ person does not register 108332
within the time prescribed by this section, an additional fee is 108333
imposed in the amount of one hundred dollars per month or part 108334
thereof that the fee is outstanding, not to exceed one thousand 108335
dollars. The tax commissioner may abate the additional fee. The 108336
fee imposed under this division may be assessed in the same manner 108337
as the tax imposed under this chapter. Proceeds from the fee shall 108338
be credited to the commercial activity tax administrative fund, 108339
which is hereby created in the state treasury for the commissioner 108340
to use in implementing and administering the tax imposed under 108341
this chapter. 108342

~~No registration fee is payable by a person for a calendar 108343
year if the person first begins business operations in this state 108344
after the thirtieth day of November of that calendar year or if 108345
the person's taxable gross receipts for the calendar year exceed 108346
one hundred fifty thousand dollars but do not exceed one hundred 108347
fifty thousand dollars as of the first day of December of the 108348
calendar year.~~ 108349

Registration fees paid under this section, excluding any 108350
additional fee imposed for ~~late payment of the registration fee~~ a 108351
person's failure to timely register, shall be credited against the 108352
first payment of tax payable under section 5751.03 of the Revised 108353
Code ~~after the registration fee is paid.~~ 108354

~~(C)~~(D) If a person that has registered under this section is 108355
no longer a taxpayer subject to this chapter, including no longer 108356
being a taxpayer because of the application of division (E)(1) of 108357

section 5751.01 of the Revised Code, the person shall notify the commissioner that the person's registration should be cancelled.

(E) With respect to registrations received by the commissioner before the effective date of the amendment of this section by the main operating appropriations act of the 128th general assembly, the taxpayer listed as the primary taxpayer on the registration shall be the reporting person until the taxpayer notifies the commissioner otherwise.

Sec. 5751.05. (A) If a person subject to this chapter anticipates that the person's taxable gross receipts will be more than one million dollars ~~or less~~ in a calendar year ~~2006~~, the person ~~may elect to be a calendar year taxpayer. If a person is not required to be registered under this section for calendar year 2006 and anticipates that the person's taxable gross receipts will be one million dollars or less in the first calendar year the person is required to register under this section, the person may elect to be a calendar year taxpayer~~ shall notify the tax commissioner on the person's initial registration form and file on a quarterly basis as a calendar quarter taxpayer. Any taxpayer with taxable gross receipts of less than one million dollars shall register as a calendar year taxpayer and shall file annually.

(B) Any person that is a calendar year taxpayer ~~pursuant to an election~~ under division (A) of this section shall become a calendar quarter taxpayer in the subsequent calendar year if the person's taxable gross receipts for the prior calendar year are more than one million dollars, and shall remain a calendar quarter taxpayer until the person notifies the tax commissioner, and receives approval in writing from the tax commissioner, to switch back to being a calendar year taxpayer. Nothing in this division prohibits a person that has elected to be a calendar year taxpayer

from notifying the tax commissioner, using the procedures 108389
prescribed by the commissioner, that it is switching back to being 108390
a calendar quarter taxpayer. 108391

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 108392
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 108393
~~tax~~ commissioner may grant written approval for a calendar quarter 108394
taxpayer to use an alternative reporting schedule or estimate the 108395
amount of tax due for a calendar quarter if the taxpayer 108396
demonstrates to the commissioner the need for such a deviation. 108397
The commissioner may adopt a rule to apply division (C) of this 108398
section to a group of taxpayers without the taxpayers having to 108399
receive written approval from the commissioner. 108400

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day 108401
of the second month after the end of each calendar quarter, every 108402
taxpayer other than a calendar year taxpayer shall file with the 108403
tax commissioner a tax return in such form as the commissioner 108404
prescribes. The return shall include, but is not limited to, the 108405
amount of the taxpayer's taxable gross receipts for the calendar 108406
quarter and shall indicate the amount of tax due under section 108407
5751.03 of the Revised Code for the calendar quarter. 108408

(2)(a) Subject to division (C) of section 5751.05 of the 108409
Revised Code, a calendar quarter taxpayer shall report the taxable 108410
gross receipts for that calendar quarter. 108411

(b) With respect to taxable gross receipts incorrectly 108412
reported in a calendar quarter that has a lower tax rate, the tax 108413
shall be computed at the tax rate in effect for the quarterly 108414
return in which such receipts should have been reported. Nothing 108415
in division (A)(2)(b) of this section prohibits a taxpayer from 108416
filing an application for refund under section 5751.08 of the 108417
Revised Code with regard to the incorrect reporting of taxable 108418
gross receipts discovered after filing the annual return described 108419

in division (A)(3) of this section. 108420

A tax return shall not be deemed to be an incorrect reporting 108421
of taxable gross receipts for the purposes of division (A)(2)(b) 108422
of this section if the return reflects between ninety-five and one 108423
hundred five per cent of the actual taxable gross receipts for the 108424
calendar quarter. 108425

(3) ~~The~~ For the purposes of division (A)(2)(b) of this 108426
section, the tax return filed for the fourth calendar quarter of a 108427
calendar year is the annual return for the privilege tax imposed 108428
by this chapter. Such return shall report any additional taxable 108429
gross receipts not previously reported in the calendar year and 108430
shall adjust for any over-reported taxable gross receipts in the 108431
calendar year. If the taxpayer ceases to be a taxpayer before the 108432
end of the calendar year, the last return the taxpayer is required 108433
to file shall be the annual return for the taxpayer and the 108434
taxpayer shall report any additional taxable gross receipts not 108435
previously reported in the calendar year and shall adjust for any 108436
over-reported taxable gross receipts in the calendar year. 108437

(4) Because the tax imposed by this chapter is a privilege 108438
tax, the tax rate with respect to taxable gross receipts for a 108439
calendar quarter is not fixed until the end of the measurement 108440
period for each calendar quarter. Subject to division (A)(2)(b) of 108441
this section, the total amount of taxable gross receipts reported 108442
for a given calendar quarter shall be subject to the tax rate in 108443
effect in that quarter. 108444

(5) Not later than ~~forty days after~~ the tenth day of May 108445
following the end of each calendar year, every calendar year 108446
taxpayer shall file with the tax commissioner a tax return in such 108447
form as the commissioner prescribes. The return shall include, but 108448
is not limited to, the amount of the taxpayer's taxable gross 108449
receipts for the calendar year and shall indicate the amount of 108450
tax due under section 5751.03 of the Revised Code for the calendar 108451

year. 108452

(B)(1) A person that first becomes subject to the tax imposed 108453
under this chapter shall pay the minimum tax imposed under 108454
division (B) of section 5751.03 of the Revised Code along with the 108455
registration fee imposed under this section, if applicable, on or 108456
before the day the return is required to be filed for that quarter 108457
under division (A)(1) of this section, regardless of whether the 108458
person elects to be a calendar year taxpayer under section 5751.05 108459
of the Revised Code. 108460

(2) The amount of the minimum tax for a person subject to 108461
division (B)(1) of this section shall be reduced to seventy-five 108462
dollars if the registration is timely filed after the first day of 108463
May and before the first day of January of the following calendar 108464
year. 108465

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 108466
pay the full amount of the tax due within the period prescribed 108467
therefor under this chapter shall pay a penalty in an amount not 108468
exceeding the greater of fifty dollars or ten per cent of the tax 108469
required to be paid for the tax period. 108470

(B)(1) If any additional tax is found to be due, the tax 108471
commissioner may impose an additional penalty of up to fifteen per 108472
cent on the additional tax found to be due. 108473

(2) Any delinquent payments of the tax made after a taxpayer 108474
is notified of an audit or a tax discrepancy by the commissioner 108475
is subject to the penalty imposed by division (B) of this section. 108476
If an assessment is issued under section ~~5751.10~~ 5751.09 of the 108477
Revised Code in connection with such delinquent payments, the 108478
payments shall be credited to the assessment. 108479

(C) After calendar year 2008, the tax commissioner may impose 108480
an additional penalty against a taxpayer that fails to switch to 108481

being a calendar quarter taxpayer at the time it had over two 108482
million in taxable gross receipts in the calendar year, as 108483
required under section 5751.04 of the Revised Code. The penalty 108484
may be imposed in an amount not to exceed ten per cent of the tax 108485
due above two million dollars in taxable gross receipts for the 108486
calendar year. Any penalty imposed under this division is in 108487
addition to any other penalties imposed under this section. 108488

(D) If the tax commissioner notifies a person required to 108489
register under section 5751.05 of the Revised Code of such 108490
requirement and of the requirement to remit the tax due under this 108491
chapter, and the person fails to so register and remit the tax 108492
within sixty days after such notice, the tax commissioner may 108493
impose an additional penalty of up to thirty-five per cent of the 108494
tax due. The penalty imposed under this division is in addition to 108495
any other penalties imposed under this section. 108496

(E) The tax commissioner may collect any penalty or interest 108497
imposed by this section in the same manner as the tax imposed 108498
under this chapter. Penalties and interest so collected shall be 108499
considered as revenue arising from the tax imposed under this 108500
chapter. 108501

(F) The tax commissioner may abate all or a portion of any 108502
penalties imposed under this section and may adopt rules governing 108503
such abatements. 108504

(G) If any tax due is not timely paid in accordance with this 108505
chapter, the taxpayer shall pay interest, calculated at the rate 108506
per annum prescribed by section 5703.47 of the Revised Code, from 108507
the date the tax payment was due to the date of payment or to the 108508
date an assessment was issued, whichever occurs first. 108509

(H) The tax commissioner may impose a penalty of up to ten 108510
per cent for any additional tax that is due under division 108511
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 108512

incorrectly reporting its taxable gross receipts. 108513

Sec. 5751.08. (A) An application for refund to the taxpayer 108514
of the amount of taxes imposed under this chapter that are 108515
overpaid, paid illegally or erroneously, or paid on any illegal or 108516
erroneous assessment shall be filed by the reporting person with 108517
the tax commissioner, on the form prescribed by the commissioner, 108518
within four years after the date of the illegal or erroneous 108519
payment of the tax. The applicant shall provide the amount of the 108520
requested refund along with the claimed reasons for, and 108521
documentation to support, the issuance of a refund. 108522

(B) On the filing of the refund application, the tax 108523
commissioner shall determine the amount of refund to which the 108524
applicant is entitled. If the amount is not less than that 108525
claimed, the commissioner shall certify the amount to the director 108526
of budget and management and treasurer of state for payment from 108527
the tax refund fund created under section 5703.052 of the Revised 108528
Code. If the amount is less than that claimed, the commissioner 108529
shall proceed in accordance with section 5703.70 of the Revised 108530
Code. 108531

(C) Interest on a refund applied for under this section, 108532
computed at the rate provided for in section 5703.47 of the 108533
Revised Code, shall be allowed from the later of the date the tax 108534
was paid or when the tax payment was due. 108535

(D) A calendar quarter taxpayer with more than one million 108536
dollars in taxable gross receipts in a calendar year other than 108537
calendar year 2005 and that is not able to exclude one million 108538
dollars in taxable gross receipts because of the operation of the 108539
taxpayer's business in that calendar year may file for a refund 108540
under this section to obtain the full exclusion of one million 108541
dollars in taxable gross receipts for that calendar year. 108542

(E) No person with an active registration as a taxpayer under 108543

this chapter may claim a refund under this section for the tax 108544
imposed under division (B) of section 5751.03 of the Revised Code 108545
unless the person cancelled the registration before the tenth day 108546
of ~~February~~ May of the current calendar year pursuant to division 108547
~~(C)~~ (D) of section 5751.04 of the Revised Code. 108548

(F) Except as provided in section 5751.091 of the Revised 108549
Code, the tax commissioner may, with the consent of the taxpayer, 108550
provide for the crediting against tax due for a tax year the 108551
amount of any refund due the taxpayer under this chapter for a 108552
preceding tax year. 108553

Sec. 5751.09. (A) The tax commissioner may make an 108554
assessment, based on any information in the commissioner's 108555
possession, against any person that fails to file a return or pay 108556
any tax as required by this chapter. The commissioner shall give 108557
the person assessed written notice of the assessment as provided 108558
in section 5703.37 of the Revised Code. With the notice, the 108559
commissioner shall provide instructions on the manner in which to 108560
petition for reassessment and request a hearing with respect to 108561
the petition. The commissioner shall send any assessments against 108562
consolidated elected taxpayer and combined taxpayer groups under 108563
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 108564
"reporting person" as defined under division (R) of section 108565
5751.01 of the Revised Code. The reporting person shall notify all 108566
members of the group of the assessment and all outstanding taxes, 108567
interest, and penalties for which the assessment is issued. 108568

(B) Unless the person assessed, within sixty days after 108569
service of the notice of assessment, files with the tax 108570
commissioner, either personally or by certified mail, a written 108571
petition signed by the person or the person's authorized agent 108572
having knowledge of the facts, the assessment becomes final, and 108573
the amount of the assessment is due and payable from the person 108574

assessed to the treasurer of state. The petition shall indicate 108575
the objections of the person assessed, but additional objections 108576
may be raised in writing if received by the commissioner prior to 108577
the date shown on the final determination. 108578

If a petition for reassessment has been properly filed, the 108579
commissioner shall proceed under section 5703.60 of the Revised 108580
Code. 108581

(C)(1) After an assessment becomes final, if any portion of 108582
the assessment, including accrued interest, remains unpaid, a 108583
certified copy of the tax commissioner's entry making the 108584
assessment final may be filed in the office of the clerk of the 108585
court of common pleas in the county in which the person resides or 108586
has its principal place of business in this state, or in the 108587
office of the clerk of court of common pleas of Franklin county. 108588

(2) Immediately upon the filing of the entry, the clerk shall 108589
enter judgment for the state against the person assessed in the 108590
amount shown on the entry. The judgment may be filed by the clerk 108591
in a loose-leaf book entitled, "special judgments for the 108592
commercial activity tax" and shall have the same effect as other 108593
judgments. Execution shall issue upon the judgment at the request 108594
of the tax commissioner, and all laws applicable to sales on 108595
execution shall apply to sales made under the judgment. 108596

(3) The portion of the assessment not paid within sixty days 108597
after the day the assessment was issued shall bear interest at the 108598
rate per annum prescribed by section 5703.47 of the Revised Code 108599
from the day the tax commissioner issues the assessment until it 108600
is paid. Interest shall be paid in the same manner as the tax and 108601
may be collected by the issuance of an assessment under this 108602
section. 108603

(D) If the tax commissioner believes that collection of the 108604
tax will be jeopardized unless proceedings to collect or secure 108605

collection of the tax are instituted without delay, the 108606
commissioner may issue a jeopardy assessment against the person 108607
liable for the tax. Immediately upon the issuance of the jeopardy 108608
assessment, the commissioner shall file an entry with the clerk of 108609
the court of common pleas in the manner prescribed by division (C) 108610
of this section. Notice of the jeopardy assessment shall be served 108611
on the person assessed or the person's authorized agent in the 108612
manner provided in section 5703.37 of the Revised Code within five 108613
days of the filing of the entry with the clerk. The total amount 108614
assessed is immediately due and payable, unless the person 108615
assessed files a petition for reassessment in accordance with 108616
division (B) of this section and provides security in a form 108617
satisfactory to the commissioner and in an amount sufficient to 108618
satisfy the unpaid balance of the assessment. Full or partial 108619
payment of the assessment does not prejudice the commissioner's 108620
consideration of the petition for reassessment. 108621

(E) The tax commissioner shall immediately forward to the 108622
treasurer of state all amounts the commissioner receives under 108623
this section, and such amounts shall be considered as revenue 108624
arising from the tax imposed under this chapter. 108625

(F) Except as otherwise provided in this division, no 108626
assessment shall be made or issued against a taxpayer for the tax 108627
imposed under this chapter more than four years after the due date 108628
for the filing of the return for the tax period for which the tax 108629
was reported, or more than four years after the return for the tax 108630
period was filed, whichever is later. Nothing in this division 108631
bars an assessment against a taxpayer that fails to file a return 108632
required by this chapter or that files a fraudulent return. 108633

(G) If the tax commissioner possesses information that 108634
indicates that the amount of tax a taxpayer is required to pay 108635
under this chapter exceeds the amount the taxpayer paid, the tax 108636
commissioner may audit a sample of the taxpayer's gross receipts 108637

over a representative period of time to ascertain the amount of 108638
tax due, and may issue an assessment based on the audit. The tax 108639
commissioner shall make a good faith effort to reach agreement 108640
with the taxpayer in selecting a representative sample. The tax 108641
commissioner may apply a sampling method only if the commissioner 108642
has prescribed the method by rule. 108643

(H) If the whereabouts of a person subject to this chapter is 108644
not known to the tax commissioner, ~~the secretary of state is~~ 108645
~~hereby deemed to be that person's agent for purposes of service of~~ 108646
~~process of notice of any assessment, action, or proceedings~~ 108647
~~instituted in this state against the person under this chapter.~~ 108648
~~Such process or notice shall be served on such person by the~~ 108649
~~commissioner or by one of the commissioner's agents by leaving at~~ 108650
~~the office of the secretary of state, at least fifteen days before~~ 108651
~~the return day of such process or notice, a true and attested copy~~ 108652
~~of the notice, and by sending to such person by ordinary mail,~~ 108653
~~with an endorsement thereon of the service upon the secretary of~~ 108654
~~state, addressed to such person at the person's last known address~~ 108655
commissioner shall follow the procedures under section 5703.37 of 108656
the Revised Code. 108657

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 108658
the Revised Code: 108659

(1) "School district," "joint vocational school district," 108660
"local taxing unit," "recognized valuation," "fixed-rate levy," 108661
and "fixed-sum levy" have the same meanings as used in section 108662
5727.84 of the Revised Code. 108663

(2) "State education aid" for a school district means the 108664
following: 108665

(a) For fiscal years prior to fiscal year 2010, the sum of 108666
state aid amounts computed for the district under division (A) of 108667
section 3317.022 of the Revised Code, including the amounts 108668

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.

(b) For fiscal year 2010 and for each fiscal year thereafter, the sum of the amounts computed under sections 3306.052, 3306.12, 3306.13, 3306.19, and 3306.192 of the Revised Code.

(3) "State education aid" for a joint vocational school district means the following:

(a) For fiscal years prior to fiscal year 2010, 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.

(b) For fiscal years 2010 and 2011, the amount paid in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(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.

(5) "Machinery and equipment property tax value loss" means

the amount determined under division (C)(1) of this section. 108700

(6) "Inventory property tax value loss" means the amount 108701
determined under division (C)(2) of this section. 108702

(7) "Furniture and fixtures property tax value loss" means 108703
the amount determined under division (C)(3) of this section. 108704

(8) "Machinery and equipment fixed-rate levy loss" means the 108705
amount determined under division (D)(1) of this section. 108706

(9) "Inventory fixed-rate levy loss" means the amount 108707
determined under division (D)(2) of this section. 108708

(10) "Furniture and fixtures fixed-rate levy loss" means the 108709
amount determined under division (D)(3) of this section. 108710

(11) "Total fixed-rate levy loss" means the sum of the 108711
machinery and equipment fixed-rate levy loss, the inventory 108712
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 108713
loss, and the telephone company fixed-rate levy loss. 108714

(12) "Fixed-sum levy loss" means the amount determined under 108715
division (E) of this section. 108716

(13) "Machinery and equipment" means personal property 108717
subject to the assessment rate specified in division (F) of 108718
section 5711.22 of the Revised Code. 108719

(14) "Inventory" means personal property subject to the 108720
assessment rate specified in division (E) of section 5711.22 of 108721
the Revised Code. 108722

(15) "Furniture and fixtures" means personal property subject 108723
to the assessment rate specified in division (G) of section 108724
5711.22 of the Revised Code. 108725

(16) "Qualifying levies" are levies in effect for tax year 108726
2004 or applicable to tax year 2005 or approved at an election 108727
conducted before September 1, 2005. For the purpose of determining 108728
the rate of a qualifying levy authorized by section 5705.212 or 108729

5705.213 of the Revised Code, the rate shall be the rate that 108730
would be in effect for tax year 2010. 108731

(17) "Telephone property" means tangible personal property of 108732
a telephone, telegraph, or interexchange telecommunications 108733
company subject to an assessment rate specified in section 108734
5727.111 of the Revised Code in tax year 2004. 108735

(18) "Telephone property tax value loss" means the amount 108736
determined under division (C)(4) of this section. 108737

(19) "Telephone property fixed-rate levy loss" means the 108738
amount determined under division (D)(4) of this section. 108739

(B) The commercial activities tax receipts fund is hereby 108740
created in the state treasury and shall consist of money arising 108741
from the tax imposed under this chapter. ~~All money in that~~ 108742
Eighty-five one-hundredths of one per cent of the money credited 108743
to that fund shall be credited to the tax reform system 108744
implementation fund, which is hereby created in the state 108745
treasury, and shall be used to defray the costs incurred by the 108746
department of taxation in administering the tax imposed by this 108747
chapter and in implementing tax reform measures. The remainder in 108748
the commercial activities tax receipts fund shall be credited for 108749
each fiscal year in the following percentages to the general 108750
revenue fund, to the school district tangible property tax 108751
replacement fund, which is hereby created in the state treasury 108752
for the purpose of making the payments described in section 108753
5751.21 of the Revised Code, and to the local government tangible 108754
property tax replacement fund, which is hereby created in the 108755
state treasury for the purpose of making the payments described in 108756
section 5751.22 of the Revised Code, in the following percentages: 108757

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Fiscal year	General Revenue	School District	Local Government	108759
	Fund	Tangible	Tangible	

		Property Tax Replacement Fund	Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	108760
2007	0%	70.0%	30.0%	108761
2008	0%	70.0%	30.0%	108762
2009	0%	70.0%	30.0%	108763
2010	0%	70.0%	30.0%	108764
2011	0%	70.0%	30.0%	108765
2012	5.3%	70.0%	24.7%	108766
2013	10.6%	70.0%	19.4%	108767
2014	14.1%	70.0%	15.9%	108768
2015	17.6%	70.0%	12.4%	108769
2016	21.1%	70.0%	8.9%	108770
2017	24.6%	70.0%	5.4%	108771
2018	28.1%	70.0%	1.9%	108772
2019 and thereafter	30%	70%	0%	108773

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.	108788
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	108789 108790 108791
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	108792 108793 108794
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	108795 108796
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	108797 108798 108799
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	108800 108801 108802
(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:	108803 108804 108805
(a) For tax year 2006, twenty-five per cent;	108806
(b) For tax year 2007, fifty per cent;	108807
(c) For tax year 2008, seventy-five per cent;	108808
(d) For tax year 2009 and thereafter, one hundred per cent.	108809
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	108810 108811 108812 108813 108814 108815
(4) Telephone property tax value loss is the taxable value of	108816

telephone property as taxpayers would have reported that property 108817
for tax year 2004 if the assessment rate for all telephone 108818
property for that year were twenty-five per cent, multiplied by: 108819

(a) For tax year 2006, zero per cent; 108820

(b) For tax year 2007, zero per cent; 108821

(c) For tax year 2008, zero per cent; 108822

(d) For tax year 2009, sixty per cent; 108823

(e) For tax year 2010, eighty per cent; 108824

(f) For tax year 2011 and thereafter, one hundred per cent. 108825

(5) Division (C)(5) of this section applies to any school 108826
district, joint vocational school district, or local taxing unit 108827
in a county in which is located a facility currently or formerly 108828
devoted to the enrichment or commercialization of uranium or 108829
uranium products, and for which the total taxable value of 108830
property listed on the general tax list of personal property for 108831
any tax year from tax year 2001 to tax year 2004 was fifty per 108832
cent or less of the taxable value of such property listed on the 108833
general tax list of personal property for the next preceding tax 108834
year. 108835

In computing the fixed-rate levy losses under divisions 108836
(D)(1), (2), and (3) of this section for any school district, 108837
joint vocational school district, or local taxing unit to which 108838
division (C)(5) of this section applies, the taxable value of such 108839
property as listed on the general tax list of personal property 108840
for tax year 2000 shall be substituted for the taxable value of 108841
such property as reported by taxpayers for tax year 2004, in the 108842
taxing district containing the uranium facility, if the taxable 108843
value listed for tax year 2000 is greater than the taxable value 108844
reported by taxpayers for tax year 2004. For the purpose of making 108845
the computations under divisions (D)(1), (2), and (3) of this 108846

section, the tax year 2000 valuation is to be allocated to 108847
machinery and equipment, inventory, and furniture and fixtures 108848
property in the same proportions as the tax year 2004 values. For 108849
the purpose of the calculations in division (A) of section 5751.21 108850
of the Revised Code, the tax year 2004 taxable values shall be 108851
used. 108852

To facilitate the calculations required under division (C) of 108853
this section, the county auditor, upon request from the tax 108854
commissioner, shall provide by August 1, 2005, the values of 108855
machinery and equipment, inventory, and furniture and fixtures for 108856
all single-county personal property taxpayers for tax year 2004. 108857

(D) Not later than September 15, 2005, the tax commissioner 108858
shall determine for each tax year from 2006 through 2009 for each 108859
school district, joint vocational school district, and local 108860
taxing unit its machinery and equipment, inventory, and furniture 108861
and fixtures fixed-rate levy losses, and for each tax year from 108862
2006 through 2011 its telephone property fixed-rate levy loss, ~~7~~ 108863
which. Except as provided in division (F) of this section, such 108864
losses are the applicable amounts described in divisions (D)(1), 108865
(2), (3), and (4) of this section: 108866

(1) The machinery and equipment fixed-rate levy loss is the 108867
machinery and equipment property tax value loss multiplied by the 108868
sum of the tax rates of fixed-rate qualifying levies. 108869

(2) The inventory fixed-rate loss is the inventory property 108870
tax value loss multiplied by the sum of the tax rates of 108871
fixed-rate qualifying levies. 108872

(3) The furniture and fixtures fixed-rate levy loss is the 108873
furniture and fixture property tax value loss multiplied by the 108874
sum of the tax rates of fixed-rate qualifying levies. 108875

(4) The telephone property fixed-rate levy loss is the 108876
telephone property tax value loss multiplied by the sum of the tax 108877

rates of fixed-rate qualifying levies. 108878

(E) Not later than September 15, 2005, the tax commissioner 108879
shall determine for each school district, joint vocational school 108880
district, and local taxing unit its fixed-sum levy loss. The 108881
fixed-sum levy loss is the amount obtained by subtracting the 108882
amount described in division (E)(2) of this section from the 108883
amount described in division (E)(1) of this section: 108884

(1) The sum of the machinery and equipment property tax value 108885
loss, the inventory property tax value loss, and the furniture and 108886
fixtures property tax value loss, and, for 2008 through 2017 the 108887
telephone property tax value loss of the district or unit 108888
multiplied by the sum of the fixed-sum tax rates of qualifying 108889
levies. For 2006 through 2010, this computation shall include all 108890
qualifying levies remaining in effect for the current tax year and 108891
any school district levies imposed under section 5705.194 or 108892
5705.213 of the Revised Code that are qualifying levies not 108893
remaining in effect for the current year. For 2011 through 2017 in 108894
the case of qualifying school district levies imposed under 108895
section 5705.194 or 5705.213 of the Revised Code and for all years 108896
after 2010 in the case of other fixed-sum levies, this computation 108897
shall include only qualifying levies remaining in effect for the 108898
current year. For purposes of this computation, a qualifying 108899
school district levy imposed under section 5705.194 or 5705.213 of 108900
the Revised Code remains in effect in a year after 2010 only if, 108901
for that year, the board of education levies a school district 108902
levy imposed under section 5705.194 ~~or~~, 5705.199, 5705.213, or 108903
5705.219 of the Revised Code for an annual sum at least equal to 108904
the annual sum levied by the board in tax year 2004 less the 108905
amount of the payment certified under this division for 2006. 108906

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(2) The total taxable value in tax year 2004 less the sum of 108908
the machinery and equipment, inventory, furniture and fixtures, 108909

and telephone property tax value losses in each school district, 108910
joint vocational school district, and local taxing unit multiplied 108911
by one-half of one mill per dollar. 108912

(3) For the calculations in divisions (E)(1) and (2) of this 108913
section, the tax value losses are those that would be calculated 108914
for tax year 2009 under divisions (C)(1), (2), and (3) of this 108915
section and for tax year 2011 under division (C)(4) of this 108916
section. 108917

(4) To facilitate the calculation under divisions (D) and (E) 108918
of this section, not later than September 1, 2005, any school 108919
district, joint vocational school district, or local taxing unit 108920
that has a qualifying levy that was approved at an election 108921
conducted during 2005 before September 1, 2005, shall certify to 108922
the tax commissioner a copy of the county auditor's certificate of 108923
estimated property tax millage for such levy as required under 108924
division (B) of section 5705.03 of the Revised Code, which is the 108925
rate that shall be used in the calculations under such divisions. 108926

If the amount determined under division (E) of this section 108927
for any school district, joint vocational school district, or 108928
local taxing unit is greater than zero, that amount shall equal 108929
the reimbursement to be paid pursuant to division (E) of section 108930
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 108931
and the one-half of one mill that is subtracted under division 108932
(E)(2) of this section shall be apportioned among all contributing 108933
fixed-sum levies in the proportion that each levy bears to the sum 108934
of all fixed-sum levies within each school district, joint 108935
vocational school district, or local taxing unit. 108936

(F) If a school district levies a tax under section 5705.219 108937
of the Revised Code, the fixed-rate levy loss for qualifying 108938
levies, to the extent repealed under that section, shall equal the 108939
sum of the following amounts in lieu of the amounts computed for 108940
such levies under division (D) of this section: 108941

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 108942
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(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division. 108946
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The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code. 108949
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(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement. 108956
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~~(G)~~(H) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory. 108967
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(I) Not later than the twenty-eighth day of February each 108972

year beginning in 2011 and ending in 2014, the tax commissioner 108973
shall certify to the department of education for each school 108974
district first levying a tax under section 5705.219 of the Revised 108975
Code in the preceding year the revised fixed-rate levy losses 108976
determined under divisions (D) and (F) of this section. 108977

Sec. 5751.21. (A) Not later than the thirtieth day of July of 108978
2007 through 2017, the department of education shall consult with 108979
the director of budget and management and determine the following 108980
for each school district and each joint vocational school district 108981
eligible for payment under division (B) of this section: 108982

(1) The state education aid offset, which is the difference 108984
obtained by subtracting the amount described in division (A)(1)(b) 108985
of this section from the amount described in division (A)(1)(a) of 108986
this section: 108987

(a) The state education aid computed for the school district 108988
or joint vocational school district for the current fiscal year as 108989
of the thirtieth day of July; 108990

(b) The state education aid that would be computed for the 108991
school district or joint vocational school district for the 108992
current fiscal year as of the thirtieth day of July if the 108993
recognized valuation included the machinery and equipment, 108994
inventory, furniture and fixtures, and telephone property tax 108995
value losses for the school district or joint vocational school 108996
district for the second preceding tax year, and if taxes charged 108997
and payable associated with the tax value losses are accounted for 108998
in any state education aid computation dependent on taxes charged 108999
and payable. 109000

(2) The greater of zero or the difference obtained by 109001
subtracting the state education aid offset determined under 109002
division (A)(1) of this section from the sum of the machinery and 109003

equipment fixed-rate levy loss, the inventory fixed-rate levy 109004
loss, furniture and fixtures fixed-rate levy loss, and telephone 109005
property fixed-rate levy loss certified under ~~division (F)~~ 109006
divisions (G) and (I) of section 5751.20 of the Revised Code for 109007
all taxing districts in each school district and joint vocational 109008
school district for the second preceding tax year. 109009

By the thirtieth day of July of each such year, the 109010
department of education and the director of budget and management 109011
shall agree upon the amount to be determined under division (A)(1) 109012
of this section. 109013

(B) On or before the thirty-first day of August of each year 109014
beginning in 2008, the department of education shall recalculate 109015
the offset described under division (A) of this section for the 109016
previous fiscal year and recalculate the payments made under 109017
division (C) of this section in the preceding fiscal year using 109018
the offset calculated under this division. If the payments 109019
calculated under this division differ from the payments made under 109020
division (C) of this section in the preceding fiscal year, the 109021
difference shall either be paid to a school district or recaptured 109022
from a school district through an adjustment at the same times 109023
during the current fiscal year that the payments under division 109024
(C) of this section are made. In August and October of the current 109025
fiscal year, the amount of each adjustment shall be three-sevenths 109026
of the amount calculated under this division. In May of the 109027
current fiscal year, the adjustment shall be one-seventh of the 109028
amount calculated under this division. 109029

(C) The department of education shall pay from the school 109030
district tangible property tax replacement fund to each school 109031
district and joint vocational school district all of the following 109032
for fixed-rate levy losses certified under ~~division (F)~~ divisions 109033
(G) and (I) of section 5751.20 of the Revised Code: 109034

(1) On or before May 31, 2006, one-seventh of the total 109035

fixed-rate levy loss for tax year 2006;	109036
(2) On or before August 31, 2006, and October 31, 2006,	109037
one-half of six-sevenths of the total fixed-rate levy loss for tax	109038
year 2006;	109039
(3) On or before May 31, 2007, one-seventh of the total	109040
fixed-rate levy loss for tax year 2007;	109041
(4) On or before August 31, 2007, and October 31, 2007,	109042
forty-three per cent of the amount determined under division	109043
(A)(2) of this section for fiscal year 2008, but not less than	109044
zero, plus one-half of six-sevenths of the difference between the	109045
total fixed-rate levy loss for tax year 2007 and the total	109046
fixed-rate levy loss for tax year 2006.	109047
(5) On or before May 31, 2008, fourteen per cent of the	109048
amount determined under division (A)(2) of this section for fiscal	109049
year 2008, but not less than zero, plus one-seventh of the	109050
difference between the total fixed-rate levy loss for tax year	109051
2008 and the total fixed-rate levy loss for tax year 2006.	109052
(6) On or before August 31, 2008, and October 31, 2008,	109053
forty-three per cent of the amount determined under division	109054
(A)(2) of this section for fiscal year 2009, but not less than	109055
zero, plus one-half of six-sevenths of the difference between the	109056
total fixed-rate levy loss in tax year 2008 and the total	109057
fixed-rate levy loss in tax year 2007.	109058
(7) On or before May 31, 2009, fourteen per cent of the	109059
amount determined under division (A)(2) of this section for fiscal	109060
year 2009, but not less than zero, plus one-seventh of the	109061
difference between the total fixed-rate levy loss for tax year	109062
2009 and the total fixed-rate levy loss for tax year 2007.	109063
(8) On or before August 31, 2009, and October 31, 2009,	109064
forty-three per cent of the amount determined under division	109065
(A)(2) of this section for fiscal year 2010, but not less than	109066

zero, plus one-half of six-sevenths of the difference between the 109067
total fixed-rate levy loss in tax year 2009 and the total 109068
fixed-rate levy loss in tax year 2008. 109069

(9) On or before May 31, 2010, fourteen per cent of the 109070
amount determined under division (A)(2) of this section for fiscal 109071
year 2010, but not less than zero, plus one-seventh of the 109072
difference between the total fixed-rate levy loss in tax year 2010 109073
and the total fixed-rate levy loss in tax year 2008. 109074

(10) On or before August 31, 2010, and October 31, 2010, 109075
forty-three per cent of the amount determined under division 109076
(A)(2) of this section for fiscal year 2011, but not less than 109077
zero, plus one-half of six-sevenths of the difference between the 109078
telephone property fixed-rate levy loss for tax year 2010 and the 109079
telephone property fixed-rate levy loss for tax year 2009. 109080

(11) On or before May 31, 2011, fourteen per cent of the 109081
amount determined under division (A)(2) of this section for fiscal 109082
year 2011, but not less than zero, plus one-seventh of the 109083
difference between the telephone property fixed-rate levy loss for 109084
tax year 2011 and the telephone property fixed-rate levy loss for 109085
tax year 2009. 109086

(12) On or before August 31, 2011, and October 31, 2011, the 109087
amount determined under division (A)(2) of this section multiplied 109088
by a fraction, the numerator of which is fourteen and the 109089
denominator of which is seventeen, but not less than zero, 109090
multiplied by forty-three per cent, plus one-half of six-sevenths 109091
of the difference between the telephone property fixed-rate levy 109092
loss for tax year 2011 and the telephone property fixed-rate levy 109093
loss for tax year 2010. 109094

(13) On or before May 31, 2012, fourteen per cent of the 109095
amount determined under division (A)(2) of this section for fiscal 109096
year 2012, multiplied by a fraction, the numerator of which is 109097

fourteen and the denominator of which is seventeen, plus 109098
one-seventh of the difference between the telephone property 109099
fixed-rate levy loss for tax year 2011 and the telephone property 109100
fixed-rate levy loss for tax year 2010. 109101

(14) On or before August 31, 2012, October 31, 2012, and May 109102
31, 2013, the amount determined under division (A)(2) of this 109103
section multiplied by a fraction, the numerator of which is eleven 109104
and the denominator of which is seventeen, but not less than zero, 109105
multiplied by one-third. 109106

(15) On or before August 31, 2013, October 31, 2013, and May 109107
31, 2014, the amount determined under division (A)(2) of this 109108
section multiplied by a fraction, the numerator of which is nine 109109
and the denominator of which is seventeen, but not less than zero, 109110
multiplied by one-third. 109111

(16) On or before August 31, 2014, October 31, 2014, and May 109112
31, 2015, the amount determined under division (A)(2) of this 109113
section multiplied by a fraction, the numerator of which is seven 109114
and the denominator of which is seventeen, but not less than zero, 109115
multiplied by one-third. 109116

(17) On or before August 31, 2015, October 31, 2015, and May 109117
31, 2016, the amount determined under division (A)(2) of this 109118
section multiplied by a fraction, the numerator of which is five 109119
and the denominator of which is seventeen, but not less than zero, 109120
multiplied by one-third. 109121

(18) On or before August 31, 2016, October 31, 2016, and May 109122
31, 2017, the amount determined under division (A)(2) of this 109123
section multiplied by a fraction, the numerator of which is three 109124
and the denominator of which is seventeen, but not less than zero, 109125
multiplied by one-third. 109126

(19) On or before August 31, 2017, October 31, 2017, and May 109127
31, 2018, the amount determined under division (A)(2) of this 109128

section multiplied by a fraction, the numerator of which is one 109129
and the denominator of which is seventeen, but not less than zero, 109130
multiplied by one-third. 109131

The department of education shall report to each school 109132
district and joint vocational school district the apportionment of 109133
the payments among the school district's or joint vocational 109134
school district's funds based on the certifications under ~~division~~ 109135
~~(F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code. 109136

Any qualifying levy that is a fixed-rate levy that is not 109137
applicable to a tax year after 2010 does not qualify for any 109138
reimbursement after the tax year to which it is last applicable. 109139

(D) For taxes levied within the ten-mill limitation for debt 109140
purposes in tax year 2005, payments shall be made equal to one 109141
hundred per cent of the loss computed as if the tax were a 109142
fixed-rate levy, but those payments shall extend from fiscal year 109143
2006 through fiscal year 2018, as long as the qualifying levy 109144
continues to be used for debt purposes. If the purpose of such a 109145
qualifying levy is changed, that levy becomes subject to the 109146
payments determined in division (C) of this section. 109147

(E)(1) Not later than January 1, 2006, for each fixed-sum 109148
levy of each school district or joint vocational school district 109149
and for each year for which a determination is made under division 109150
~~(F)~~(E) of section 5751.20 of the Revised Code that a fixed-sum 109151
levy loss is to be reimbursed, the tax commissioner shall certify 109152
to the department of education the fixed-sum levy loss determined 109153
under that division. The certification shall cover a time period 109154
sufficient to include all fixed-sum levies for which the 109155
commissioner made such a determination. The department shall pay 109156
from the school district property tax replacement fund to the 109157
school district or joint vocational school district one-third of 109158
the fixed-sum levy loss so certified for each year, plus one-third 109159
of the amount certified under division (I) of section 5751.20 of 109160

the Revised Code, on or before the last day of May, August, and 109161
October of the current year. Payments under this division of the 109162
amounts certified under division (I) of section 5751.20 of the 109163
Revised Code shall continue through the earlier of calendar year 109164
2017 or until the levy adopted under section 5705.219 of the 109165
Revised Code expires. 109166

(2) Beginning in 2006, by the first day of January of each 109167
year, the tax commissioner shall review the certification 109168
originally made under division (E)(1) of this section. If the 109169
commissioner determines that a debt levy that had been scheduled 109170
to be reimbursed in the current year has expired, a revised 109171
certification for that and all subsequent years shall be made to 109172
the department of education. 109173

(F) Beginning in September 2007 and through June 2018, the 109174
director of budget and management shall transfer from the school 109175
district tangible property tax replacement fund to the general 109176
revenue fund each of the following: 109177

(1) On the first day of September, one-fourth of the amount 109178
determined for that fiscal year under division (A)(1) of this 109179
section; 109180

(2) On the first day of December, one-fourth of the amount 109181
determined for that fiscal year under division (A)(1) of this 109182
section; 109183

(3) On the first day of March, one-fourth of the amount 109184
determined for that fiscal year under division (A)(1) of this 109185
section; 109186

(4) On the first day of June, one-fourth of the amount 109187
determined for that fiscal year under division (A)(1) of this 109188
section. 109189

If, when a transfer is required under division (F)(1), (2), 109190
(3), or (4) of this section, there is not sufficient money in the 109191

school district tangible property tax replacement fund to make the 109192
transfer in the required amount, the director shall transfer the 109193
balance in the fund to the general revenue fund and may make 109194
additional transfers on later dates as determined by the director 109195
in a total amount that does not exceed one-fourth of the amount 109196
determined for the fiscal year. 109197

(G) For each of the fiscal years 2006 through 2018, if the 109198
total amount in the school district tangible property tax 109199
replacement fund is insufficient to make all payments under 109200
divisions (C), (D), and (E) of this section at the times the 109201
payments are to be made, the director of budget and management 109202
shall transfer from the general revenue fund to the school 109203
district tangible property tax replacement fund the difference 109204
between the total amount to be paid and the amount in the school 109205
district tangible property tax replacement fund. For each fiscal 109206
year after 2018, at the time payments under division (E) of this 109207
section are to be made, the director of budget and management 109208
shall transfer from the general revenue fund to the school 109209
district property tax replacement fund the amount necessary to 109210
make such payments. 109211

(H)(1) On the fifteenth day of June of 2006 through 2011, the 109212
director of budget and management may transfer any balance in the 109213
school district tangible property tax replacement fund to the 109214
general revenue fund. At the end of fiscal years 2012 through 109215
2018, any balance in the school district tangible property tax 109216
replacement fund shall remain in the fund to be used in future 109217
fiscal years for school purposes. 109218

(2) In each fiscal year beginning with fiscal year 2019, all 109219
amounts credited to the school district tangible personal property 109220
tax replacement fund shall be appropriated for school purposes. 109221

(I) If all of the territory of a school district or joint 109222
vocational school district is merged with another district, or if 109223

a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, the machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses and the fixed-sum levy losses of the successor district shall be equal to the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses and debt levy losses as determined in section 5751.20 of the Revised Code, for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses and fixed-rate levy losses that shall be transferred to the recipient district shall be an amount equal to the total machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses times a fraction, the numerator of which is the value of business tangible personal property on the land being transferred in the most recent year for which data are available, and the denominator of which is the total value of business tangible personal property in the district from which the land is being transferred in the most recent year for which data are available. For each of the first five years after the property is transferred, but not after fiscal year 2012, if the tax rate in the recipient district is less than the tax rate of the district from which the land was transferred, one-half of the payments arising from the amount of fixed-rate levy losses so transferred to the recipient district shall be paid to the recipient district and one-half of the payments arising

from the fixed-rate levy losses so transferred shall be paid to 109256
the district from which the land was transferred. Fixed-rate levy 109257
losses so transferred shall be computed on the basis of the sum of 109258
the rates of fixed-rate qualifying levies of the district from 109259
which the land was transferred, notwithstanding division (E) of 109260
this section. 109261

(3) After December 31, 2004, if property is transferred from 109262
one or more districts to a district that is newly created out of 109263
the transferred property, the newly created district shall be 109264
deemed not to have any machinery and equipment, inventory, 109265
furniture and fixtures, or telephone property fixed-rate levy 109266
losses and the districts from which the property was transferred 109267
shall have no reduction in their machinery and equipment, 109268
inventory, furniture and fixtures, and telephone property 109269
fixed-rate levy losses. 109270

(4) If the recipient district under division (I)(2) of this 109271
section or the newly created district under divisions (I)(3) of 109272
this section is assuming debt from one or more of the districts 109273
from which the property was transferred and any of the districts 109274
losing the property had fixed-sum levy losses, the department of 109275
education, in consultation with the tax commissioner, shall make 109276
an equitable division of the fixed-sum levy loss reimbursements. 109277

Sec. 5911.10. If any armory erected or purchased by the state 109278
becomes vacant because of the deactivation of the organizations 109279
quartered in that armory, the governor and the adjutant general 109280
may lease that armory for periods not to exceed one year; or, when 109281
authorized by an act of the general assembly, may sell that armory 109282
or lease it for a period of years. ~~The~~ 109283

The proceeds from the sale or lease of such an armory, or 109284
from the sale or lease of other facilities and land owned by the 109285
adjutant general, shall be credited to the armory improvements 109286

fund, which is hereby created in the state treasury. The moneys in 109287
the fund shall be used to support Ohio army national guard 109288
facility and maintenance expenses as the adjutant general directs. 109289
Any fund expenditure related to the construction, acquisition, 109290
lease, or financing of a capital asset is subject to approval by 109291
the controlling board. Investment earnings of the fund shall be 109292
credited to the general revenue fund. 109293

Sec. 5911.11. There is hereby created in the state treasury 109294
the community match armories fund. The fund shall consist of all 109295
amounts received as revenue from contributions from local entities 109296
for construction and maintenance of Ohio army national guard 109297
readiness and community centers and facilities. The moneys in the 109298
fund shall be used to support the acquisition and maintenance 109299
costs of centers and facilities representing the local entity's 109300
share of costs, including the local entity's share of utility 109301
costs. Investment earnings of the fund shall be credited to the 109302
fund. 109303

Sec. 5913.051. ~~To supplement the military staff of the~~ 109304
~~governor, the~~ (A) The adjutant general may appoint an assistant to 109305
~~the state area commander for readiness and training for~~ adjutant 109306
general - army. This assistant shall be a brigadier general and 109307
shall aid the adjutant general by performing duties that the 109308
adjutant general assigns in that include the areas of readiness, 109309
training, and mobilization, and homeland defense preparedness. 109310
This assistant shall not be a full-time state employee or a member 109311
of the governor's military staff, but shall serve in that capacity 109312
only during federally recognized training, special duty periods, 109313
~~or~~ mobilization periods, or state active duty, and shall at the 109314
time of appointment be in the rank of colonel or above but 109315
otherwise meet the qualifications established in section 5913.021 109316
~~of the Revised Code by the department of defense/army for general~~ 109317

officer qualification. 109318

(B) The adjutant general may appoint an assistant adjutant general - airforce. This assistant shall be a brigadier general and shall aid the adjutant general by performing duties that the adjutant general assigns that include the areas of readiness, mobilization, and homeland defense preparedness. This assistant shall not be a full-time state employee or a member of the governor's military staff, but shall serve in that capacity only during federally recognized training, special duty periods, mobilization periods, or state active duty, and shall at the time of appointment be in the rank of colonel or above but otherwise meet the qualifications established by the department of defense/air force for general officer qualification. 109319
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Sec. 5913.09. (A) The adjutant general is the custodian of all military and other adjutant general's department property, both real and personal, belonging to the state. 109331
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(B) The adjutant general may make changes and improvements to military and other adjutant general's department property as the needs of the state and federal government and the exigencies of the service require. All improvements made upon that property belonging to the state, from moneys received either all or in part from the state or federal government, or both, become the property of the state, except as may be provided in an agreement and corresponding regulations by which the United States contributes to the cost of an improvement. 109334
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(C)(1) In accordance with applicable state and federal law and regulations, the adjutant general, with the approval of the governor, may acquire by purchase lease, license, or otherwise, real and personal property necessary for the purposes of the department. 109343
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(2) In accordance with applicable state and federal law and 109348

regulations, the adjutant general, with the approval of the attorney general, may enter into contracts for the construction, repair, renovation, maintenance, and operation of military or other adjutant general's department property.

(3) In accordance with applicable state and federal law and regulations, the adjutant general, with the approval of the governor, may lease or exchange all or part of any military or other adjutant general's department property or grant easements or licenses, if the lease, exchange, easement, or license is advantageous to the state.

(4) All real property of the adjutant general's department shall be sold in accordance with section 5911.10 of the Revised Code.

(D)(1) Except as otherwise provided in this section, all income from any military or other adjutant general's department property of the state, not made a portion of the company, troop, battery, detachment, squadron, or other organization funds by regulations, shall be credited to the funds for the operation and maintenance of the Ohio organized militia, as the adjutant general directs, in accordance with applicable state and federal law and regulations and the agreements by which the United States contributes to the cost of operation and maintenance of the Ohio national guard.

(2) There is hereby created in the state treasury the camp Perry/buckeye inn operations fund. The fund shall consist of all amounts received as revenue from the rental of facilities located at the camp Perry training site in Ottawa county and the buckeye inn at Rickenbacker air national guard base in Franklin county, and all amounts received from the use of the camp Perry training site and its facilities, including shooting ranges. The moneys in the fund shall be used to support the facility operations of the camp Perry clubhouse and the buckeye inn. Investment earnings of

the fund shall be credited to the general revenue fund. 109381

Sec. 5919.20. There is hereby created in the state treasury 109382
the national guard service medal fund. The fund shall consist of 109383
all amounts received from the purchase of Ohio national guard 109384
service medals for eligible national guard service members as 109385
authorized by the general assembly. The moneys in the fund shall 109386
be used to purchase additional medals. Investment earnings of the 109387
fund shall be credited to the fund. 109388

Sec. 5919.36. There is hereby created in the state treasury 109389
the Ohio national guard facility maintenance fund. The fund shall 109390
consist of all amounts received from revenue from leases of sites, 109391
including towers and wells, and other revenue received from 109392
reimbursements for services related to Ohio national guard 109393
programs. The moneys in the fund shall be used for service, 109394
maintenance, and repair expenses, and for equipment purchases for 109395
programs and facilities of the adjutant general. Investment 109396
earnings of the fund shall be credited to the general revenue 109397
fund. 109398

Sec. 6103.01. As used in this chapter: 109399

(A) "Public water supply facilities," "water supply 109400
facilities," "water supply improvement," or "improvement" means, 109401
without limiting the generality of those terms, water wells and 109402
well fields, springs, lakes, rivers, streams, or other sources of 109403
water supply, intakes, pumping stations and equipment, treatment, 109404
filtration, or purification plants, force and distribution lines 109405
or mains, cisterns, reservoirs, storage facilities, necessary 109406
equipment for fire protection, other related structures, 109407
equipment, and furnishings, and real estate and interests in real 109408
estate, necessary or useful in the proper development of a water 109409
supply for domestic or other purposes and its proper distribution. 109410

(B) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(C) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of water supply facilities, but does not include repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(D) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore water supply facilities to, or to continue water supply facilities in, good order and working condition, but does not include construction of permanent improvements.

(E) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in section 6117.01 of the Revised Code;

(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter.

(G) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.

(H) "Low- and moderate-income persons" has the same meaning as in section 175.01 of the Revised Code.

Sec. 6103.02. (A) For the purpose of preserving and promoting 109441
the public health and welfare, a board of county commissioners may 109442
acquire, construct, maintain, and operate any public water supply 109443
facilities within its county for one or more sewer districts and 109444
may provide for their protection and prevent their pollution and 109445
unnecessary waste. The board may negotiate and enter into a 109446
contract with any public agency or any person for the management, 109447
maintenance, operation, and repair of the facilities on behalf of 109448
the county, upon the terms and conditions as may be agreed upon 109449
with the agency or person and as may be determined by the board to 109450
be in the interests of the county. By contract with any public 109451
agency or any person operating public water supply facilities 109452
within or without its county, the board also may provide a supply 109453
of water to a sewer district from the facilities of the public 109454
agency or person. 109455

(B) The county sanitary engineer or sanitary engineering 109456
department, in addition to other assigned duties, shall assist the 109457
board in the performance of its duties under this chapter and 109458
shall be charged with other duties and services in relation to the 109459
board's duties as the board prescribes. 109460

(C) The board may adopt, publish, administer, and enforce 109461
rules for the construction, maintenance, protection, and use of 109462
county-owned or county-operated public water supply facilities 109463
outside municipal corporations and of public water supply 109464
facilities within municipal corporations that are owned or 109465
operated by the county or that are supplied with water from water 109466
supply facilities owned or operated by the county, including, but 109467
not limited to, rules for the establishment and use of any 109468
connections, the termination in accordance with reasonable 109469
procedures of water service for nonpayment of county water rates 109470
and charges, and the establishment and use of security deposits to 109471
the extent considered necessary to ensure the payment of county 109472

water rates and charges. The rules shall not be inconsistent with 109473
the laws of the state or any applicable rules of the director of 109474
environmental protection. 109475

(D) No public water supply facilities shall be constructed in 109476
any county outside municipal corporations by any person, except 109477
for the purpose of supplying water to those municipal 109478
corporations, until the plans and specifications for the 109479
facilities have been approved by the board. Construction shall be 109480
done under the supervision of the county sanitary engineer. Any 109481
person constructing public water supply facilities shall pay to 109482
the county all expenses incurred by the board in connection with 109483
the construction. 109484

(E) The county sanitary engineer or the county sanitary 109485
engineer's authorized assistants or agents, when properly 109486
identified in writing or otherwise and after written notice is 109487
delivered to the owner at least five days in advance or mailed at 109488
least five days in advance by first class or certified mail to the 109489
owner's tax mailing address, may enter upon any public or private 109490
property for the purpose of making, and may make, surveys or 109491
inspections necessary for the design or evaluation of county 109492
public water supply facilities. This entry is not a trespass and 109493
is not to be considered an entry in connection with any 109494
appropriation of property proceedings under sections 163.01 to 109495
163.22 of the Revised Code that may be pending. No person or 109496
public agency shall forbid the county sanitary engineer or the 109497
county sanitary engineer's authorized assistants or agents to 109498
enter, or interfere with their entry, upon the property for the 109499
purpose of making the surveys or inspections. If actual damage is 109500
done to property by the making of the surveys or inspections, the 109501
board shall pay the reasonable value of the damage to the property 109502
owner, and the cost shall be included in the cost of the 109503
facilities and may be included in any special assessments levied 109504

and collected to pay that cost. 109505

(F) The board shall fix reasonable rates, including penalties 109506
for late payments, for water supplied to public agencies and 109507
persons when the source of supply or the facilities for its 109508
distribution are owned or operated by the county and may change 109509
the rates from time to time as it considers advisable. When the 109510
source of the water supply to be used by the county is owned by 109511
another public agency or person, the schedule of rates to be 109512
charged by the public agency or person shall be approved by the 109513
board at the time it enters into a contract for the use of water 109514
from the public agency or person. ~~When~~ 109515

When the distribution facilities are owned by the county, the 109516
board also may fix reasonable charges to be collected for the 109517
privilege of connecting to the distribution facilities and may 109518
require that, prior to the connection, the charges be paid in full 109519
or, if determined by the board to be equitable in a resolution 109520
relating to the payment of the charges, may require their payment 109521
in installments, as considered adequate by the board, at the 109522
times, in the amounts, and with the security, carrying charges, 109523
and penalties as may be determined by the board in that resolution 109524
to be fair and appropriate. No public agency or person shall be 109525
permitted to connect to those facilities until the charges have 109526
been paid in full or provision for their payment in installments 109527
has been made. If the connection charges are to be paid in 109528
installments, the board shall certify, to the county auditor, 109529
information sufficient to identify each parcel of property served 109530
by a connection and, with respect to each parcel, the total of the 109531
charges to be paid in installments, the amount of each 109532
installment, and the total number of installments to be paid. The 109533
county auditor shall record and maintain the information so 109534
supplied in the waterworks record provided for in section 6103.16 109535
of the Revised Code until the connection charges are paid in full. 109536

The board may include amounts attributable to connection charges 109537
being paid in installments in its billings of rates and other 109538
charges for water supplied. In addition, the board may consider 109539
payments made to a school district under section 6103.25 of the 109540
Revised Code when the board establishes rates and other charges 109541
for water supplied. 109542

A board may establish discounted rates or charges or may 109543
establish another mechanism for providing a reduction in rates or 109544
charges for persons who are sixty-five years of age or older. The 109545
board shall establish eligibility requirements for such discounted 109546
or reduced rates or charges, including a requirement that a person 109547
be eligible for the homestead exemption or qualify as a low- and 109548
moderate-income person. 109549

(G) When any rates or charges are not paid when due, the 109550
board may do any or all of the following: 109551

(1) Certify the unpaid rates or charges, together with any 109552
penalties, to the county auditor. The county auditor shall place 109553
the certified amount upon the real property tax list and duplicate 109554
against the property served by the connection. The certified 109555
amount shall be a lien on the property from the date placed on the 109556
real property tax list and duplicate and shall be collected in the 109557
same manner as taxes, except that, notwithstanding section 323.15 109558
of the Revised Code, a county treasurer shall accept a payment in 109559
that amount when separately tendered as payment for the full 109560
amount of the unpaid rates or charges and associated penalties. 109561
The lien shall be released immediately upon payment in full of the 109562
certified amount. 109563

(2) Collect the unpaid rates or charges, together with any 109564
penalties, by actions at law in the name of the county from an 109565
owner, tenant, or other person or public agency that is liable for 109566
the payment of the rates or charges; 109567

(3) Terminate, in accordance with established rules, the water service to the particular property unless and until the unpaid rates or charges, together with any penalties, are paid in full;

(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of the unpaid rates and charges, together with any penalties, for water service to the particular property.

All moneys collected as rates, charges, or penalties fixed or established in accordance with division (F) of this section for water supply purposes in or for any sewer district shall be paid to the county treasurer and kept in a separate and distinct water fund established by the board to the credit of the district.

Each board that fixes water rates or charges may render estimated bills periodically, provided that at least quarterly it shall schedule an actual reading of each customer's meter so as to render a bill for the actual amount shown by the meter reading to be due, with credit for prior payments of any estimated bills submitted for any part of the billing period, except that estimated bills may be rendered if a customer's meter is not accessible for a timely reading or if the circumstances preclude a scheduled reading. Each board also shall establish procedures providing a fair and reasonable opportunity for the resolution of billing disputes.

When property to which water service is provided is about to be sold, any party to the sale or an agent of a party may request the board to have the meter at that property read and to render, within ten days following the date on which the request is made, a final bill for all outstanding rates and charges for water service. The request shall be made at least fourteen days prior to the transfer of the title of the property.

At any time prior to a certification under division (G)(1) of 109599
this section, the board shall accept any partial payment of unpaid 109600
water rates or charges in the amount of ten dollars or more. 109601

Except as otherwise provided in any proceedings authorizing 109602
or providing for the security for and payment of any public 109603
obligations, or in any indenture or trust or other agreement 109604
securing public obligations, moneys in the water fund shall be 109605
applied first to the payment of the cost of the management, 109606
maintenance, and operation of the water supply facilities of, or 109607
used or operated for, the sewer district, which cost may include 109608
the county's share of management, maintenance, and operation costs 109609
under cooperative contracts for the acquisition, construction, or 109610
use of water supply facilities and, in accordance with a cost 109611
allocation plan adopted under division (H) of this section, 109612
payment of all allowable direct and indirect costs of the 109613
district, the county sanitary engineer or sanitary engineering 109614
department, or a federal or state grant program, incurred for the 109615
purposes of this chapter, and shall be applied second to the 109616
payment of debt charges payable on any outstanding public 109617
obligations issued or incurred for the acquisition or construction 109618
of water supply facilities for or serving the district, or for the 109619
funding of a bond retirement or other fund established for the 109620
payment of or security for the obligations. Any surplus remaining 109621
may be applied to the acquisition or construction of those 109622
facilities or for the payment of contributions to be made, or 109623
costs incurred, for the acquisition or construction of those 109624
facilities under cooperative contracts. Moneys in the water fund 109625
shall not be expended other than for the use and benefit of the 109626
district. 109627

(H) A board of county commissioners may adopt a cost 109628
allocation plan that identifies, accumulates, and distributes 109629
allowable direct and indirect costs that may be paid from the 109630

water fund of the sewer district created pursuant to division (G) 109631
of this section, and that prescribes methods for allocating those 109632
costs. The plan shall authorize payment from the fund of only 109633
those costs incurred by the district, the county sanitary engineer 109634
or sanitary engineering department, or a federal or state grant 109635
program, and those costs incurred by the general and other funds 109636
of the county for a common or joint purpose, that are necessary 109637
and reasonable for the proper and efficient administration of the 109638
district under this chapter. The plan shall not authorize payment 109639
from the fund of any general government expense required to carry 109640
out the overall governmental responsibilities of a county. The 109641
plan shall conform to United States office of management and 109642
budget Circular A-87, "Cost Principles for State, Local, and 109643
Indian Tribal Governments," published May 17, 1995. 109644

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 109645
of this section, on and after January 1, 1994, no person shall 109646
operate or maintain a public water system in this state without a 109647
license issued by the director of environmental protection. A 109648
person who operates or maintains a public water system on January 109649
1, 1994, shall obtain an initial license under this section in 109650
accordance with the following schedule: 109651

(1) If the public water system is a community water system, 109652
not later than January 31, 1994; 109653

(2) If the public water system is not a community water 109654
system and serves a nontransient population, not later than 109655
January 31, 1994; 109656

(3) If the public water system is not a community water 109657
system and serves a transient population, not later than January 109658
31, 1995. 109659

A person proposing to operate or maintain a new public water 109660
system after January 1, 1994, in addition to complying with 109661

section 6109.07 of the Revised Code and rules adopted under it, 109662
shall submit an application for an initial license under this 109663
section to the director prior to commencing operation of the 109664
system. 109665

A license or license renewal issued under this section shall 109666
be renewed annually. Such a license or license renewal shall 109667
expire on the thirtieth day of January in the year following its 109668
issuance. A license holder that proposes to continue operating the 109669
public water system for which the license or license renewal was 109670
issued shall apply for a license renewal at least thirty days 109671
prior to that expiration date. 109672

The director shall adopt, and may amend and rescind, rules in 109673
accordance with Chapter 119. of the Revised Code establishing 109674
procedures governing and information to be included on 109675
applications for licenses and license renewals under this section. 109676
Through June 30, ~~2010~~ 2012, each application shall be accompanied 109677
by the appropriate fee established under division (M) of section 109678
3745.11 of the Revised Code, provided that an applicant for an 109679
initial license who is proposing to operate or maintain a new 109680
public water system after January 1, 1994, shall submit a fee that 109681
equals a prorated amount of the appropriate fee established under 109682
that division for the remainder of the licensing year. 109683

(B) Not later than thirty days after receiving a completed 109684
application and the appropriate license fee for an initial license 109685
under division (A) of this section, the director shall issue the 109686
license for the public water system. Not later than thirty days 109687
after receiving a completed application and the appropriate 109688
license fee for a license renewal under division (A) of this 109689
section, the director shall do one of the following: 109690

- (1) Issue the license renewal for the public water system; 109691
- (2) Issue the license renewal subject to terms and conditions 109692

that the director determines are necessary to ensure compliance 109693
with this chapter and rules adopted under it; 109694

(3) Deny the license renewal if the director finds that the 109695
public water system was not operated in substantial compliance 109696
with this chapter and rules adopted under it. 109697

(C) The director may suspend or revoke a license or license 109698
renewal issued under this section if the director finds that the 109699
public water system was not operated in substantial compliance 109700
with this chapter and rules adopted under it. The director shall 109701
adopt, and may amend and rescind, rules in accordance with Chapter 109702
119. of the Revised Code governing such suspensions and 109703
revocations. 109704

(D)(1) As used in division (D) of this section, "church" 109705
means a fellowship of believers, congregation, society, 109706
corporation, convention, or association that is formed primarily 109707
or exclusively for religious purposes and that is not formed or 109708
operated for the private profit of any person. 109709

(2) This section does not apply to a church that operates or 109710
maintains a public water system solely to provide water for that 109711
church or for a campground that is owned by the church and 109712
operated primarily or exclusively for members of the church and 109713
their families. A church that, on or before March 5, 1996, has 109714
obtained a license under this section for such a public water 109715
system need not obtain a license renewal under this section. 109716

(E) This section does not apply to any public or nonpublic 109717
school that meets minimum standards of the state board of 109718
education that operates or maintains a public water system solely 109719
to provide water for that school. 109720

(F) The environmental protection agency shall collect well 109721
log filing fees on behalf of the division of soil and water 109722
resources in the department of natural resources in accordance 109723

with section 1521.05 of the Revised Code and rules adopted under 109724
it. The fees shall be submitted to the division quarterly as 109725
provided in those rules. 109726

Sec. 6111.044. Upon receipt of an application for an 109727
injection well drilling permit, an injection well operating 109728
permit, a renewal of an injection well operating permit, or a 109729
modification of an injection well drilling permit, operating 109730
permit, or renewal of an operating permit, the director of 109731
environmental protection shall determine whether the application 109732
is complete and demonstrates that the activities for which the 109733
permit, renewal permit, or modification is requested will comply 109734
with the Federal Water Pollution Control Act and regulations 109735
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 109736
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 109737
under it; and this chapter and the rules adopted under it. If the 109738
application demonstrates that the proposed activities will not 109739
comply or will pose an unreasonable risk of inducing seismic 109740
activity, inducing geologic fracturing, or contamination of an 109741
underground source of drinking water, the director shall deny the 109742
application. If the application does not make the required 109743
demonstrations, the director shall return it to the applicant with 109744
an indication of those matters about which a required 109745
demonstration was not made. If the director determines that the 109746
application makes the required demonstrations, the director shall 109747
transmit copies of the application and all of the accompanying 109748
maps, data, samples, and information to the chief of the division 109749
of mineral resources management, the chief of the division of 109750
geological survey, and the chief of the division of soil and water 109751
resources in the department of natural resources. 109752

The chief of the division of geological survey shall comment 109753
upon the application if the chief determines that the proposed 109754
well or injection will present an unreasonable risk of loss or 109755

damage to valuable mineral resources. If the chief submits 109756
comments on the application, those comments shall be accompanied 109757
by an evaluation of the geological factors upon which the comments 109758
are based, including fractures, faults, earthquake potential, and 109759
the porosity and permeability of the injection zone and confining 109760
zone, and by the documentation supporting the evaluation. The 109761
director shall take into consideration the chief's comments, and 109762
the accompanying evaluation of geologic factors and supporting 109763
documentation, when considering the application. The director 109764
shall provide written notice to the chief of the director's 109765
decision on the application and, if the chief's comments are not 109766
included in the permit, renewal permit, or modification, of the 109767
director's rationale for not including them. 109768

The chief of the division of mineral resources management 109769
shall comment upon the application if the chief determines that 109770
the proposed well or injection will present an unreasonable risk 109771
that waste or contamination of recoverable oil or gas in the earth 109772
will occur. If the chief submits comments on the application, 109773
those comments shall be accompanied by an evaluation of the oil or 109774
gas reserves that, in the best professional judgment of the chief, 109775
are recoverable and will be adversely affected by the proposed 109776
well or injection, and by the documentation supporting the 109777
evaluation. The director shall take into consideration the chief's 109778
comments, and the accompanying evaluation and supporting 109779
documentation, when considering the application. The director 109780
shall provide written notice to the chief of the director's 109781
decision on the application and, if the chief's comments are not 109782
included in the permit, renewal permit, or modification, of the 109783
director's rationale for not including them. 109784

The chief of the division of soil and water resources shall 109785
assist the director in determining whether all underground sources 109786
of drinking water in the area of review of the proposed well or 109787

injection have been identified and correctly delineated in the 109788
application. If the application fails to identify or correctly 109789
delineate an underground source of drinking water, the chief shall 109790
provide written notice of that fact to the director. 109791

The chief of the division of mineral resources management 109792
also shall review the application as follows: 109793

If the application concerns the drilling or conversion of a 109794
well or the injection into a well that is not or is not to be 109795
located within five thousand feet of the excavation and workings 109796
of a mine, the chief of the division of mineral resources 109797
management shall note upon the application that it has been 109798
examined by the division of mineral resources management, retain a 109799
copy of the application and map, and immediately return a copy of 109800
the application to the director. 109801

If the application concerns the drilling or conversion of a 109802
well or the injection into a well that is or is to be located 109803
within five thousand feet, but more than five hundred feet from 109804
the surface excavations and workings of a mine, the chief of the 109805
division of mineral resources management immediately shall notify 109806
the owner or lessee of the mine that the application has been 109807
filed and send to the owner or lessee a copy of the map 109808
accompanying the application setting forth the location of the 109809
well. The chief of the division of mineral resources management 109810
shall note on the application that the notice has been sent to the 109811
owner or lessee of the mine, retain a copy of the application and 109812
map, and immediately return a copy of the application to the 109813
director with the chief's notation on it. 109814

If the application concerns the drilling or conversion of a 109815
well or the injection into a well that is or is to be located 109816
within five thousand feet of the underground excavations and 109817
workings of a mine or within five hundred feet of the surface 109818
excavations and workings of a mine, the chief of the division of 109819

mineral resources management immediately shall notify the owner or 109820
lessee of the mine that the application has been filed and send to 109821
the owner or lessee a copy of the map accompanying the application 109822
setting forth the location of the well. If the owner or lessee 109823
objects to the application, the owner or lessee shall notify the 109824
chief of the division of mineral resources management of the 109825
objection, giving the reasons, within six days after the receipt 109826
of the notice. If the chief of the division of mineral resources 109827
management receives no objections from the owner or lessee of the 109828
mine within ten days after the receipt of the notice by the owner 109829
or lessee, or if in the opinion of the chief of the division of 109830
mineral resources management the objections offered by the owner 109831
or lessee are not sufficiently ~~well-founded~~ well founded, the 109832
chief shall retain a copy of the application and map and return a 109833
copy of the application to the director with any applicable notes 109834
concerning it. 109835

If the chief of the division of mineral resources management 109836
receives an objection from the owner or lessee of the mine as to 109837
the application, within ten days after receipt of the notice by 109838
the owner or lessee, and if in the opinion of the chief the 109839
objection is ~~well-founded~~ well founded, the chief shall disapprove 109840
the application and immediately return it to the director together 109841
with the chief's reasons for the disapproval. The director 109842
promptly shall notify the applicant for the permit, renewal 109843
permit, or modification of the disapproval. The applicant may 109844
appeal the disapproval of the application by the chief of the 109845
division of mineral resources management to the reclamation 109846
commission created under section 1513.05 of the Revised Code, and 109847
the commission shall hear the appeal in accordance with section 109848
1513.13 of the Revised Code. The appeal shall be filed within 109849
thirty days from the date the applicant receives notice of the 109850
disapproval. No comments concerning or disapproval of an 109851
application shall be delayed by the chief of the division of 109852

mineral resources management for more than fifteen days from the 109853
date of sending of notice to the mine owner or lessee as required 109854
by this section. 109855

The director shall not approve an application for an 109856
injection well drilling permit, an injection well operating 109857
permit, a renewal of an injection well operating permit, or a 109858
modification of an injection well drilling permit, operating 109859
permit, or renewal of an operating permit for a well that is or is 109860
to be located within three hundred feet of any opening of any mine 109861
used as a means of ingress, egress, or ventilation for persons 109862
employed in the mine, nor within one hundred feet of any building 109863
or flammable structure connected with the mine and actually used 109864
as a part of the operating equipment of the mine, unless the chief 109865
of the division of mineral resources management determines that 109866
life or property will not be endangered by drilling and operating 109867
the well in that location. 109868

Upon review by the chief of the division of mineral resources 109869
management, the chief of the division of geological survey, and 109870
the chief of the division of soil and water resources, and if the 109871
chief of the division of mineral resources management has not 109872
disapproved the application, the director shall issue a permit, 109873
renewal permit, or modification with any terms and conditions that 109874
may be necessary to comply with the Federal Water Pollution 109875
Control Act and regulations adopted under it; the "Safe Drinking 109876
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 109877
and regulations adopted under it; and this chapter and the rules 109878
adopted under it. The director shall not issue a permit, renewal 109879
permit, or modification to an applicant if the applicant or 109880
persons associated with the applicant have engaged in or are 109881
engaging in a substantial violation of this chapter that is 109882
endangering or may endanger human health or the environment or if, 109883
in the case of an applicant for an injection well drilling permit, 109884

the applicant, at the time of applying for the permit, did not 109885
hold an injection well operating permit or renewal of an injection 109886
well drilling permit and failed to demonstrate sufficient 109887
expertise and competency to operate the well in compliance with 109888
the applicable provisions of this chapter. 109889

If the director receives a disapproval from the chief of the 109890
division of mineral resources management regarding an application 109891
for an injection well drilling or operating permit, renewal 109892
permit, or modification, if required, the director shall issue an 109893
order denying the application. 109894

The director need not issue a proposed action under section 109895
3745.07 of the Revised Code or hold an adjudication hearing under 109896
that section and Chapter 119. of the Revised Code before issuing 109897
or denying a permit, renewal permit, or modification of a permit 109898
or renewal permit. Before issuing or renewing a permit to drill or 109899
operate a class I injection well or a modification of it, the 109900
director shall propose the permit, renewal permit, or modification 109901
in draft form and shall hold a public hearing to receive public 109902
comment on the draft permit, renewal permit, or modification. At 109903
least fifteen days before the public hearing on a draft permit, 109904
renewal permit, or modification, the director shall publish notice 109905
of the date, time, and location of the public hearing in at least 109906
one newspaper of general circulation serving the area where the 109907
well is or is to be located. The proposing of such a draft permit, 109908
renewal permit, or modification does not constitute the issuance 109909
of a proposed action under section 3745.07 of the Revised Code, 109910
and the holding of the public hearing on such a draft permit, 109911
renewal permit, or modification does not constitute the holding of 109912
an adjudication hearing under that section and Chapter 119. of the 109913
Revised Code. Appeals of orders other than orders of the chief of 109914
the division of mineral resources management shall be taken under 109915
sections 3745.04 to 3745.08 of the Revised Code. 109916

The director may order that an injection well drilling permit 109917
or an injection well operating permit or renewal permit be 109918
suspended and that activities under it cease after determining 109919
that those activities are occurring in violation of law, rule, 109920
order, or term or condition of the permit. Upon service of a copy 109921
of the order upon the permit holder or the permit holder's 109922
authorized agent or assignee, the permit and activities under it 109923
shall be suspended immediately without prior hearing and shall 109924
remain suspended until the violation is corrected and the order of 109925
suspension is lifted. If a violation is the second within a 109926
one-year period, the director, after a hearing, may revoke the 109927
permit. 109928

The director may order that an injection well drilling permit 109929
or an injection well operating permit or renewal permit be 109930
suspended and that activities under it cease if the director has 109931
reasonable cause to believe that the permit would not have been 109932
issued if the information available at the time of suspension had 109933
been available at the time a determination was made by one of the 109934
agencies acting under authority of this section. Upon service of a 109935
copy of the order upon the permit holder or the permit holder's 109936
authorized agent or assignee, the permit and activities under it 109937
shall be suspended immediately without prior hearing, but a permit 109938
may not be suspended for that reason without prior hearing unless 109939
immediate suspension is necessary to prevent waste or 109940
contamination of oil or gas, comply with the Federal Water 109941
Pollution Control Act and regulations adopted under it; the "Safe 109942
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 109943
amended, and regulations adopted under it; and this chapter and 109944
the rules adopted under it, or prevent damage to valuable mineral 109945
resources, prevent contamination of an underground source of 109946
drinking water, or prevent danger to human life or health. If 109947
after a hearing the director determines that the permit would not 109948
have been issued if the information available at the time of the 109949

hearing had been available at the time a determination was made by 109950
one of the agencies acting under authority of this section, the 109951
director shall revoke the permit. 109952

When a permit has been revoked, the permit holder or other 109953
person responsible for it immediately shall plug the well in the 109954
manner required by the director. 109955

The director may issue orders to prevent or require cessation 109956
of violations of this section, section 6111.043, 6111.045, 109957
6111.046, or 6111.047 of the Revised Code, rules adopted under any 109958
of those sections, and terms or conditions of permits issued under 109959
any of them. The orders may require the elimination of conditions 109960
caused by the violation. 109961

Sec. 6117.01. (A) As used in this chapter: 109962

(1) "Sanitary facilities" means sanitary sewers, force mains, 109963
lift or pumping stations, and facilities for the treatment, 109964
disposal, impoundment, or storage of wastes; equipment and 109965
furnishings; and all required appurtenances and necessary real 109966
estate and interests in real estate. 109967

(2) "Drainage" or "waters" means flows from rainfall or 109968
otherwise produced by, or resulting from, the elements, storm 109969
water discharges and releases or migrations of waters from 109970
properties, accumulations, flows, and overflows of water, 109971
including accelerated flows and runoffs, flooding and threats of 109972
flooding of properties and structures, and other surface and 109973
subsurface drainage. 109974

(3) "Drainage facilities" means storm sewers, force mains, 109975
pumping stations, and facilities for the treatment, disposal, 109976
impoundment, retention, control, or storage of waters; 109977
improvements of or for any channel, ditch, drain, floodway, or 109978
watercourse, including location, construction, reconstruction, 109979

reconditioning, widening, deepening, cleaning, removal of 109980
obstructions, straightening, boxing, culverting, tiling, filling, 109981
walling, arching, or change in course, location, or terminus; 109982
improvements of or for a river, creek, or run, including 109983
reinforcement of banks, enclosing, deepening, widening, 109984
straightening, removal of obstructions, or change in course, 109985
location, or terminus; facilities for the protection of lands from 109986
the overflow of water, including a levee, wall, embankment, jetty, 109987
dike, dam, sluice, revetment, reservoir, retention or holding 109988
basin, control gate, or breakwater; facilities for controlled 109989
drainage, regulation of stream flow, and protection of an outlet; 109990
the vacation of a ditch or drain; equipment and furnishings; and 109991
all required appurtenances and necessary real estate and interests 109992
in real estate. 109993

(4) "County sanitary engineer" means either of the following: 109994

(a) The registered professional engineer employed or 109995
appointed by the board of county commissioners to be the county 109996
sanitary engineer as provided in this section; 109997

(b) The county engineer, if, for as long as and to the extent 109998
that engineer by agreement entered into under section 315.14 of 109999
the Revised Code is retained to discharge duties of a county 110000
sanitary engineer under this chapter. 110001

(5) "Current operating expenses," "debt charges," "permanent 110002
improvement," "public obligations," and "subdivision" have the 110003
same meanings as in section 133.01 of the Revised Code. 110004

(6) "Construct," "construction," or "constructing" means 110005
construction, reconstruction, enlargement, extension, improvement, 110006
renovation, repair, and replacement of sanitary or drainage 110007
facilities or of prevention or replacement facilities, but does 110008
not include any repairs, replacements, or similar actions that do 110009
not constitute and qualify as permanent improvements. 110010

(7) "Maintain," "maintaining," or "maintenance" means 110011
repairs, replacements, and similar actions that constitute and are 110012
payable as current operating expenses and that are required to 110013
restore sanitary or drainage facilities or prevention or 110014
replacement facilities to, or to continue sanitary or drainage 110015
facilities or prevention or replacement facilities in, good order 110016
and working condition, but does not include construction of 110017
permanent improvements. 110018

(8) "Public agency" means a state and any agency or 110019
subdivision of a state, including a county, a municipal 110020
corporation, or other subdivision. 110021

(9) "Combined sewer" means a sewer system that is designed to 110022
collect and convey sewage, including domestic, commercial, and 110023
industrial wastewater, and storm water through a single-pipe 110024
system to a treatment works or combined sewer overflow outfall 110025
approved by the director of environmental protection. 110026

(10) "Prevention or replacement facilities" means vegetated 110027
swales or median strips, permeable pavement, trees and tree boxes, 110028
rain barrels and cisterns, rain gardens and filtration planters, 110029
vegetated roofs, wetlands, riparian buffers, and practices and 110030
structures that use or mimic natural processes to filter or reuse 110031
storm water. 110032

(11) "Homestead exemption" means the reduction of taxes 110033
allowed under division (A) of section 323.152 of the Revised Code. 110034

(12) "Low- and moderate-income person" has the same meaning 110035
as in section 175.01 of the Revised Code. 110036

(B)(1) For the purpose of preserving and promoting the public 110037
health and welfare, a board of county commissioners may lay out, 110038
establish, consolidate, or otherwise modify the boundaries of, and 110039
maintain, one or more sewer districts within the county and 110040
outside municipal corporations and may have a registered 110041

professional engineer make the surveys necessary for the 110042
determination of the proper boundaries of each district, which 110043
shall be designated by an appropriate name or number. The board 110044
may acquire, construct, maintain, and operate within any district 110045
sanitary or drainage facilities that it determines to be necessary 110046
or appropriate for the collection of sewage and other wastes 110047
originating in or entering the district, to comply with the 110048
provisions of a contract entered into for the purposes described 110049
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 110050
those sections or other applicable provisions of law, or for the 110051
collection, control, or abatement of waters originating or 110052
accumulating in, or flowing in, into, or through, the district, 110053
and other sanitary or drainage facilities, within or outside of 110054
the district, that it determines to be necessary or appropriate to 110055
conduct the wastes and waters to a proper outlet and to provide 110056
for their proper treatment, disposal, and disposition. The board 110057
may provide for the protection of the sanitary and drainage 110058
facilities and may negotiate and enter into a contract with any 110059
public agency or person for the management, maintenance, 110060
operation, and repair of any of the facilities on behalf of the 110061
county upon the terms and conditions that may be agreed upon with 110062
the agency or person and that may be determined by the board to be 110063
in the best interests of the county. By contract with any public 110064
agency or person operating sanitary or drainage facilities within 110065
or outside of the county, the board may provide a proper outlet 110066
for any of the wastes and waters and for their proper treatment, 110067
disposal, and disposition. 110068

(2) For purposes of preventing storm water from entering a 110069
combined sewer and causing an overflow or an inflow to a sanitary 110070
sewer, the board may acquire, design, construct, operate, repair, 110071
maintain, and provide for a project or program that separates 110072
storm water from a combined sewer or for a prevention or 110073
replacement facility that prevents or minimizes storm water from 110074

entering a combined sewer or a sanitary sewer. 110075

(C) The board of county commissioners may employ a registered 110076
professional engineer to be the county sanitary engineer for the 110077
time and on the terms it considers best and may authorize the 110078
county sanitary engineer to employ necessary assistants upon the 110079
terms fixed by the board. Prior to the initial assignment of 110080
drainage facilities duties to the county sanitary engineer, if the 110081
county sanitary engineer is not the county engineer, the board 110082
first shall offer to enter into an agreement with the county 110083
engineer pursuant to section 315.14 of the Revised Code for 110084
assistance in the performance of those duties of the board 110085
pertaining to drainage facilities, and the county engineer shall 110086
accept or reject the offer within thirty days after the date the 110087
offer is made. 110088

The board may create and maintain a sanitary engineering 110089
department, which shall be under its supervision and which shall 110090
be headed by the county sanitary engineer, for the purpose of 110091
aiding it in the performance of its duties under this chapter and 110092
Chapter 6103. of the Revised Code or its other duties regarding 110093
sanitation, drainage, and water supply provided by law. The board 110094
shall provide suitable facilities for the use of the department 110095
and shall provide for and pay the compensation of the county 110096
sanitary engineer and all authorized necessary expenses of the 110097
county sanitary engineer and the sanitary engineering department. 110098
The county sanitary engineer, with the approval of the board, may 110099
appoint necessary assistants and clerks, and the compensation of 110100
those assistants and clerks shall be provided for and paid by the 110101
board. 110102

(D) The board of county commissioners may adopt, publish, 110103
administer, and enforce rules for the construction, maintenance, 110104
protection, and use of county-owned or county-operated sanitary 110105
and drainage facilities and prevention or replacement facilities 110106

outside municipal corporations, and of sanitary and drainage 110107
facilities and prevention or replacement facilities within 110108
municipal corporations that are owned or operated by the county or 110109
that discharge into sanitary or drainage facilities or prevention 110110
or replacement facilities owned or operated by the county, 110111
including, but not limited to, rules for the establishment and use 110112
of any connections, the termination in accordance with reasonable 110113
procedures of sanitary service for the nonpayment of county 110114
sanitary rates and charges and, if so determined, the concurrent 110115
termination of any county water service for the nonpayment of 110116
those rates and charges, the termination in accordance with 110117
reasonable procedures of drainage service for the nonpayment of 110118
county drainage rates and charges, and the establishment and use 110119
of security deposits to the extent considered necessary to ensure 110120
the payment of county sanitary or drainage rates and charges. The 110121
rules shall not be inconsistent with the laws of this state or any 110122
applicable rules of the director of environmental protection. 110123

110124

(E) No sanitary or drainage facilities or prevention or 110125
replacement facilities shall be constructed in any county outside 110126
municipal corporations by any person until the plans and 110127
specifications have been approved by the board of county 110128
commissioners, and any construction shall be done under the 110129
supervision of the county sanitary engineer. Not less than thirty 110130
days before the date drainage plans are submitted to the board for 110131
its approval, the plans shall be submitted to the county engineer. 110132
If the county engineer is of the opinion after review that the 110133
facilities will have a significant adverse effect on roads, 110134
culverts, bridges, or existing maintenance within the county, the 110135
county engineer may submit a written opinion to the board not 110136
later than thirty days after the date the plans are submitted to 110137
the county engineer. The board may take action relative to the 110138
drainage plans only after the earliest of receiving the written 110139

opinion of the county engineer, receiving a written waiver of 110140
submission of an opinion from the county engineer, or passage of 110141
thirty days from the date the plans are submitted to the county 110142
engineer. Any person constructing the facilities shall pay to the 110143
county all expenses incurred by the board in connection with the 110144
construction. 110145

(F) The county sanitary engineer or the county sanitary 110146
engineer's authorized assistants or agents, when properly 110147
identified in writing or otherwise and after written notice is 110148
delivered to the owner at least five days in advance or is mailed 110149
at least five days in advance by first class or certified mail to 110150
the owner's tax mailing address, may enter upon any public or 110151
private property for the purpose of making, and may make, surveys 110152
or inspections necessary for the laying out of sewer districts or 110153
the design or evaluation of county sanitary or drainage facilities 110154
or prevention or replacement facilities. This entry is not a 110155
trespass and is not to be considered an entry in connection with 110156
any appropriation of property proceedings under sections 163.01 to 110157
163.22 of the Revised Code that may be pending. No person or 110158
public agency shall forbid the county sanitary engineer or the 110159
county sanitary engineer's authorized assistants or agents to 110160
enter, or interfere with their entry, upon the property for that 110161
purpose or forbid or interfere with their making of surveys or 110162
inspections. If actual damage is done to property by the making of 110163
the surveys and inspections, the board shall pay the reasonable 110164
value of the damage to the property owner, and the cost shall be 110165
included in the cost of the facilities and may be included in any 110166
special assessments to be levied and collected to pay that cost. 110167

Sec. 6117.02. (A) The board of county commissioners shall fix 110168
reasonable rates, including penalties for late payments, for the 110169
use, or the availability for use, of the sanitary facilities of a 110170
sewer district to be paid by every person and public agency whose 110171

premises are served, or capable of being served, by a connection 110172
directly or indirectly to those facilities when those facilities 110173
are owned or operated by the county and may change the rates from 110174
time to time as it considers advisable. When the sanitary 110175
facilities to be used by the county are owned by another public 110176
agency or person, the schedule of rates to be charged by the 110177
public agency or person for the use of the facilities by the 110178
county, or the formula or other procedure for their determination, 110179
shall be approved by the board at the time it enters into a 110180
contract for that use. 110181

(B) The board also shall establish reasonable charges to be 110182
collected for the privilege of connecting to the sanitary 110183
facilities of the district, with the requirement that, prior to 110184
the connection, the charges shall be paid in full, or, if 110185
determined by the board to be equitable in a resolution relating 110186
to the payment of the charges, provision considered adequate by 110187
the board shall be made for their payment in installments at the 110188
times, in the amounts, and with the security, carrying charges, 110189
and penalties as may be found by the board in that resolution to 110190
be fair and appropriate. No public agency or person shall be 110191
permitted to connect to those facilities until the charges have 110192
been paid in full or provision for their payment in installments 110193
has been made. If the connection charges are to be paid in 110194
installments, the board shall certify to the county auditor 110195
information sufficient to identify each parcel of property served 110196
by a connection and, with respect to each parcel, the total of the 110197
charges to be paid in installments, the amount of each 110198
installment, and the total number of installments to be paid. The 110199
auditor shall record and maintain the information supplied in the 110200
sewer improvement record provided for in section 6117.33 of the 110201
Revised Code until the connection charges are paid in full. The 110202
board may include amounts attributable to connection charges being 110203
paid in installments in its billings of rates and charges for the 110204

use of sanitary facilities. 110205

(C) When any of the sanitary rates or charges are not paid 110206
when due, the board may do any or all of the following as it 110207
considers appropriate: 110208

(1) Certify the unpaid rates or charges, together with any 110209
penalties, to the county auditor, who shall place them upon the 110210
real property tax list and duplicate against the property served 110211
by the connection. The certified amount shall be a lien on the 110212
property from the date placed on the real property tax list and 110213
duplicate and shall be collected in the same manner as taxes, 110214
except that, notwithstanding section 323.15 of the Revised Code, a 110215
county treasurer shall accept a payment in that amount when 110216
separately tendered as payment for the full amount of the unpaid 110217
sanitary rates or charges and associated penalties. The lien shall 110218
be released immediately upon payment in full of the certified 110219
amount. 110220

(2) Collect the unpaid rates or charges, together with any 110221
penalties, by actions at law in the name of the county from an 110222
owner, tenant, or other person or public agency that is liable for 110223
the payment of the rates or charges; 110224

(3) Terminate, in accordance with established rules, the 110225
sanitary service to the particular property and, if so determined, 110226
any county water service to that property, unless and until the 110227
unpaid sanitary rates or charges, together with any penalties, are 110228
paid in full; 110229

(4) Apply, to the extent required, any security deposit made 110230
in accordance with established rules to the payment of sanitary 110231
rates and charges for service to the particular property. 110232

All moneys collected as sanitary rates, charges, or penalties 110233
fixed or established in accordance with divisions (A) and (B) of 110234
this section for any sewer district shall be paid to the county 110235

treasurer and kept in a separate and distinct sanitary fund 110236
established by the board to the credit of the district. Except as 110237
otherwise provided in any proceedings authorizing or providing for 110238
the security for and payment of any public obligations, or in any 110239
indenture or trust or other agreement securing public obligations, 110240
moneys in the sanitary fund shall be applied first to the payment 110241
of the cost of the management, maintenance, and operation of the 110242
sanitary facilities of, or used or operated for, the district, 110243
which cost may include the county's share of management, 110244
maintenance, and operation costs under cooperative contracts for 110245
the acquisition, construction, or use of sanitary facilities and, 110246
in accordance with a cost allocation plan adopted under division 110247
(E) of this section, payment of all allowable direct and indirect 110248
costs of the district, the county sanitary engineer or sanitary 110249
engineering department, or a federal or state grant program, 110250
incurred for sanitary purposes under this chapter, and shall be 110251
applied second to the payment of debt charges payable on any 110252
outstanding public obligations issued or incurred for the 110253
acquisition or construction of sanitary facilities for or serving 110254
the district, or for the funding of a bond retirement or other 110255
fund established for the payment of or security for the 110256
obligations. Any surplus remaining may be applied to the 110257
acquisition or construction of those facilities or for the payment 110258
of contributions to be made, or costs incurred, for the 110259
acquisition or construction of those facilities under cooperative 110260
contracts. Moneys in the sanitary fund shall not be expended other 110261
than for the use and benefit of the district. 110262

(D) The board may fix reasonable rates and charges, including 110263
connection charges and penalties for late payments, to be paid by 110264
any person or public agency owning or having possession or control 110265
of any properties that are connected with, capable of being served 110266
by, or otherwise served directly or indirectly by, drainage 110267
facilities owned or operated by or under the jurisdiction of the 110268

county, including, but not limited to, properties requiring, or 110269
lying within an area of the district requiring, in the judgment of 110270
the board, the collection, control, or abatement of waters 110271
originating or accumulating in, or flowing in, into, or through, 110272
the district, and may change those rates and charges from time to 110273
time as it considers advisable. In addition, the board may fix the 110274
rates and charges in order to pay the costs of complying with the 110275
requirements of phase II of the storm water program of the 110276
national pollutant discharge elimination system established in 40 110277
C.F.R. part 122. 110278

The rates and charges shall be payable periodically as 110279
determined by the board, except that any connection charges shall 110280
be paid in full in one payment, or, if determined by the board to 110281
be equitable in a resolution relating to the payment of those 110282
charges, provision considered adequate by the board shall be made 110283
for their payment in installments at the times, in the amounts, 110284
and with the security, carrying charges, and penalties as may be 110285
found by the board in that resolution to be fair and appropriate. 110286
The board may include amounts attributable to connection charges 110287
being paid in installments in its billings of rates and charges 110288
for the services provided by the drainage facilities. In the case 110289
of rates and charges that are fixed in order to pay the costs of 110290
complying with the requirements of phase II of the storm water 110291
program of the national pollutant discharge elimination system 110292
established in 40 C.F.R. part 122, the rates and charges may be 110293
paid annually or semiannually with real property taxes, provided 110294
that the board certifies to the county auditor information that is 110295
sufficient for the auditor to identify each parcel of property for 110296
which a rate or charge is levied and the amount of the rate or 110297
charge. 110298

When any of the drainage rates or charges are not paid when 110299
due, the board may do any or all of the following as it considers 110300

appropriate: 110301

(1) Certify the unpaid rates or charges, together with any 110302
penalties, to the county auditor, who shall place them upon the 110303
real property tax list and duplicate against the property to which 110304
the rates or charges apply. The certified amount shall be a lien 110305
on the property from the date placed on the real property tax list 110306
and duplicate and shall be collected in the same manner as taxes, 110307
except that notwithstanding section 323.15 of the Revised Code, a 110308
county treasurer shall accept a payment in that amount when 110309
separately tendered as payment for the full amount of the unpaid 110310
drainage rates or charges and associated penalties. The lien shall 110311
be released immediately upon payment in full of the certified 110312
amount. 110313

(2) Collect the unpaid rates or charges, together with any 110314
penalties, by actions at law in the name of the county from an 110315
owner, tenant, or other person or public agency that is liable for 110316
the payment of the rates or charges; 110317

(3) Terminate, in accordance with established rules, the 110318
drainage service for the particular property until the unpaid 110319
rates or charges, together with any penalties, are paid in full; 110320

(4) Apply, to the extent required, any security deposit made 110321
in accordance with established rules to the payment of drainage 110322
rates and charges applicable to the particular property. 110323

All moneys collected as drainage rates, charges, or penalties 110324
in or for any sewer district shall be paid to the county treasurer 110325
and kept in a separate and distinct drainage fund established by 110326
the board to the credit of the district. Except as otherwise 110327
provided in any proceedings authorizing or providing for the 110328
security for and payment of any public obligations, or in any 110329
indenture or trust or other agreement securing public obligations, 110330
moneys in the drainage fund shall be applied first to the payment 110331

of the cost of the management, maintenance, and operation of the 110332
drainage facilities of, or used or operated for, the district, 110333
which cost may include the county's share of management, 110334
maintenance, and operation costs under cooperative contracts for 110335
the acquisition, construction, or use of drainage facilities and, 110336
in accordance with a cost allocation plan adopted under division 110337
(E) of this section, payment of all allowable direct and indirect 110338
costs of the district, the county sanitary engineer or sanitary 110339
engineering department, or a federal or state grant program, 110340
incurred for drainage purposes under this chapter, and shall be 110341
applied second to the payment of debt charges payable on any 110342
outstanding public obligations issued or incurred for the 110343
acquisition or construction of drainage facilities for or serving 110344
the district, or for the funding of a bond retirement or other 110345
fund established for the payment of or security for the 110346
obligations. Any surplus remaining may be applied to the 110347
acquisition or construction of those facilities or for the payment 110348
of contributions to be made, or costs incurred, for the 110349
acquisition or construction of those facilities under cooperative 110350
contracts. Moneys in the drainage fund shall not be expended other 110351
than for the use and benefit of the district. 110352

(E) A board of county commissioners may adopt a cost 110353
allocation plan that identifies, accumulates, and distributes 110354
allowable direct and indirect costs that may be paid from each of 110355
the funds of the district created pursuant to divisions (C) and 110356
(D) of this section, and that prescribes methods for allocating 110357
those costs. The plan shall authorize payment from each of those 110358
funds of only those costs incurred by the district, the county 110359
sanitary engineer or sanitary engineering department, or a federal 110360
or state grant program, and those costs incurred by the general 110361
and other funds of the county for a common or joint purpose, that 110362
are necessary and reasonable for the proper and efficient 110363
administration of the district under this chapter and properly 110364

attributable to the particular fund of the district. The plan 110365
shall not authorize payment from either of the funds of any 110366
general government expense required to carry out the overall 110367
governmental responsibilities of a county. The plan shall conform 110368
to United States office of management and budget Circular A-87, 110369
"Cost Principles for State, Local, and Indian Tribal Governments," 110370
published May 17, 1995. 110371

(F) A board of county commissioners may establish discounted 110372
rates or charges or may establish another mechanism for providing 110373
a reduction in rates or charges for persons who are sixty-five 110374
years of age or older. The board shall establish eligibility 110375
requirements for such discounted or reduced rates or charges, 110376
including a requirement that a person be eligible for the 110377
homestead exemption or qualify as a low- and moderate-income 110378
person. 110379

Sec. 6119.011. As used in ~~Chapter 6119.~~ of the Revised Code 110380
this chapter: 110381

(A) "Court of common pleas" or "court" means, unless the 110382
context indicates a different meaning or intent, the court of 110383
common pleas in which the petition for the organization of a 110384
regional water and sewer district is filed. 110385

(B) "Political subdivision" includes departments, divisions, 110386
authorities, or other units of state governments, watershed 110387
districts, soil and water conservation districts, park districts, 110388
municipal corporations, counties, townships, and other political 110389
subdivisions, special water districts, including county and 110390
regional water and sewer districts, conservancy districts, 110391
sanitary districts, sewer districts or any other public 110392
corporation or agency having the authority to acquire, construct, 110393
or operate waste water or water management facilities, and all 110394
other governmental agencies now or hereafter granted the power of 110395

levying taxes or special assessments, the United States or any 110396
agency thereof, and any agency, commission, or authority 110397
established pursuant to an interstate compact or agreement. 110398

(C) "Person" means any natural person, firm, partnership, 110399
association, or corporation other than a political subdivision. 110400

(D) "Beneficial use" means a use of water, including the 110401
method of diversion, storage, transportation, treatment, and 110402
application, that is reasonable and consistent with the public 110403
interest in the proper utilization of water resources, including, 110404
but not limited to, domestic, agricultural, industrial, power, 110405
municipal, navigational, fish and wildlife, and recreational uses. 110406

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 110407
ponds, marshes, watercourses, waterways, wells, springs, 110408
irrigation systems, drainage systems, and all other bodies or 110409
accumulations of water, surface and underground, natural or 110410
artificial, ~~which~~ that are situated wholly or partly within, or 110411
border upon, this state, or are within its jurisdiction, except 110412
those private waters ~~which~~ that do not combine or effect a 110413
junction with natural surface or underground waters. 110414

(F) "Water resources" means all waters of the state occurring 110415
on the surface in natural or artificial channels, lakes, 110416
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 110417
that are available or may be made available to agricultural, 110418
commercial, recreational, public, and domestic users. 110419

(G) "Project" or "water resource project" means any waste 110420
water facility or water management facility acquired, constructed, 110421
or operated by or leased to a regional water and sewer district or 110422
to be acquired, constructed, or operated by or leased to a 110423
regional water and sewer district under ~~Chapter 6119. of the~~ 110424
~~Revised Code~~ this chapter, or acquired or constructed or to be 110425
acquired or constructed by a political subdivision with a portion 110426

of the cost thereof being paid from a loan or grant from the 110427
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 110428
including all buildings and facilities ~~which~~ that the district 110429
considers necessary for the operation of the project, together 110430
with all property, rights, easements, and interest ~~which~~ that may 110431
be required for the operation of the project. Any water resource 110432
project shall be determined by the board of trustees of the 110433
district to be consistent with any applicable comprehensive plan 110434
of water management approved by the director of natural resources 110435
~~of the state~~ or in the process of preparation by ~~such~~ the director 110436
and to be not inconsistent with the standards set for the waters 110437
of the state affected thereby by the ~~water pollution control board~~ 110438
~~of the state~~ environmental protection agency. Any resolution of 110439
the board of trustees of the district providing for acquiring, 110440
operating, leasing, or constructing such projects or for making a 110441
loan or grant for such projects shall include a finding by the 110442
board of trustees of the district that ~~such~~ those determinations 110443
have been made. 110444

(H) "Pollution" means the placing of any noxious or 110445
deleterious substances in any waters of the state or affecting the 110446
properties of any waters of the state in a manner ~~which~~ that 110447
renders ~~such~~ those waters harmful or inimical to the public 110448
health, or to animal or aquatic life, or to the use of ~~such~~ the 110449
waters for domestic water supply, industrial or agricultural 110450
purposes, or recreation. 110451

(I) "Sewage" means any substance that contains any of the 110452
waste products or excrementitious or other discharge from the 110453
bodies of human beings or animals, ~~which~~ that pollutes the waters 110454
of the state. 110455

(J) "Industrial waste" means any liquid, gaseous, or solid 110456
waste substance resulting from any process of industry, 110457
manufacture, trade, or business, or from the development, 110458

processing, or recovery of any natural resource, together with 110459
such sewage as is present, ~~which~~ that pollutes the waters of the 110460
state. 110461

(K) "Waste water" means any storm water and any water 110462
containing sewage or industrial waste or other pollutants or 110463
contaminants derived from the prior use of ~~such~~ the water. 110464

(L) "Waste water facilities" means facilities for the purpose 110465
of treating, neutralizing, disposing of, stabilizing, cooling, 110466
segregating, or holding waste water, including, without limiting 110467
the generality of the foregoing, facilities for the treatment and 110468
disposal of sewage or industrial waste and the residue thereof, 110469
facilities for the temporary or permanent impoundment of waste 110470
water, both surface and underground, and storm and sanitary sewers 110471
and other systems, whether on the surface or underground, designed 110472
to transport waste water, together with the equipment and 110473
furnishings thereof and their appurtenances and systems, whether 110474
on the surface or underground, including force mains and pumping 110475
facilities therefor when necessary. 110476

(M) "Water management facilities" means facilities for the 110477
purpose of the development, use, and protection of water 110478
resources, including, without limiting the generality of the 110479
foregoing, facilities for water supply, facilities for stream flow 110480
improvement, dams, reservoirs, and other impoundments, water 110481
transmission lines, water wells and well fields, pumping stations 110482
and works for underground water recharge, stream monitoring 110483
systems, facilities for the stabilization of stream and river 110484
banks, and facilities for the treatment of streams and rivers, 110485
including, without limiting the generality of the foregoing, 110486
facilities for the removal of oil, debris, and other solid waste 110487
from the waters of the state and stream and river aeration 110488
facilities. 110489

(N) "Cost" as applied to water resource projects means the 110490

cost of acquisition and construction, the cost of acquisition of 110491
all land, rights-of-way, property rights, easements, franchise 110492
rights, and interests required by the district for such 110493
acquisition and construction, the cost of demolishing or removing 110494
any buildings or structures on land so acquired, including the 110495
cost of acquiring any lands to which such buildings or structures 110496
may be moved, the cost of acquiring or constructing and equipping 110497
a principal office and sub-offices of the district, the cost of 110498
diverting highways, interchange of highways, and access roads to 110499
private property, including the cost of land or easements 110500
therefor, the cost of all machinery, furnishings, and equipment, 110501
financing charges, interest prior to and during construction and 110502
for no more than eighteen months after completion of ~~acquisition~~ 110503
acquisition or construction, engineering, expenses of research and 110504
development with respect to waste water or water management 110505
facilities, legal expenses, plans, specifications, surveys, 110506
estimates of cost and revenues, working capital, other expenses 110507
necessary or incident to determining the feasibility or 110508
practicability of acquiring or constructing any such project, 110509
administrative expense, and such other expense as may be necessary 110510
or incident to the acquisition or construction of the project, the 110511
financing of ~~such~~ the acquisition or construction, including the 110512
amount authorized in the resolution of the district providing for 110513
the issuance of water resource revenue bonds to be paid into any 110514
special funds from the proceeds of ~~such~~ those bonds and the 110515
financing of the placing of any such project in operation. Any 110516
obligation or expense incurred by any political subdivision, and 110517
approved by the district, for surveys, borings, preparation of 110518
plans and specifications, and other engineering services in 110519
connection with the acquisition or construction of a project shall 110520
be regarded as a part of the cost of ~~such~~ the project and may be 110521
reimbursed by the district. 110522

(O) "Owner" includes all individuals, partnerships, 110523

associations, corporations, or political subdivisions having any 110524
title or interest in any property rights, easements, and interests 110525
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 110526
this chapter. 110527

(P) "Revenues" means all rentals and other charges received 110528
by a district for the use or services of any project, all special 110529
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 110530
~~the Revised Code~~ this chapter, any gift or grant received with 110531
respect thereto, and moneys received in repayment of and for 110532
interest on any loan made by the district to a political 110533
subdivision, whether from the United States or a department, 110534
administration, or agency thereof, or otherwise. 110535

(Q) "Public roads" includes all public highways, roads, and 110536
streets in the state, whether maintained by the state, county, 110537
city, township, or other political subdivision. 110538

(R) "Public utility facilities" includes tracks, pipes, 110539
mains, conduits, cables, wires, towers, poles, and other equipment 110540
and appliances of any public utility. 110541

(S) "Construction," unless the context indicates a different 110542
meaning or intent, includes reconstruction, enlargement, 110543
improvement, or providing furnishings or equipment. 110544

(T) "Water resources bonds," unless the context indicates a 110545
different meaning or intent, includes water resource notes and 110546
water resource refunding bonds. 110547

(U) "Regional water and sewer district" means a district 110548
organized or operating for one or both of the purposes described 110549
in section 6119.01 of the Revised Code and, if organized or 110550
operating for only one of ~~such~~ those purposes, may be designated 110551
either a regional water district or a regional sewer district, as 110552
the case may be. 110553

(V) "Homestead exemption" means the reduction of taxes 110554

allowed under division (A) of section 323.152 of the Revised Code. 110555

(W) "Low- and moderate-income person" has the same meaning as 110556
in section 175.01 of the Revised Code. 110557

Sec. 6119.091. When fixing rentals or other charges under 110558
section 6119.09 of the Revised Code, a board of trustees of a 110559
regional water and sewer district may establish discounted rentals 110560
or charges or may establish another mechanism for providing a 110561
reduction in rentals or charges for persons who are sixty-five 110562
years of age or older. The board shall establish eligibility 110563
requirements for such discounted or reduced rentals or charges, 110564
including a requirement that a person be eligible for the 110565
homestead exemption or qualify as a low- and moderate-income 110566
person. 110567

Section 101.02. That existing sections 9.06, 9.314, 107.21, 110568
109.572, 109.73, 109.742, 109.744, 109.751, 109.761, 109.77, 110569
109.802, 109.803, 118.05, 120.04, 120.08, 120.52, 120.53, 121.04, 110570
121.07, 121.08, 121.083, 121.084, 121.13, 121.31, 121.37, 121.40, 110571
121.401, 121.402, 122.05, 122.051, 122.075, 122.151, 122.17, 110572
122.171, 122.40, 122.603, 122.71, 122.751, 122.76, 122.89, 123.01, 110573
123.152, 124.03, 124.04, 124.07, 124.11, 124.134, 124.14, 124.15, 110574
124.152, 124.18, 124.181, 124.183, 124.22, 124.23, 124.27, 110575
124.321, 124.324, 124.325, 124.34, 124.381, 124.382, 124.385, 110576
124.386, 124.392, 124.81, 125.081, 125.22, 125.831, 126.05, 110577
126.21, 126.35, 127.16, 131.33, 133.06, 135.03, 135.06, 135.08, 110578
135.32, 141.04, 145.012, 145.298, 148.02, 148.04, 149.43, 150.01, 110579
150.02, 150.03, 150.04, 150.05, 150.07, 152.09, 152.10, 152.12, 110580
152.15, 152.33, 156.01, 156.02, 156.03, 156.04, 166.07, 169.08, 110581
173.08, 173.35, 173.392, 173.40, 173.401, 173.42, 173.43, 173.50, 110582
173.99, 174.02, 174.03, 174.06, 176.05, 307.626, 307.629, 307.79, 110583
311.17, 319.301, 319.302, 319.54, 321.24, 323.156, 323.78, 329.03, 110584
329.042, 329.06, 340.033, 343.01, 504.21, 718.04, 721.15, 901.20, 110585

901.32, 901.43, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 110586
905.36, 905.50, 905.51, 905.52, 905.56, 907.13, 907.14, 907.30, 110587
907.31, 915.24, 918.08, 918.28, 921.02, 921.06, 921.09, 921.11, 110588
921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 110589
927.52, 927.53, 927.56, 927.69, 927.70, 927.701, 927.71, 942.01, 110590
942.02, 942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 110591
943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23, 955.201, 110592
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5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.044, 6117.01, 110730
6117.02, and 6119.011 of the Revised Code are hereby repealed. 110731

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That existing Section 269.60.60 of Am. Sub. H.B. 119 of the 110740
127th General Assembly is hereby repealed. 110741

That existing Section 6 of H.B. 364 of the 124th General 110742
Assembly is hereby repealed. 110743

Section 105.01. That sections 173.71, 173.72, 173.721, 110744

173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 110745
173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 110746
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3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 110759
3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 110760
5111.083, 5111.178. 5145.32, and 5923.141 of the Revised Code are 110761
hereby repealed. 110762

Section 105.10. Sections 1751.53 and 3923.38 of the Revised 110763
Code as they result from Section 120.10 of H.B. 2 of the 128th 110764
General Assembly are hereby repealed. This repeal enables the 110765
continued existence of those sections as they result from Section 110766
101.01 of H.B. 2 of the 128th General Assembly. 110767

Section 110.10. That the version of section 2949.111 of the 110768
Revised Code that is scheduled to take effect January 1, 2010, be 110769
amended to read as follows: 110770

Sec. 2949.111. (A) As used in this section: 110771

(1) "Court costs" means any assessment that the court 110772
requires an offender to pay to defray the costs of operating the 110773

court. 110774

(2) "State fines or costs" means any costs imposed or 110775
forfeited bail collected by the court under section 2743.70 of the 110776
Revised Code for deposit into the reparations fund or under 110777
section 2949.091 of the Revised Code for deposit into the ~~general~~ 110778
~~revenue~~ indigent defense support fund established under section 110779
120.08 of the Revised Code and all fines, penalties, and forfeited 110780
bail collected by the court and paid to a law library association 110781
under section 307.515 of the Revised Code. 110782

(3) "Reimbursement" means any reimbursement for the costs of 110783
confinement that the court orders an offender to pay pursuant to 110784
section 2929.28 of the Revised Code, any supervision fee, any fee 110785
for the costs of house arrest with electronic monitoring that an 110786
offender agrees to pay, any reimbursement for the costs of an 110787
investigation or prosecution that the court orders an offender to 110788
pay pursuant to section 2929.71 of the Revised Code, or any other 110789
costs that the court orders an offender to pay. 110790

(4) "Supervision fees" means any fees that a court, pursuant 110791
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 110792
requires an offender who is under a community control sanction to 110793
pay for supervision services. 110794

(5) "Community control sanction" has the same meaning as in 110795
section 2929.01 of the Revised Code. 110796

(B) Unless the court, in accordance with division (C) of this 110797
section, enters in the record of the case a different method of 110798
assigning payments, if a person who is charged with a misdemeanor 110799
is convicted of or pleads guilty to the offense, if the court 110800
orders the offender to pay any combination of court costs, state 110801
fines or costs, restitution, a conventional fine, or any 110802
reimbursement, and if the offender makes any payment of any of 110803
them to a clerk of court, the clerk shall assign the offender's 110804

payment in the following manner: 110805

(1) If the court ordered the offender to pay any court costs, 110806
the offender's payment shall be assigned toward the satisfaction 110807
of those court costs until they have been entirely paid. 110808

(2) If the court ordered the offender to pay any state fines 110809
or costs and if all of the court costs that the court ordered the 110810
offender to pay have been paid, the remainder of the offender's 110811
payment shall be assigned on a pro rata basis toward the 110812
satisfaction of the state fines or costs until they have been 110813
entirely paid. 110814

(3) If the court ordered the offender to pay any restitution 110815
and if all of the court costs and state fines or costs that the 110816
court ordered the offender to pay have been paid, the remainder of 110817
the offender's payment shall be assigned toward the satisfaction 110818
of the restitution until it has been entirely paid. 110819

(4) If the court ordered the offender to pay any fine and if 110820
all of the court costs, state fines or costs, and restitution that 110821
the court ordered the offender to pay have been paid, the 110822
remainder of the offender's payment shall be assigned toward the 110823
satisfaction of the fine until it has been entirely paid. 110824

(5) If the court ordered the offender to pay any 110825
reimbursement and if all of the court costs, state fines or costs, 110826
restitution, and fines that the court ordered the offender to pay 110827
have been paid, the remainder of the offender's payment shall be 110828
assigned toward the satisfaction of the reimbursements until they 110829
have been entirely paid. 110830

(C) If a person who is charged with a misdemeanor is 110831
convicted of or pleads guilty to the offense and if the court 110832
orders the offender to pay any combination of court costs, state 110833
fines or costs, restitution, fines, or reimbursements, the court, 110834
at the time it orders the offender to make those payments, may 110835

prescribe an order of payments that differs from the order set 110836
forth in division (B) of this section by entering in the record of 110837
the case the order so prescribed. If a different order is entered 110838
in the record, on receipt of any payment, the clerk of the court 110839
shall assign the payment in the manner prescribed by the court. 110840

Section 110.11. That the existing version of section 2949.111 110841
of the Revised Code that is scheduled to take effect January 1, 110842
2010, is hereby repealed. 110843

Section 110.12. Sections 110.10 and 110.11 of this act take 110844
effect January 1, 2010. 110845

Section 110.20. That the version of section 5739.033 of the 110846
Revised Code that is scheduled to take effect January 1, 2010, be 110847
amended to read as follows: 110848

Sec. 5739.033. (A) The amount of tax due pursuant to sections 110849
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 110850
the sum of the taxes imposed pursuant to those sections at the 110851
sourcing location of the sale as determined under this section or, 110852
if applicable, under division (C) of section 5739.031 or section 110853
5739.034 of the Revised Code. This section applies only to a 110854
vendor's or seller's obligation to collect and remit sales taxes 110855
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 110856
Revised Code or use taxes under section 5741.02, 5741.021, 110857
5741.022, or 5741.023 of the Revised Code. Division (A) of this 110858
section does not apply in determining the jurisdiction for which 110859
sellers are required to collect the use tax under section 5741.05 110860
of the Revised Code. This section does not affect the obligation 110861
of a consumer to remit use taxes on the storage, use, or other 110862
consumption of tangible personal property or on the benefit 110863
realized of any service provided, to the jurisdiction of that 110864

storage, use, or consumption, or benefit realized. 110865

(B)(1) Beginning January 1, 2010, retail sales, excluding the 110866
lease or rental, of tangible personal property or digital goods 110867
shall be sourced to the location where the vendor receives an 110868
order for the sale of such property or goods if: 110869

(a) The vendor receives the order in this state and the 110870
consumer receives the property or goods in this state; 110871

(b) The location where the consumer receives the property or 110872
goods is determined under division (C)(2), (3), or (4) of this 110873
section; and 110874

(c) The record-keeping system used by the vendor to calculate 110875
the tax imposed captures the location where the order is received 110876
at the time the order is received. 110877

(2) A consumer has no additional liability to this state 110878
under this chapter or Chapter 5741. of the Revised Code for tax, 110879
penalty, or interest on a sale for which the consumer remits tax 110880
to the vendor in the amount invoiced by the vendor if the invoice 110881
amount is calculated at either the rate applicable to the location 110882
where the consumer receives the property or digital good or at the 110883
rate applicable to the location where the order is received by the 110884
vendor. A consumer may rely on a written representation by the 110885
vendor as to the location where the order for the sale was 110886
received by the vendor. If the consumer does not have a written 110887
representation by the vendor as to the location where the order 110888
was received by the vendor, the consumer may use a location 110889
indicated by a business address for the vendor that is available 110890
from records that are maintained in the ordinary course of the 110891
consumer's business to determine the rate applicable to the 110892
location where the order was received. 110893

(3) For the purposes of division (B) of this section, the 110894
location where an order is received by or on behalf of a vendor 110895

means the physical location of the vendor or a third party such as 110896
an established outlet, office location, or automated order receipt 110897
system operated by or on behalf of the vendor, where an order is 110898
initially received by or on behalf of the vendor, and not where 110899
the order may be subsequently accepted, completed, or fulfilled. 110900
An order is received when all necessary information to determine 110901
whether the order can be accepted has been received by or on 110902
behalf of the vendor. The location from which the property or 110903
digital good is shipped shall not be used to determine the 110904
location where the order is received by the vendor. 110905

(4) For the purposes of division (B) of this section, if 110906
services subject to taxation under this chapter or Chapter 5741. 110907
of the Revised Code are sold with tangible personal property or 110908
digital goods pursuant to a single contract or in the same 110909
transaction, the services are billed on the same billing statement 110910
or invoice, and, because of the application of division (B) of 110911
this section, the transaction would be sourced to more than one 110912
jurisdiction, the situs of the transaction shall be the location 110913
where the order is received by or on behalf of the vendor. 110914

(C) Except for sales, other than leases, of titled motor 110915
vehicles, titled watercraft, or titled outboard motors as provided 110916
in section 5741.05 of the Revised Code, or as otherwise provided 110917
in this section and section 5739.034 of the Revised Code, all 110918
sales shall be sourced as follows: 110919

(1) If the consumer or a donee designated by the consumer 110920
receives tangible personal property or a service at a vendor's 110921
place of business, the sale shall be sourced to that place of 110922
business. 110923

(2) When the tangible personal property or service is not 110924
received at a vendor's place of business, the sale shall be 110925
sourced to the location known to the vendor where the consumer or 110926
the donee designated by the consumer receives the tangible 110927

personal property or service, including the location indicated by 110928
instructions for delivery to the consumer or the consumer's donee. 110929

(3) If divisions (C)(1) and (2) of this section do not apply, 110930
the sale shall be sourced to the location indicated by an address 110931
for the consumer that is available from the vendor's business 110932
records that are maintained in the ordinary course of the vendor's 110933
business, when use of that address does not constitute bad faith. 110934
110935

(4) If divisions (C)(1), (2), and (3) of this section do not 110936
apply, the sale shall be sourced to the location indicated by an 110937
address for the consumer obtained during the consummation of the 110938
sale, including the address associated with the consumer's payment 110939
instrument, if no other address is available, when use of that 110940
address does not constitute bad faith. 110941

(5) If divisions (C)(1), (2), (3), and (4) of this section do 110942
not apply, including in the circumstance where the vendor is 110943
without sufficient information to apply any of those divisions, 110944
the sale shall be sourced to the address from which tangible 110945
personal property was shipped, or from which the service was 110946
provided, disregarding any location that merely provided the 110947
electronic transfer of the property sold or service provided. 110948

(6) As used in division (C) of this section, "receive" means 110949
taking possession of tangible personal property or making first 110950
use of a service. "Receive" does not include possession by a 110951
shipping company on behalf of a consumer. 110952

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 110953
section, a business consumer that is not a holder of a direct 110954
payment permit granted under section 5739.031 of the Revised Code, 110955
that purchases a digital good, computer software, except computer 110956
software received in person by a business consumer at a vendor's 110957
place of business, or a service, and that knows at the time of 110958

purchase that such digital good, software, or service will be 110959
concurrently available for use in more than one taxing 110960
jurisdiction shall deliver to the vendor in conjunction with its 110961
purchase an exemption certificate claiming multiple points of use, 110962
or shall meet the requirements of division (D)(2) of this section. 110963
On receipt of the exemption certificate claiming multiple points 110964
of use, the vendor is relieved of its obligation to collect, pay, 110965
or remit the tax due, and the business consumer must pay the tax 110966
directly to the state. 110967

(b) A business consumer that delivers the exemption 110968
certificate claiming multiple points of use to a vendor may use 110969
any reasonable, consistent, and uniform method of apportioning the 110970
tax due on the digital good, computer software, or service that is 110971
supported by the consumer's business records as they existed at 110972
the time of the sale. The business consumer shall report and pay 110973
the appropriate tax to each jurisdiction where concurrent use 110974
occurs. The tax due shall be calculated as if the apportioned 110975
amount of the digital good, computer software, or service had been 110976
delivered to each jurisdiction to which the sale is apportioned 110977
under this division. 110978

(c) The exemption certificate claiming multiple points of use 110979
shall remain in effect for all future sales by the vendor to the 110980
business consumer until it is revoked in writing by the business 110981
consumer, except as to the business consumer's specific 110982
apportionment of a subsequent sale under division (D)(1)(b) of 110983
this section and the facts existing at the time of the sale. 110984

(2) When the vendor knows that a digital good, computer 110985
software, or service sold will be concurrently available for use 110986
by the business consumer in more than one jurisdiction, but the 110987
business consumer does not provide an exemption certificate 110988
claiming multiple points of use as required by division (D)(1) of 110989
this section, the vendor may work with the business consumer to 110990

produce the correct apportionment. Governed by the principles of 110991
division (D)(1)(b) of this section, the vendor and business 110992
consumer may use any reasonable, but consistent and uniform, 110993
method of apportionment that is supported by the vendor's and 110994
business consumer's books and records as they exist at the time 110995
the sale is reported for purposes of the taxes levied under this 110996
chapter. If the business consumer certifies to the accuracy of the 110997
apportionment and the vendor accepts the certification, the vendor 110998
shall collect and remit the tax accordingly. In the absence of bad 110999
faith, the vendor is relieved of any further obligation to collect 111000
tax on any transaction where the vendor has collected tax pursuant 111001
to the information certified by the business consumer. 111002

(3) When the vendor knows that the digital good, computer 111003
software, or service will be concurrently available for use in 111004
more than one jurisdiction, and the business consumer does not 111005
have a direct pay permit and does not provide to the vendor an 111006
exemption certificate claiming multiple points of use as required 111007
in division (D)(1) of this section, or certification pursuant to 111008
division (D)(2) of this section, the vendor shall collect and 111009
remit the tax based on division (C) of this section. 111010

(4) Nothing in this section shall limit a person's obligation 111011
for sales or use tax to any state in which a digital good, 111012
computer software, or service is concurrently available for use, 111013
nor limit a person's ability under local, state, or federal law, 111014
to claim a credit for sales or use taxes legally due and paid to 111015
other jurisdictions. 111016

(E) A person who holds a direct payment permit issued under 111017
section 5739.031 of the Revised Code is not required to deliver an 111018
exemption certificate claiming multiple points of use to a vendor. 111019
But such permit holder shall comply with division (D)(2) of this 111020
section in apportioning the tax due on a digital good, computer 111021
software, or a service for use in business that will be 111022

concurrently available for use in more than one taxing jurisdiction. 111023
111024

(F)(1) Notwithstanding divisions (C)(1) to (5) of this section, the consumer of direct mail that is not a holder of a direct payment permit shall provide to the vendor in conjunction with the sale either an exemption certificate claiming direct mail prescribed by the tax commissioner, or information to show the jurisdictions to which the direct mail is delivered to recipients. 111025
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(2) Upon receipt of such exemption certificate, the vendor is relieved of all obligations to collect, pay, or remit the applicable tax and the consumer is obligated to pay that tax on a direct pay basis. An exemption certificate claiming direct mail shall remain in effect for all future sales of direct mail by the vendor to the consumer until it is revoked in writing. 111031
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(3) Upon receipt of information from the consumer showing the jurisdictions to which the direct mail is delivered to recipients, the vendor shall collect the tax according to the delivery information provided by the consumer. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the delivery information provided by the consumer. 111037
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(4) If the consumer of direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or delivery information as required by division (F)(1) of this section, the vendor shall collect the tax according to division (C)(5) of this section. Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered. 111044
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(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not 111052
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be required to provide an exemption certificate claiming direct 111054
mail or delivery information to the vendor. 111055

(G) If the vendor provides lodging to transient guests as 111056
specified in division (B)(2) of section 5739.01 of the Revised 111057
Code, the sale shall be sourced to the location where the lodging 111058
is located. 111059

(H)(1) As used in this division and division (I) of this 111060
section, "transportation equipment" means any of the following: 111061

(a) Locomotives and railcars that are utilized for the 111062
carriage of persons or property in interstate commerce. 111063

(b) Trucks and truck-tractors with a gross vehicle weight 111064
rating of greater than ten thousand pounds, trailers, 111065
semi-trailers, or passenger buses that are registered through the 111066
international registration plan and are operated under authority 111067
of a carrier authorized and certificated by the United States 111068
department of transportation or another federal authority to 111069
engage in the carriage of persons or property in interstate 111070
commerce. 111071

(c) Aircraft that are operated by air carriers authorized and 111072
certificated by the United States department of transportation or 111073
another federal authority to engage in the carriage of persons or 111074
property in interstate or foreign commerce. 111075

(d) Containers designed for use on and component parts 111076
attached to or secured on the items set forth in division 111077
(H)(1)(a), (b), or (c) of this section. 111078

(2) A sale, lease, or rental of transportation equipment 111079
shall be sourced pursuant to division (C) of this section. 111080

(I)(1) A lease or rental of tangible personal property that 111081
does not require recurring periodic payments shall be sourced 111082
pursuant to division (C) of this section. 111083

(2) A lease or rental of tangible personal property that 111084
requires recurring periodic payments shall be sourced as follows: 111085

(a) In the case of a motor vehicle, other than a motor 111086
vehicle that is transportation equipment, or an aircraft, other 111087
than an aircraft that is transportation equipment, such lease or 111088
rental shall be sourced as follows: 111089

(i) An accelerated tax payment on a lease or rental taxed 111090
pursuant to division (A)(2) of section 5739.02 of the Revised Code 111091
shall be sourced to the primary property location at the time the 111092
lease or rental is consummated. Any subsequent taxable charges on 111093
the lease or rental shall be sourced to the primary property 111094
location for the period in which the charges are incurred. 111095

(ii) For a lease or rental taxed pursuant to division (A)(3) 111096
of section 5739.02 of the Revised Code, each lease or rental 111097
installment shall be sourced to the primary property location for 111098
the period covered by the installment. 111099

(b) In the case of a lease or rental of all other tangible 111100
personal property, other than transportation equipment, such lease 111101
or rental shall be sourced as follows: 111102

(i) An accelerated tax payment on a lease or rental that is 111103
taxed pursuant to division (A)(2) of section 5739.02 of the 111104
Revised Code shall be sourced pursuant to division (C) of this 111105
section at the time the lease or rental is consummated. Any 111106
subsequent taxable charges on the lease or rental shall be sourced 111107
to the primary property location for the period in which the 111108
charges are incurred. 111109

(ii) For a lease or rental that is taxed pursuant to division 111110
(A)(3) of section 5739.02 of the Revised Code, the initial lease 111111
or rental installment shall be sourced pursuant to division (C) of 111112
this section. Each subsequent installment shall be sourced to the 111113
primary property location for the period covered by the 111114

installment. 111115

(3) As used in division (I) of this section, "primary 111116
property location" means an address for tangible personal property 111117
provided by the lessee or renter that is available to the lessor 111118
or owner from its records maintained in the ordinary course of 111119
business, when use of that address does not constitute bad faith. 111120

(J) If the vendor provides a service specified in division 111121
(B)(11) of section 5739.01 of the Revised Code, the situs of the 111122
sale is the location of the enrollee for whom a medicaid health 111123
insurance corporation receives managed care premiums. Such sales 111124
shall be sourced to the locations of the enrollees in the same 111125
proportion as the managed care premiums received by the medicaid 111126
health insuring corporation on behalf of enrollees located in a 111127
particular taxing jurisdiction in Ohio as compared to all managed 111128
care premiums received by the medicaid health insuring 111129
corporation. 111130

Section 110.21. That the existing version of section 5739.033 111131
of the Revised Code that is scheduled to take effect January 1, 111132
2010, is hereby repealed. 111133

Section 110.22. Sections 110.20 and 110.21 of this act take 111134
effect January 1, 2010. 111135

Section 115.10. That sections 5104.01 and 5104.38 of the 111136
Revised Code be amended to read as follows: 111137

Sec. 5104.01. As used in this chapter: 111138

(A) "Administrator" means the person responsible for the 111139
daily operation of a center or type A home. The administrator and 111140
the owner may be the same person. 111141

(B) "Approved child day camp" means a child day camp approved 111142

pursuant to section 5104.22 of the Revised Code. 111143

(C) "Authorized provider" means a person authorized by a 111144
county director of job and family services to operate a certified 111145
type B family day-care home. 111146

(D) "Border state child care provider" means a child care 111147
provider that is located in a state bordering Ohio and that is 111148
licensed, certified, or otherwise approved by that state to 111149
provide child care. 111150

(E) "Caretaker parent" means the father or mother of a child 111151
whose presence in the home is needed as the caretaker of the 111152
child, a person who has legal custody of a child and whose 111153
presence in the home is needed as the caretaker of the child, a 111154
guardian of a child whose presence in the home is needed as the 111155
caretaker of the child, and any other person who stands in loco 111156
parentis with respect to the child and whose presence in the home 111157
is needed as the caretaker of the child. 111158

(F) "Certified type B family day-care home" and "certified 111159
type B home" mean a type B family day-care home that is certified 111160
by the director of the county department of job and family 111161
services pursuant to section 5104.11 of the Revised Code to 111162
receive public funds for providing child care pursuant to this 111163
chapter and any rules adopted under it. 111164

(G) "Chartered nonpublic school" means a school that meets 111165
standards for nonpublic schools prescribed by the state board of 111166
education for nonpublic schools pursuant to section 3301.07 of the 111167
Revised Code. 111168

(H) "Child" includes an infant, toddler, preschool child, or 111169
school child. 111170

(I) "Child care block grant act" means the "Child Care and 111171
Development Block Grant Act of 1990," established in section 5082 111172
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 111173

1388-236 (1990), 42 U.S.C. 9858, as amended. 111174

(J) "Child day camp" means a program in which only school 111175
children attend or participate, that operates for no more than 111176
seven hours per day, that operates only during one or more public 111177
school district's regular vacation periods or for no more than 111178
fifteen weeks during the summer, and that operates outdoor 111179
activities for each child who attends or participates in the 111180
program for a minimum of fifty per cent of each day that children 111181
attend or participate in the program, except for any day when 111182
hazardous weather conditions prevent the program from operating 111183
outdoor activities for a minimum of fifty per cent of that day. 111184
For purposes of this division, the maximum seven hours of 111185
operation time does not include transportation time from a child's 111186
home to a child day camp and from a child day camp to a child's 111187
home. 111188

(K) "Child care" means administering to the needs of infants, 111189
toddlers, preschool children, and school children outside of 111190
school hours by persons other than their parents or guardians, 111191
custodians, or relatives by blood, marriage, or adoption for any 111192
part of the twenty-four-hour day in a place or residence other 111193
than a child's own home. 111194

(L) "Child day-care center" and "center" mean any place in 111195
which child care or publicly funded child care is provided for 111196
thirteen or more children at one time or any place that is not the 111197
permanent residence of the licensee or administrator in which 111198
child care or publicly funded child care is provided for seven to 111199
twelve children at one time. In counting children for the purposes 111200
of this division, any children under six years of age who are 111201
related to a licensee, administrator, or employee and who are on 111202
the premises of the center shall be counted. "Child day-care 111203
center" and "center" do not include any of the following: 111204

(1) A place located in and operated by a hospital, as defined 111205

in section 3727.01 of the Revised Code, in which the needs of 111206
children are administered to, if all the children whose needs are 111207
being administered to are monitored under the on-site supervision 111208
of a physician licensed under Chapter 4731. of the Revised Code or 111209
a registered nurse licensed under Chapter 4723. of the Revised 111210
Code, and the services are provided only for children who, in the 111211
opinion of the child's parent, guardian, or custodian, are 111212
exhibiting symptoms of a communicable disease or other illness or 111213
are injured; 111214

(2) A child day camp; 111215

(3) A place that provides child care, but not publicly funded 111216
child care, if all of the following apply: 111217

(a) An organized religious body provides the child care; 111218

(b) A parent, custodian, or guardian of at least one child 111219
receiving child care is on the premises and readily accessible at 111220
all times; 111221

(c) The child care is not provided for more than thirty days 111222
a year; 111223

(d) The child care is provided only for preschool and school 111224
children. 111225

(M) "Child care resource and referral service organization" 111226
means a community-based nonprofit organization that provides child 111227
care resource and referral services but not child care. 111228

(N) "Child care resource and referral services" means all of 111229
the following services: 111230

(1) Maintenance of a uniform data base of all child care 111231
providers in the community that are in compliance with this 111232
chapter, including current occupancy and vacancy data; 111233

(2) Provision of individualized consumer education to 111234
families seeking child care; 111235

(3) Provision of timely referrals of available child care providers to families seeking child care;	111236 111237
(4) Recruitment of child care providers;	111238
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	111239 111240 111241 111242
(6) Collection and analysis of data on the supply of and demand for child care in the community;	111243 111244
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	111245 111246 111247
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	111248 111249 111250
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	111251 111252
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	111253 111254 111255 111256
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	111257 111258 111259 111260
(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	111261 111262 111263 111264 111265

(P) "Drop-in child day-care center," "drop-in center,"	111266
"drop-in type A family day-care home," and "drop-in type A home"	111267
mean a center or type A home that provides child care or publicly	111268
funded child care for children on a temporary, irregular basis.	111269
(Q) "Employee" means a person who either:	111270
(1) Receives compensation for duties performed in a child	111271
day-care center or type A family day-care home;	111272
(2) Is assigned specific working hours or duties in a child	111273
day-care center or type A family day-care home.	111274
(R) "Employer" means a person, firm, institution,	111275
organization, or agency that operates a child day-care center or	111276
type A family day-care home subject to licensure under this	111277
chapter.	111278
(S) "Federal poverty line" means the official poverty	111279
guideline as revised annually in accordance with section 673(2) of	111280
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42	111281
U.S.C. 9902, as amended, for a family size equal to the size of	111282
the family of the person whose income is being determined.	111283
(T) "Full time week" means at least thirty two and one half	111284
hours and not more than sixty hours of care in a week for licensed	111285
child care centers and licensed type A homes and at least	111286
thirty two and one half hours and not more than fifty hours of	111287
care in a week for certified type B providers.	111288
(U) "Head start program" means a comprehensive child	111289
development program that receives funds distributed under the	111290
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as	111291
amended, and is licensed as a child day-care center.	111292
(V) <u>(U)</u> "Income" means gross income, as defined in section	111293
5107.10 of the Revised Code, less any amounts required by federal	111294
statutes or regulations to be disregarded.	111295

~~(W)~~(V) "Indicator checklist" means an inspection tool, used 111296
in conjunction with an instrument-based program monitoring 111297
information system, that contains selected licensing requirements 111298
that are statistically reliable indicators or predictors of a 111299
child day-care center or type A family day-care home's compliance 111300
with licensing requirements. 111301

~~(X)~~(W) "Infant" means a child who is less than eighteen 111302
months of age. 111303

~~(Y)~~(X) "In-home aide" means a person who does not reside with 111304
the child but provides care in the child's home and is certified 111305
by a county director of job and family services pursuant to 111306
section 5104.12 of the Revised Code to provide publicly funded 111307
child care to a child in a child's own home pursuant to this 111308
chapter and any rules adopted under it. 111309

~~(Z)~~(Y) "Instrument-based program monitoring information 111310
system" means a method to assess compliance with licensing 111311
requirements for child day-care centers and type A family day-care 111312
homes in which each licensing requirement is assigned a weight 111313
indicative of the relative importance of the requirement to the 111314
health, growth, and safety of the children that is used to develop 111315
an indicator checklist. 111316

~~(AA)~~(Z) "License capacity" means the maximum number in each 111317
age category of children who may be cared for in a child day-care 111318
center or type A family day-care home at one time as determined by 111319
the director of job and family services considering building 111320
occupancy limits established by the department of commerce, number 111321
of available child-care staff members, amount of available indoor 111322
floor space and outdoor play space, and amount of available play 111323
equipment, materials, and supplies. 111324

~~(BB)~~(AA) "Licensed preschool program" or "licensed school 111325
child program" means a preschool program or school child program, 111326

as defined in section 3301.52 of the Revised Code, that is 111327
licensed by the department of education pursuant to sections 111328
3301.52 to 3301.59 of the Revised Code. 111329

~~(CC)~~(BB) "Licensee" means the owner of a child day-care 111330
center or type A family day-care home that is licensed pursuant to 111331
this chapter and who is responsible for ensuring its compliance 111332
with this chapter and rules adopted pursuant to this chapter. 111333

~~(DD)~~(CC) "Operate a child day camp" means to operate, 111334
establish, manage, conduct, or maintain a child day camp. 111335

~~(EE)~~(DD) "Owner" includes a person, as defined in section 111336
1.59 of the Revised Code, or government entity. 111337

~~(FF)~~(EE) "Parent cooperative child day-care center," "parent 111338
cooperative center," "parent cooperative type A family day-care 111339
home," and "parent cooperative type A home" mean a corporation or 111340
association organized for providing educational services to the 111341
children of members of the corporation or association, without 111342
gain to the corporation or association as an entity, in which the 111343
services of the corporation or association are provided only to 111344
children of the members of the corporation or association, 111345
ownership and control of the corporation or association rests 111346
solely with the members of the corporation or association, and at 111347
least one parent-member of the corporation or association is on 111348
the premises of the center or type A home during its hours of 111349
operation. 111350

~~(GG)~~(FF) "Part-time child day-care center," "part-time 111351
center," "part-time type A family day-care home," and "part-time 111352
type A home" mean a center or type A home that provides child care 111353
or publicly funded child care for no more than four hours a day 111354
for any child. 111355

~~(HH)~~(GG) "Place of worship" means a building where activities 111356
of an organized religious group are conducted and includes the 111357

grounds and any other buildings on the grounds used for such 111358
activities. 111359

~~(II)~~(HH) "Preschool child" means a child who is three years 111360
old or older but is not a school child. 111361

~~(JJ)~~(II) "Protective child care" means publicly funded child 111362
care for the direct care and protection of a child to whom either 111363
of the following applies: 111364

(1) A case plan prepared and maintained for the child 111365
pursuant to section 2151.412 of the Revised Code indicates a need 111366
for protective care and the child resides with a parent, 111367
stepparent, guardian, or another person who stands in loco 111368
parentis as defined in rules adopted under section 5104.38 of the 111369
Revised Code; 111370

(2) The child and the child's caretaker either temporarily 111371
reside in a facility providing emergency shelter for homeless 111372
families or are determined by the county department of job and 111373
family services to be homeless, and are otherwise ineligible for 111374
publicly funded child care. 111375

~~(KK)~~(JJ) "Publicly funded child care" means administering to 111376
the needs of infants, toddlers, preschool children, and school 111377
children under age thirteen during any part of the 111378
twenty-four-hour day by persons other than their caretaker parents 111379
for remuneration wholly or in part with federal or state funds, 111380
including funds available under the child care block grant act, 111381
Title IV-A, and Title XX, distributed by the department of job and 111382
family services. 111383

~~(LL)~~(KK) "Religious activities" means any of the following: 111384
worship or other religious services; religious instruction; Sunday 111385
school classes or other religious classes conducted during or 111386
prior to worship or other religious services; youth or adult 111387
fellowship activities; choir or other musical group practices or 111388

programs; meals; festivals; or meetings conducted by an organized 111389
religious group. 111390

~~(MM)~~(LL) "School child" means a child who is enrolled in or 111391
is eligible to be enrolled in a grade of kindergarten or above but 111392
is less than fifteen years old. 111393

~~(NN)~~(MM) "School child day-care center," "school child 111394
center," "school child type A family day-care home," and "school 111395
child type A family home" mean a center or type A home that 111396
provides child care for school children only and that does either 111397
or both of the following: 111398

(1) Operates only during that part of the day that 111399
immediately precedes or follows the public school day of the 111400
school district in which the center or type A home is located; 111401

(2) Operates only when the public schools in the school 111402
district in which the center or type A home is located are not 111403
open for instruction with pupils in attendance. 111404

~~(OO)~~(NN) "State median income" means the state median income 111405
calculated by the department of development pursuant to division 111406
(A)(1)(g) of section 5709.61 of the Revised Code. 111407

~~(PP)~~(OO) "Title IV-A" means Title IV-A of the "Social 111408
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 111409

~~(QQ)~~(PP) "Title XX" means Title XX of the "Social Security 111410
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 111411

~~(RR)~~(OO) "Toddler" means a child who is at least eighteen 111412
months of age but less than three years of age. 111413

~~(SS)~~(RR) "Type A family day-care home" and "type A home" mean 111414
a permanent residence of the administrator in which child care or 111415
publicly funded child care is provided for seven to twelve 111416
children at one time or a permanent residence of the administrator 111417
in which child care is provided for four to twelve children at one 111418

time if four or more children at one time are under two years of 111419
age. In counting children for the purposes of this division, any 111420
children under six years of age who are related to a licensee, 111421
administrator, or employee and who are on the premises of the type 111422
A home shall be counted. "Type A family day-care home" and "type A 111423
home" do not include any child day camp. 111424

~~(TT)~~(SS) "Type B family day-care home" and "type B home" mean 111425
a permanent residence of the provider in which child care is 111426
provided for one to six children at one time and in which no more 111427
than three children are under two years of age at one time. In 111428
counting children for the purposes of this division, any children 111429
under six years of age who are related to the provider and who are 111430
on the premises of the type B home shall be counted. "Type B 111431
family day-care home" and "type B home" do not include any child 111432
day camp. 111433

Sec. 5104.38. In addition to any other rules adopted under 111434
this chapter, the director of job and family services shall adopt 111435
rules in accordance with Chapter 119. of the Revised Code 111436
governing financial and administrative requirements for publicly 111437
funded child care and establishing all of the following: 111438

(A) Procedures and criteria to be used in making 111439
determinations of eligibility for publicly funded child care that 111440
give priority to children of families with lower incomes and 111441
procedures and criteria for eligibility for publicly funded 111442
protective child care. The rules shall specify the maximum amount 111443
of income a family may have for initial and continued eligibility. 111444
The maximum amount shall not exceed two hundred per cent of the 111445
federal poverty line. 111446

(B) Procedures under which a county department of job and 111447
family services may, if the department, under division (A) of this 111448
section, specifies a maximum amount of income a family may have 111449

for eligibility for publicly funded child care that is less than 111450
the maximum amount specified in that division, specify a maximum 111451
amount of income a family residing in the county the county 111452
department serves may have for initial and continued eligibility 111453
for publicly funded child care that is higher than the amount 111454
specified by the department but does not exceed the maximum amount 111455
specified in division (A) of this section; 111456

(C) A schedule of fees requiring all eligible caretaker 111457
parents to pay a fee for publicly funded child care according to 111458
income and family size, which shall be uniform for all types of 111459
publicly funded child care, except as authorized by rule, and, to 111460
the extent permitted by federal law, shall permit the use of state 111461
and federal funds to pay the customary deposits and other advance 111462
payments that a provider charges all children who receive child 111463
care from that provider. The schedule of fees may not provide for 111464
a caretaker parent to pay a fee that exceeds ten per cent of the 111465
parent's family income. 111466

(D) A formula based upon a percentage of the county's total 111467
expenditures for publicly funded child care for determining the 111468
maximum amount of state and federal funds appropriated for 111469
publicly funded child care that a county department may use for 111470
administrative purposes; 111471

(E) Procedures to be followed by the department and county 111472
departments in recruiting individuals and groups to become 111473
providers of child care; 111474

(F) Procedures to be followed in establishing state or local 111475
programs designed to assist individuals who are eligible for 111476
publicly funded child care in identifying the resources available 111477
to them and to refer the individuals to appropriate sources to 111478
obtain child care; 111479

(G) Procedures to deal with fraud and abuse committed by 111480

either recipients or providers of publicly funded child care; 111481

(H) Procedures for establishing a child care grant or loan 111482
program in accordance with the child care block grant act; 111483

(I) Standards and procedures for applicants to apply for 111484
grants and loans, and for the department to make grants and loans; 111485

(J) A definition of "person who stands in loco parentis" for 111486
the purposes of division ~~(JJ)~~(II)(1) of section 5104.01 of the 111487
Revised Code; 111488

(K) Procedures for a county department of job and family 111489
services to follow in making eligibility determinations and 111490
redeterminations for publicly funded child care available through 111491
telephone, computer, and other means at locations other than the 111492
county department; 111493

(L) Any other rules necessary to carry out sections 5104.30 111494
to 5104.39 of the Revised Code. 111495

Section 115.11. That existing sections 5104.01 and 5104.38 of 111496
the Revised Code are hereby repealed. 111497

Section 115.12. Sections 115.10 and 115.11 take effect July 111498
1, 2011. 111499

Section 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43, 111500
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 111501
Revised Code are hereby repealed, effective October 1, 2011. 111502

Section 201.01. Except as otherwise provided in this act, all 111503
appropriation items in this act are appropriated out of any moneys 111504
in the state treasury to the credit of the designated fund that 111505
are not otherwise appropriated. For all appropriations made in 111506
this act, the amounts in the first column are for fiscal year 2010 111507
and the amounts in the second column are for fiscal year 2011. 111508

111509

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

111510

General Services Fund Group

111511

4J80 889601 CPA Education \$ 325,000 \$ 325,000 111512

Assistance

4K90 889609 Operating Expenses \$ 1,117,000 \$ 1,117,000 111513

TOTAL GSF General Services Fund 111514

Group \$ 1,442,000 \$ 1,442,000 111515

TOTAL ALL BUDGET FUND GROUPS \$ 1,442,000 \$ 1,442,000 111516

Section 205.10. ADJ ADJUTANT GENERAL

111518

General Revenue Fund

111519

GRF 745401 Ohio Military Reserve \$ 13,675 \$ 13,675 111520

GRF 745404 Air National Guard \$ 2,010,606 \$ 2,010,606 111521

GRF 745407 National Guard \$ 500,000 \$ 500,000 111522

Benefits

GRF 745409 Central \$ 3,105,784 \$ 3,105,784 111523

Administration

GRF 745499 Army National Guard \$ 6,008,551 \$ 6,008,551 111524

TOTAL GRF General Revenue Fund \$ 11,638,616 \$ 11,638,616 111525

General Services Fund Group

111526

5340 745612 Property \$ 1,000,000 \$ 1,000,000 111527

Operations/Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 111528

Activities

5360 745620 Camp Perry/Buckeye \$ 1,502,970 \$ 1,502,970 111529

Inn Operations

5370 745604 Ohio National Guard \$ 269,826 \$ 269,826 111530

Facility Maintenance

TOTAL GSF General Services Fund \$ 2,901,396 \$ 2,901,396 111531

Group

Federal Special Revenue Fund Group					111532
3410 745615 Air National Guard	\$	2,777,692	\$	2,777,692	111533
Base Security					
3420 745616 Army National Guard	\$	10,970,050	\$	10,970,050	111534
Agreement					
3E80 745628 Air National Guard	\$	16,048,595	\$	16,048,595	111535
Agreement					
3R80 745603 Counter Drug	\$	25,000	\$	25,000	111536
Operations					
TOTAL FED Federal Special Revenue	\$	29,821,337	\$	29,821,337	111537
Fund Group					
State Special Revenue Fund Group					111538
5U80 745613 Community Match	\$	320,000	\$	345,600	111539
Armories					
TOTAL SSR State Special Revenue	\$	320,000	\$	345,600	111540
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	44,681,349	\$	44,706,949	111541
NATIONAL GUARD BENEFITS					111542
The foregoing appropriation item 745407, National Guard					111543
Benefits, shall be used for purposes of sections 5919.31 and					111544
5919.33 of the Revised Code, and for administrative costs of the					111545
associated programs.					111546
For active duty members of the Ohio National Guard who died					111547
after October 7, 2001, while performing active duty, the death					111548
benefit, pursuant to section 5919.33 of the Revised Code, shall be					111549
paid to the beneficiary or beneficiaries designated on the					111550
member's Servicemembers' Group Life Insurance Policy.					111551
STATE ACTIVE DUTY COSTS					111552
Of the foregoing appropriation item 745409, Central					111553
Administration, \$50,000 in each fiscal year shall be used for the					111554
purpose of paying expenses related to state active duty of members					111555

of the Ohio organized militia, in accordance with a proclamation 111556
of the Governor. Expenses include, but are not limited to, the 111557
cost of equipment, supplies, and services, as determined by the 111558
Adjutant General's Department. 111559

Section 205.20. FUND ABOLITION 111560

On July 1, 2009, or as soon as possible thereafter, the 111561
Director of Budget and Management, upon request by the Adjutant 111562
General, shall transfer the cash balance in the Marksmanship 111563
Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn 111564
Operations Fund (Fund 5360). The Director shall cancel any 111565
existing encumbrances against appropriation item 745645, 111566
Marksmanship Activities, and re-establish them against 111567
appropriation item 745620, Camp Perry/Buckeye Inn Operations. The 111568
re-established encumbrance amounts are hereby appropriated. Upon 111569
completion of the transfer, Fund 5280 is abolished. 111570

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 111571

General Revenue Fund 111572

GRF	100403	School Employees	\$	1,128,600	\$	1,128,600	111573
		Health Care Board					
GRF	100405	Agency Audit Expenses	\$	312,075	\$	312,075	111574
GRF	100415	OAKS Rental Payments	\$	18,607,000	\$	21,728,000	111575
GRF	100416	STARS Lease Rental	\$	4,977,600	\$	7,638,500	111576
		Payments					
GRF	100417	EEO Project Tracking	\$	0	\$	100,000	111577
		Software-Federal					
GRF	100418	Web Sites and Business	\$	3,843,074	\$	3,143,076	111578
		Gateway					
GRF	100419	IT Security	\$	1,211,250	\$	1,211,250	111579
		Infrastructure					
GRF	100421	OAKS Project	\$	202,500	\$	202,500	111580

		Implementation				
GRF	100422	Croscon Disparity Study	\$	500,000	\$	500,000 111581
GRF	100433	State of Ohio Computer Center	\$	6,736,752	\$	6,736,752 111582
GRF	100439	Equal Opportunity Certification Programs	\$	712,724	\$	712,724 111583
GRF	100447	OBA - Building Rent Payments	\$	102,635,400	\$	97,712,600 111584
GRF	100448	OBA - Building Operating Payments	\$	25,603,000	\$	25,603,000 111585
GRF	100449	DAS - Building Operating Payments	\$	3,271,384	\$	3,271,384 111586
GRF	100451	Minority Affairs	\$	50,016	\$	50,016 111587
GRF	100734	Major Maintenance - State Buildings	\$	37,800	\$	37,800 111588
GRF	102321	Construction Compliance	\$	1,108,744	\$	1,108,744 111589
GRF	130321	State Agency Support Services	\$	4,039,578	\$	4,039,578 111590
TOTAL GRF		General Revenue Fund	\$	174,977,497	\$	175,236,599 111591
		General Services Fund Group				111592
1120	100616	DAS Administration	\$	5,299,427	\$	5,299,427 111593
1150	100632	Central Service Agency	\$	928,403	\$	928,403 111594
1170	100644	General Services Division - Operating	\$	14,384,751	\$	14,574,622 111595
1220	100637	Fleet Management	\$	2,032,968	\$	2,032,968 111596
1250	100622	Human Resources Division - Operating	\$	27,162,320	\$	27,998,410 111597
1280	100620	Collective Bargaining	\$	3,662,534	\$	3,662,534 111598
1300	100606	Risk Management Reserve	\$	5,568,548	\$	5,568,548 111599
1310	100639	State Architect's Office	\$	8,292,759	\$	8,331,498 111600

1320	100631	DAS Building Management	\$	10,166,228	\$	10,166,228	111601
1330	100607	IT Services Delivery	\$	78,582,948	\$	77,067,948	111602
1880	100649	Equal Opportunity Division - Operating	\$	1,384,650	\$	1,384,650	111603
2100	100612	State Printing	\$	17,224,494	\$	17,263,080	111604
2290	100630	IT Governance	\$	15,431,411	\$	15,743,306	111605
2290	100640	Leveraged Enterprise Purchases	\$	10,000,000	\$	10,000,000	111606
4270	100602	Investment Recovery	\$	5,683,564	\$	5,683,564	111607
4N60	100617	Major IT Purchases	\$	8,460,134	\$	1,950,000	111608
4P30	100603	DAS Information Services	\$	4,958,218	\$	4,958,218	111609
5C20	100605	MARCS Administration	\$	15,852,314	\$	16,363,179	111610
5C30	100608	Skilled Trades	\$	934,982	\$	934,982	111611
5DQ0	100638	Administrative Hearings	\$	200,000	\$	200,000	111612
5EB0	100635	OAKS Support Organization	\$	16,726,421	\$	18,384,412	111613
5L70	100610	Professional Development	\$	3,900,000	\$	3,900,000	111614
5V60	100619	Employee Educational Development	\$	936,129	\$	936,129	111615
5X30	100634	Centralized Gateway Enhancement	\$	3,676,956	\$	2,052,308	111616
TOTAL GSF General Services Fund Group							111617
			\$	261,450,159	\$	255,384,414	111618
TOTAL ALL BUDGET FUND GROUPS			\$	436,427,656	\$	430,621,013	111619

Section 207.10.05. SCHOOL EMPLOYEES HEALTH CARE BOARD 111621

The foregoing appropriation item 100403, School Employees Health Care Board, shall be used by the School Employees Health Care Board to hire staff to provide administrative support to the

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111623
111624

Board as the Board carries out its duties under section 9.901 of 111625
the Revised Code. 111626

Section 207.10.10. AGENCY AUDIT EXPENSES 111627

The foregoing appropriation item 100405, Agency Audit 111628
Expenses, shall be used for auditing expenses designated in 111629
division (A)(1) of section 117.13 of the Revised Code for those 111630
state agencies audited on a biennial basis. 111631

Section 207.10.20. OAKS RENTAL PAYMENTS 111632

The foregoing appropriation item 100415, OAKS Rental 111633
Payments, shall be used for payments for the period from July 1, 111634
2009, through June 30, 2011, pursuant to leases and agreements 111635
entered into under Chapter 125. of the Revised Code, as 111636
supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 111637
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 111638
respect to financing the costs associated with the acquisition, 111639
development, installation, and implementation of the Ohio 111640
Administrative Knowledge System. If it is determined that 111641
additional appropriations are necessary for this purpose, the 111642
amounts are hereby appropriated. 111643

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE 111644
SYSTEM 111645

The Office of Information Technology, in conjunction with the 111646
Department of Taxation, may acquire the State Taxation Accounting 111647
and Revenue System (STARS) pursuant to Chapter 125. of the Revised 111648
Code, including, but not limited to, the application software and 111649
installation and implementation thereof, for the use of the 111650
Department of Taxation. STARS is an integrated tax collection and 111651
audit system that will replace all of the state's existing 111652
separate tax software and administration systems for the various 111653

taxes collected by the state. Any lease-purchase arrangement used 111654
under Chapter 125. of the Revised Code to acquire STARS, including 111655
any fractionalized interests therein as defined in division (N) of 111656
section 133.01 of the Revised Code, shall provide that at the end 111657
of the lease period, STARS becomes the property of the state. 111658
111659

Section 207.10.40. STARS LEASE RENTAL PAYMENTS 111660

The foregoing appropriation item 100416, STARS Lease Rental 111661
Payments, shall be used for payments for the period from July 1, 111662
2009, through June 30, 2011, pursuant to leases and agreements 111663
entered into under Chapter 125. of the Revised Code, as 111664
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 111665
General Assembly, with respect to financing the cost associated 111666
with the acquisition, development, installation, and 111667
implementation of the State Taxation Accounting and Revenue System 111668
(STARS). If it is determined that additional appropriations are 111669
necessary for this purpose, the amounts are appropriated. 111670

Section 207.10.45. WEB SITES AND BUSINESS GATEWAY 111671

Of the foregoing appropriation item 100418, Web Sites and 111672
Business Gateway, \$900,000 in fiscal year 2010 and \$200,000 in 111673
fiscal year 2011 shall be used by the Department of Administrative 111674
Services to develop and maintain the web site required under 111675
section 125.20 of the Revised Code. 111676

Section 207.10.50. BUILDING RENT PAYMENTS 111677

The foregoing appropriation item 100447, OBA - Building Rent 111678
Payments, shall be used to meet all payments at the times they are 111679
required to be made during the period from July 1, 2009, to June 111680
30, 2011, by the Department of Administrative Services to the Ohio 111681
Building Authority pursuant to leases and agreements under Chapter 111682

152. of the Revised Code. These appropriations are the source of 111683
funds pledged for bond service charges on obligations issued 111684
pursuant to Chapter 152. of the Revised Code. 111685

The foregoing appropriation item 100448, OBA - Building 111686
Operating Payments, shall be used to meet all payments at the 111687
times that they are required to be made during the period from 111688
July 1, 2009, to June 30, 2011, by the Department of 111689
Administrative Services to the Ohio Building Authority pursuant to 111690
leases and agreements under Chapter 152. of the Revised Code, but 111691
limited to the aggregate amount of \$51,206,000. 111692

The payments to the Ohio Building Authority are for paying 111693
the expenses of agencies that occupy space in various state 111694
facilities. The Department of Administrative Services may enter 111695
into leases and agreements with the Ohio Building Authority 111696
providing for the payment of these expenses. The Ohio Building 111697
Authority shall report to the Department of Administrative 111698
Services and the Office of Budget and Management not later than 111699
five months after the start of each fiscal year the actual 111700
expenses incurred by the Ohio Building Authority in operating the 111701
facilities and any balances remaining from payments and rentals 111702
received in the prior fiscal year. The Department of 111703
Administrative Services shall reduce subsequent payments by the 111704
amount of the balance reported to it by the Ohio Building 111705
Authority. 111706

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 111707

The foregoing appropriation item 100449, DAS - Building 111708
Operating Payments, shall be used to pay the rent expenses of 111709
veterans organizations pursuant to section 123.024 of the Revised 111710
Code in fiscal years 2010 and 2011. 111711

The foregoing appropriation item, 100449, DAS - Building 111712
Operating Payments, also may be used to provide funding for the 111713

cost of property appraisals or building studies that the 111714
Department of Administrative Services may be required to obtain 111715
for property that is being sold by the state or property under 111716
consideration to be renovated or purchased by the state. 111717

Notwithstanding section 125.28 of the Revised Code, the 111718
remaining portion of the appropriation may be used to pay the 111719
operating expenses of state facilities maintained by the 111720
Department of Administrative Services that are not billed to 111721
building tenants. These expenses may include, but are not limited 111722
to, the costs for vacant space and space undergoing renovation, 111723
and the rent expenses of tenants that are relocated because of 111724
building renovations. These payments shall be processed by the 111725
Department of Administrative Services through intrastate transfer 111726
vouchers and placed in the Building Management Fund (Fund 1320). 111727

Notwithstanding division (A)(1) of section 125.28 of the 111728
Revised Code, the Department of Administrative Services may use 111729
the Building Management Fund (Fund 1320) to support utility costs 111730
at the State of Ohio Computer Center that exceed the available 111731
appropriation in appropriation item 100433, State of Ohio Computer 111732
Center. 111733

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 111734

The appropriation item 100632, Central Service Agency, shall 111735
be used to purchase the equipment, products, and services that are 111736
needed to maintain automated applications for the professional 111737
licensing boards and to support board licensing functions in 111738
fiscal years 2010 and 2011. The Department of Administrative 111739
Services shall establish charges for recovering the costs of 111740
carrying out these functions. The charges shall be billed to the 111741
professional licensing boards and deposited via intrastate 111742
transfer vouchers to the credit of the Central Service Agency Fund 111743
(Fund 1150). Total Department of Administrative Services charges 111744

for the maintenance and support of the licensing system shall not 111745
exceed \$363,678 in each fiscal year of the biennium. 111746

Section 207.10.80. CENTRAL SERVICE AGENCY CONSOLIDATION 111747
INITIATIVE 111748

Of the foregoing appropriation item 130321, State Agency 111749
Support Services, \$308,230 in fiscal year 2010 and \$235,230 in 111750
fiscal year 2011 shall be used by the Department of Administrative 111751
Services for the Central Service Agency Consolidation initiative. 111752

Section 207.10.90. EXPANDED FUNCTIONS OF THE CENTRAL SERVICE 111753
AGENCY 111754

Notwithstanding any contrary provision of law, on July 1, 111755
2009, or as soon as possible thereafter, the Central Service 111756
Agency shall review the services the Agency performs on behalf of 111757
the boards and commissions named in division (A) of section 125.22 111758
of the Revised Code and the fiscal condition of those boards and 111759
commissions with those boards and commissions. The Agency, in 111760
consultation with the boards and commissions, shall thereafter 111761
provide recommendations to the Director of Budget and Management 111762
regarding consolidation of human resources, fiscal, and 111763
information technology functions to achieve administrative cost 111764
savings and efficiency. The Agency shall develop and enter into 111765
service level agreements and agency specific addendums thereto 111766
with the boards and commissions named in division (A) of section 111767
125.22 of the Revised Code. The Agency and the boards and 111768
commissions shall develop a resolution process for settling any 111769
disagreements. The resolution process shall be included in the 111770
service level agreements. The service level agreements, and any 111771
board and commission specific addendums thereto, shall be signed 111772
by a representative of the board or commission and the Agency. An 111773
agreement or addendum may require the transfer of the board's or 111774

commission's employees and assets and may require the boards and 111775
commissions to enter into agreements to share office equipment, 111776
office space, or other assets to the extent such an agreement 111777
would create efficiencies or savings in human resources, fiscal, 111778
or information technology expenses. 111779

This section shall not be interpreted as a grant of authority 111780
to the Agency to supersede or replace the boards or commissions in 111781
the performance of their respective statutory duties, but shall be 111782
interpreted to focus on functions that are not evident to the 111783
licensees of the boards and commissions, registrants, or customers 111784
and so as not to interfere with the protection of the public. 111785
111786

The Director of Budget and Management shall take budget 111787
actions necessary to implement the service level agreements and 111788
addendums thereto signed by the respective boards and commissions 111789
and the Agency. The Director of Administrative Services shall 111790
ensure that the service level agreements and addendums thereto are 111791
properly implemented. 111792

Section 207.20.10. GENERAL SERVICE CHARGES 111793

The Department of Administrative Services, with the approval 111794
of the Director of Budget and Management, shall establish charges 111795
for recovering the costs of administering the programs funded by 111796
the General Services Fund (Fund 1170) and the State Printing Fund 111797
(Fund 2100). Such charges within Fund 1170 may be used to recover 111798
the cost of paying a vendor to establish reduced pricing for 111799
contracted supplies or services. 111800

If the Director of Administrative Services determines that 111801
additional amounts are necessary to pay for consulting and 111802
administrative costs related to securing lower pricing, the 111803
Director of Administrative Services may request that the Director 111804
of Budget and Management approve additional expenditures. Such 111805

approved additional amounts are appropriated to appropriation item 111806
100644, General Services Division-Operating. 111807

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 111808
111809

With approval of the Director of Budget and Management, the 111810
Department of Administrative Services may seek reimbursement from 111811
state agencies for the actual costs and expenses the Department 111812
incurs in the collective bargaining arbitration process. The 111813
reimbursements shall be processed through intrastate transfer 111814
vouchers and credited to the Collective Bargaining Fund (Fund 111815
1280). 111816

Section 207.20.30. BROADBAND OHIO 111817

Any unencumbered, unexpended amounts of the foregoing 111818
appropriation item 100607, IT Services Delivery, that were 111819
allocated for implementation of the NextGen Network in fiscal 111820
years 2008 and 2009 are hereby reappropriated for the same purpose 111821
in fiscal years 2010 and 2011. 111822

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 111823

The Department of Administrative Services, with the approval 111824
of the Director of Budget and Management, shall establish charges 111825
for recovering the costs of administering the activities supported 111826
by the State EEO Fund (Fund 1880). These charges shall be 111827
deposited to the credit of the State EEO Fund (Fund 1880) upon 111828
payment made by state agencies, state-supported or state-assisted 111829
institutions of higher education, and tax-supported agencies, 111830
municipal corporations, and other political subdivisions of the 111831
state, for services rendered. 111832

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 111833

On July 1, 2009, or as soon as possible thereafter, the 111834
Director of Budget and Management shall transfer the cash balance, 111835
functions, assets, and liabilities of the Merchandise Resale Fund 111836
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 111837
of Budget and Management shall cancel any existing encumbrances 111838
against appropriation item 100653, General Services Resale 111839
Merchandise, and re-establish them against appropriation item 111840
100612, State Printing. The re-established encumbrances are 111841
appropriated. Upon completion of the transfer, Fund 2010 is 111842
abolished. 111843

The State Printing Fund is thereupon and thereafter successor 111844
to, assumes the obligations of, and otherwise constitutes the 111845
continuation of the Merchandise Resale Fund. Any business 111846
commenced but not completed pertaining to the Merchandise for 111847
Resale Fund by July 1, 2009, shall be completed within the State 111848
Printing Fund in the same manner and with the same effect as if it 111849
were completed within the Merchandise for Resale Fund. All of the 111850
rules, orders, and determinations associated with the Merchandise 111851
for Resale Fund continue in effect as rules, orders, and 111852
determinations associated with the State Printing Fund until 111853
modified or rescinded by the Director of Administrative Services. 111854
If necessary to ensure the integrity of the Administrative Code, 111855
the Director of the Legislative Service Commission shall renumber 111856
the rules relating to the Merchandise for Resale Fund to reflect 111857
its transfer to the State Printing Fund. 111858

On and after July 1, 2009, when the Merchandise for Resale 111859
Fund is referred to in any statute, rule, contract, grant or other 111860
document, the reference is hereby deemed to refer to the State 111861
Printing Fund. 111862

Section 207.20.60. LEVERAGED ENTERPRISE PURCHASE PROGRAM 111863
FUNDING 111864

The foregoing appropriation item 100640, Leveraged Enterprise Purchases, may be used by the Director of Administrative Services to operate a Leveraged Enterprise Purchases Program to make enterprise-wide information technology purchases. The Director of Administrative Services may recover the cost of operating such a program from all participating government entities through intrastate transfer voucher billings for each applicable procurement, or the Director may use any pass-through billing method agreed to by the Director of Administrative Services, the Director of Budget and Management, and the participating government entities that will receive the applicable procurement. If the Director of Administrative Services chooses to recover the costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost.

Amounts received under this section for the Leveraged Enterprise Purchases Program shall be deposited to the credit of the IT Governance Fund (Fund 2290).

Section 207.20.70. INFORMATION TECHNOLOGY ASSESSMENT

The Director of Administrative Services, with the approval of the Director of Budget and Management, may establish an information technology assessment for the purpose of recovering the cost of selected infrastructure and statewide programs. The information technology assessment shall be charged to all organized bodies, offices, or agencies established by the laws of the state for the exercise of any function of state government except for the General Assembly, any legislative agency, the Supreme Court, the other courts of record in Ohio, or any judicial agency, the Adjutant General, the Bureau of Workers' Compensation, and institutions administered by a board of trustees. Any state-entity exempted by this section may use the infrastructure

or statewide program by participating in the information 111896
technology assessment. All charges for the information technology 111897
assessment shall be deposited to the credit of the IT Governance 111898
Fund (Fund 2290). 111899

Section 207.20.80. INVESTMENT RECOVERY FUND 111900

Notwithstanding division (B) of section 125.14 of the Revised 111901
Code, cash balances in the Investment Recovery Fund (Fund 4270) 111902
may be used to support the operating expenses of the Federal 111903
Surplus Operating Program created in sections 125.84 to 125.90 of 111904
the Revised Code. 111905

Notwithstanding division (B) of section 125.14 of the Revised 111906
Code, cash balances in the Investment Recovery Fund may be used to 111907
support the operating expenses of the Asset Management Services 111908
Program, including, but not limited to, the cost of establishing 111909
and maintaining procedures for inventory records for state 111910
property as described in section 125.16 of the Revised Code. 111911

Of the foregoing appropriation item 100602, Investment 111912
Recovery, up to \$2,093,564 in fiscal year 2010 and up to 111913
\$2,107,388 in fiscal year 2011 shall be used to pay the operating 111914
expenses of the State Surplus Property Program, the Surplus 111915
Federal Property Program, and the Asset Management Services 111916
Program under Chapter 125. of the Revised Code and this section. 111917
If additional appropriations are necessary for the operations of 111918
these programs, the Director of Administrative Services shall seek 111919
increased appropriations from the Controlling Board under section 111920
131.35 of the Revised Code. 111921

Of the foregoing appropriation item 100602, Investment 111922
Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal 111923
year 2011 shall be used to transfer proceeds from the sale of 111924
surplus property from the Investment Recovery Fund to non-General 111925
Revenue Funds under division (A)(2) of section 125.14 of the 111926

Revised Code. If it is determined by the Director of 111927
Administrative Services that additional amounts are necessary for 111928
the transfer of such sale proceeds, the Director of Administrative 111929
Services may request the Director of Budget and Management to 111930
authorize additional amounts. Such authorized additional amounts 111931
are hereby appropriated. 111932

Section 207.20.90. DAS INFORMATION SERVICES 111933

There is hereby established in the State Treasury the DAS 111934
Information Services Fund. The foregoing appropriation item 111935
100603, DAS Information Services, shall be used to pay the costs 111936
of providing information systems and services in the Department of 111937
Administrative Services. Any state agency, board, or commission 111938
may use DAS Information Services by paying for the services 111939
rendered. 111940

The Department of Administrative Services shall establish 111941
user charges for all information systems and services that are 111942
allowable in the statewide indirect cost allocation plan submitted 111943
annually to the United States Department of Health and Human 111944
Services. These charges shall comply with federal regulations and 111945
shall be deposited to the credit of the DAS Information Services 111946
Fund (Fund 4P30). 111947

Section 207.30.10. ADMINISTRATIVE HEARINGS 111948

There is hereby created in the State Treasury the 111949
Administrative Hearings Fund (Fund 5DQ0). The fund shall be under 111950
the supervision of the Department of Administrative Services and 111951
shall be used to pay the costs of operating shared, centralized 111952
administrative-adjudicatory services in the Department of 111953
Administrative Services. Money collected from charges to state 111954
agencies for adjudicatory services provided by the Department of 111955
Administrative Services shall be credited to the fund. The 111956

foregoing appropriation item 100638, Administrative Hearings, 111957
shall be used to make payments from the fund. 111958

With the approval of the Director of Budget and Management, 111959
the Department of Administrative Services shall establish user 111960
charges to recover the costs of providing adjudicatory services in 111961
fiscal years 2010 and 2011. The charges shall be established at 111962
amounts sufficient to pay the costs of providing services and an 111963
amount to provide operating cash flow for the fund. The charges 111964
shall be billed to state agencies that receive 111965
administrative-adjudicatory services and deposited via intrastate 111966
transfer vouchers to the credit of the Administrative Hearings 111967
Fund (Fund 5DQ0). 111968

The Director of Administrative Services shall submit a 111969
spending plan to the Director of Budget and Management to justify 111970
operating transfers to Fund 5DQ0 from the operating funds of state 111971
agencies that receive administrative-adjudicatory services. The 111972
spending plan shall identify the state agencies participating in 111973
the initial receipt of administrative-adjudicatory services, the 111974
proportion of services to be received by each agency, and the 111975
funding source from which the operating transfer shall be made. 111976
Upon approval of the plan, the Director of Budget and Management 111977
may transfer an amount in cash, not to exceed a total of \$200,000, 111978
from the funds identified in the plan to Fund 5DQ0. The amounts 111979
shall support the establishment of an Office of Administrative 111980
Hearings. 111981

The Director of Administrative Services shall prepare a plan 111982
for the return of cash balances transferred from the operating 111983
funds of state agencies that receive administrative-adjudicatory 111984
services under this section. This plan shall be submitted to the 111985
Director of Budget and Management when the Department of 111986
Administrative Services files with the Director of Budget and 111987
Management its estimate of proposed expenditures for the biennium 111988

beginning July 1, 2011. Upon approval of the plan, the Director of 111989
Budget and Management shall make the cash transfers specified in 111990
the plan. 111991

Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 111992
FUND 111993

The Director of Budget and Management may transfer 111994
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 111995
1330) to the OAKS Support Organization Fund (5EB0) to correct an 111996
intrastate transfer voucher from the Department of Administrative 111997
Services that was deposited in the IT Services Delivery Fund. 111998

Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 111999

The foregoing appropriation item 100610, Professional 112000
Development, shall be used to make payments from the Professional 112001
Development Fund (Fund 5L70) under section 124.182 of the Revised 112002
Code. 112003

Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 112004

The foregoing appropriation item 100619, Employee Educational 112005
Development, shall be used to make payments from the Employee 112006
Educational Development Fund (Fund 5V60) under section 124.86 of 112007
the Revised Code. The fund shall be used to pay the costs of 112008
administering educational programs under existing collective 112009
bargaining agreements with District 1199, the Health Care and 112010
Social Service Union; State Council of Professional Educators; 112011
Ohio Education Association and National Education Association; the 112012
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 112013
State Troopers Association, Units 1 and 15. 112014

If it is determined by the Director of Administrative 112015
Services that additional amounts are necessary, the Director of 112016
Administrative Services may request that the Director of Budget 112017

and Management approve additional amounts. Such approved 112018
additional amounts are hereby appropriated. 112019

Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND 112020

(A) As used in this section, "Ohio Business Gateway" refers 112021
to the internet-based system operated by the Department of 112022
Administrative Services with the advice of the Ohio Business 112023
Gateway Steering Committee established under section 5703.57 of 112024
the Revised Code. The Ohio Business Gateway is established to 112025
provide businesses a central web site where various filings and 112026
payments are submitted on-line to government. The information is 112027
then distributed to the various government entities that interact 112028
with the business community. 112029

(B) As used in this section: 112030

(1) "State Portal" refers to the official web site of the 112031
state, operated by the Department of Administrative Services. 112032

(2) "Shared Hosting Environment" refers to the computerized 112033
system operated by the Department of Administrative Services for 112034
the purpose of providing capability for state agencies to host web 112035
sites. 112036

(C) There is hereby created in the state treasury the 112037
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 112038
appropriation item 100634, Centralized Gateway Enhancement, shall 112039
be used by the Department of Administrative Services to pay the 112040
costs of enhancing, expanding, and operating the infrastructure of 112041
the Ohio Business Gateway, State Portal, and Shared Hosting 112042
Environment. The Director of Administrative Services shall submit 112043
spending plans to the Director of Budget and Management to justify 112044
operating transfers to the fund from the General Revenue Fund. 112045
Upon approval, the Director of Budget and Management shall 112046
transfer approved amounts to the fund, not to exceed the amount of 112047

the annual appropriation in each fiscal year. The spending plans 112048
may be based on the recommendations of the Ohio Business Gateway 112049
Steering Committee or its successor. 112050

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 112051

The Director of Administrative Services shall compute the 112052
amount of revenue attributable to the amortization of all 112053
equipment purchases and capitalized systems from appropriation 112054
item 100607, IT Services Delivery; appropriation item 100617, 112055
Major IT Purchases; and appropriation item C10014, Major Computer 112056
Purchases, which is recovered by the Department of Administrative 112057
Services as part of the rates charged by the IT Service Delivery 112058
Fund (Fund 1330) created in section 125.15 of the Revised Code. 112059
The Director of Budget and Management may transfer cash in an 112060
amount not to exceed the amount of amortization computed from the 112061
IT Service Delivery Fund (Fund 1330) to the Major IT Purchases 112062
Fund (Fund 4N60). 112063

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 112064
FUND 112065

Upon request of the Director of Administrative Services, the 112066
Director of Budget and Management may make the following transfers 112067
from the Major IT Purchases Fund (Fund 4N60): 112068

(1) Up to \$2,800,000 in each fiscal year of the biennium to 112069
the State Architect's Fund (Fund 1310) to support the OAKS Capital 112070
Improvements Module and other costs of the State Architect's 112071
Office that are not directly related to capital projects managed 112072
by the State Architect; 112073

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 112074
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 112075
support operating expenses of the Accountability and Results 112076
Initiative; 112077

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 112078
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 112079
5EB0) to support OAKS operating costs not billed to the Office of 112080
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 112081
to the Department of Administrative Services' Human Resources 112082
Services Fund (Fund 1250), or paid from other funds of the 112083
Department of Administrative Services; and 112084

(4) Up to \$639,945 in each fiscal year of the biennium to the 112085
General Revenue Fund. 112086

Upon approval of the Director of Budget and Management, the 112087
transferred amounts to non-GRF funds are appropriated in the 112088
designated fiscal years to the following appropriation items: 112089
100639, State Architect's Office (Fund 1310) in each fiscal year 112090
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 112091
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 112092
Support Organization (Fund 5EB0) in fiscal year 2010 only. 112093

Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 112094
TECHNOLOGY FUND 112095

On July 1, 2009, or as soon as possible thereafter, the 112096
Director of Budget and Management shall transfer \$7,768.37 in cash 112097
from the Unemployment Compensation Fund (Fund 1130) to the 112098
Information Technology Fund (Fund 1330). This transfer corrects a 112099
deposit of revenue that was made to Fund 1130. Upon completion of 112100
the transfer, Fund 1130 is abolished. 112101

Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 112102
DEBT SERVICE PAYMENTS 112103

The Director of Administrative Services, in consultation with 112104
the Multi-Agency Radio Communication System (MARCS) Steering 112105
Committee and the Director of Budget and Management, shall 112106
determine the share of debt service payments attributable to 112107

spending for MARCS components that are not specific to any one 112108
agency and that shall be charged to agencies supported by the 112109
motor fuel tax. Such share of debt service payments shall be 112110
calculated for MARCS capital disbursements made beginning July 1, 112111
1997. Within thirty days of any payment made from appropriation 112112
item 100447, OBA - Building Rent Payments, the Director of 112113
Administrative Services shall certify to the Director of Budget 112114
and Management the amount of this share. The Director of Budget 112115
and Management shall transfer such amounts to the General Revenue 112116
Fund from the State Highway Safety Fund (Fund 7036) established in 112117
section 4501.06 of the Revised Code. 112118

The Director of Administrative Services shall consider 112119
renting or leasing existing tower sites at reasonable or current 112120
market rates, so long as these existing sites are equipped with 112121
the technical capabilities to support the MARCS project. 112122

Section 207.40.20. ACCOUNTABILITY AND RESULTS FUND 112123

There is hereby created in the state treasury the 112124
Accountability and Results Fund (Fund 5GD0) for use by the 112125
Department of Administrative Services. The Accountability and 112126
Results Fund shall consist of gifts, grants, devises, bequests, 112127
and other financial contributions made to the Department of 112128
Administrative Services for the purchase of services, supplies, or 112129
equipment for the Accountability and Results Initiative. All 112130
investment earnings of the fund shall be credited to the fund. 112131

Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 112132

Whenever the Director of Administrative Services declares a 112133
"public exigency," as provided in division (C) of section 123.15 112134
of the Revised Code, the Director shall also notify the members of 112135
the Controlling Board. 112136

Section 207.40.40. GRF TRANSFER TO STATE EQUAL EMPLOYMENT				112137
OPPORTUNITY FUND				112138
On July 1 of each fiscal year, or as soon as possible				112139
thereafter, the Director of Budget and Management shall transfer				112140
\$500,000 cash from the General Revenue Fund to the State Equal				112141
Employment Opportunity Fund (Fund 1880) used by the Department of				112142
Administrative Services.				112143
 Section 209.10. AGE DEPARTMENT OF AGING				112144
General Revenue Fund				112145
GRF	490321	Operating Expenses	\$ 2,109,817 \$ 2,109,817	112146
GRF	490409	AmeriCorps Operations	\$ 147,034 \$ 147,034	112147
GRF	490410	Long-Term Care	\$ 535,857 \$ 535,857	112148
Ombudsman				
GRF	490411	Senior Community	\$ 8,434,134 \$ 8,434,134	112149
Services				
GRF	490412	Residential State	\$ 7,325,417 \$ 7,325,417	112150
Supplement				
GRF	490414	Alzheimer's Respite	\$ 3,644,277 \$ 3,685,593	112151
GRF	490416	JCFS Community	\$ 240,000 \$ 240,000	112152
Options				
GRF	490423	Long Term Care Budget	\$ 113,116,967 \$ 149,517,603	112153
- State				
GRF	490506	National Senior	\$ 268,237 \$ 268,237	112154
Service Corps				
GRF	490625	Alzheimer's Respite -	\$ 512,318 \$ 471,002	112155
Federal Stimulus				
TOTAL GRF	General Revenue Fund		\$ 136,334,058 \$ 172,734,694	112156
General Services Fund Group				112157
4800	490606	Senior Community	\$ 372,677 \$ 372,677	112158
Outreach and				

Education			
TOTAL GSF General Services Fund			112159
Group	\$	372,677	\$ 372,677 112160
Federal Special Revenue Fund Group			112161
3220 490618 Federal Aging Grants	\$	10,200,000	\$ 10,200,000 112162
3C40 490623 Long Term Care Budget	\$	350,162,957	\$ 340,193,418 112163
3M40 490612 Federal Independence	\$	63,655,080	\$ 63,655,080 112164
Services			
3R70 490617 AmeriCorps Programs	\$	8,870,000	\$ 8,870,000 112165
TOTAL FED Federal Special Revenue			112166
Fund Group	\$	432,888,037	\$ 422,918,498 112167
State Special Revenue Fund Group			112168
4C40 490609 Regional Long-Term	\$	935,000	\$ 935,000 112169
Care Ombudsman Program			
4J40 490610 PASSPORT/Residential	\$	33,263,984	\$ 33,263,984 112170
State Supplement			
4U90 490602 PASSPORT Fund	\$	4,424,969	\$ 4,424,969 112171
5AA0 490673 Ohio's Best Rx	\$	910,801	\$ 0 112172
Administration			
5BA0 490620 Ombudsman Support	\$	600,000	\$ 600,000 112173
5K90 490613 Long Term Care	\$	820,400	\$ 820,400 112174
Consumers Guide			
5W10 490616 Resident Services	\$	330,000	\$ 330,000 112175
Coordinator Program			
6240 490604 OCSC Community	\$	470,000	\$ 470,000 112176
Support			
TOTAL SSR State Special Revenue			112177
Fund Group	\$	41,755,154	\$ 40,844,353 112178
TOTAL ALL BUDGET FUND GROUPS	\$	611,349,926	\$ 636,870,222 112179
 Section 209.20. LONG-TERM CARE			 112181

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code.

The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to assess and provide long-term care consultations to clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility. The foregoing appropriation item 490423, Long Term Care Budget - State, may be used by the Department of Aging to provide nonwaiver funded PASSPORT services to persons the Department has determined to be eligible to participate in the nonwaiver funded PASSPORT Program, including those persons not yet determined to be financially eligible to participate in the Medicaid waiver component of the PASSPORT Program by a county department of job and family services.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490423, Long Term Care Budget - State, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded

PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

The foregoing appropriation item 490623, Long Term Care Budget, shall be used to provide the federal matching share for all program costs determined by the Department of Job and Family Services to be eligible for Medicaid reimbursement.

Of the foregoing appropriation item 490423, Long Term Care Budget - State, \$200,000 in each fiscal year shall be allocated to the Visiting Nurse Association Health Care Partners of Ohio for the Chronic Disease Management Home Health Aide Workforce Training Program.

HOME FIRST PROGRAM

(A) As used in this section, "Long Term Care Budget Services" includes the following existing programs: PASSPORT, Assisted Living, Residential State Supplement, and PACE.

(B) On a quarterly basis, on receipt of the certified expenditures related to sections 173.401, 173.351, and 5111.894 of the Revised Code, the Director of Budget and Management may do all of the following for fiscal years 2010 and 2011:

(1) Transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of Job and Family Services, to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging.

The transferred cash is hereby appropriated to appropriation item 490610, PASSPORT/Residential State Supplement.

(2) If receipts credited to the PASSPORT Fund (Fund 3C40)

exceed the amounts appropriated from the fund, the Director of Aging may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

(3) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

(C) The individuals placed in Long Term Care Budget Services pursuant to this section shall be in addition to the individuals placed in Long Term Care Budget Services during fiscal years 2010 and 2011 before any transfers to appropriation item 490423, Long Term Care Budget-State, are made under this section.

ALLOCATION OF PACE SLOTS

In order to effectively administer and manage growth within the PACE Program, the Director of Aging may, as the director deems appropriate and to the extent funding is available, expand the PACE Program to regions of Ohio beyond those currently served by the PACE Program between the PACE sites in Cleveland and Cincinnati. In implementing the expansion, the Director may not decrease to less than eight hundred eighty the number of PACE Program slots that are made available to eligible residents of Cuyahoga and Hamilton counties and the parts of Butler, Clermont, and Warren counties in which the PACE Program is being operated on the effective date of this section.

Section 209.30. OHIO COMMUNITY SERVICE COUNCIL

The foregoing appropriation items 490409, AmeriCorps Operations, and 490617, AmeriCorps Programs, shall be used in accordance with section 121.40 of the Revised Code.	112274 112275 112276
LONG-TERM CARE OMBUDSMAN	112277
The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.	112278 112279 112280 112281
SENIOR COMMUNITY SERVICES	112282
The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.	112283 112284 112285 112286 112287 112288 112289 112290 112291 112292 112293 112294
RESIDENTIAL STATE SUPPLEMENT	112295
Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:	112296 112297 112298 112299
(A) \$927 for a residential care facility, as defined in section 3721.01 of the Revised Code;	112300 112301
(B) \$927 for an adult group home, as defined in Chapter 3722. of the Revised Code;	112302 112303

(C) \$824 for an adult foster home, as defined in Chapter 173. of the Revised Code;	112304 112305
(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code;	112306 112307
(E) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	112308 112309
(F) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	112310 112311 112312
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.	112313 112314 112315
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	112316
The foregoing appropriation items 490412, Residential State Supplement, and 490610, PASSPORT/Residential State Supplement, may be used by the Director of Aging to transfer cash to the Home and Community Based Services for the Aged Fund (Fund 4J50), which is used by the Department of Job and Family Services and the Residential State Supplement Fund (Fund 5CH0), used by the Department of Mental Health. The transferred cash shall be used to make benefit payments to residential state supplement recipients. The transfer shall be made using an intrastate transfer voucher.	112317 112318 112319 112320 112321 112322 112323 112324 112325 112326
ALZHEIMER'S RESPITE	112327
The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.	112328 112329 112330
JCFS COMMUNITY OPTIONS	112331
Of the foregoing appropriation item 490416, JCFS Community Options, \$80,000 in each fiscal year shall be allocated to the	112332 112333

Cleveland Jewish Community Center, \$70,000 in each fiscal year 112334
shall be allocated to the Cincinnati Jewish Vocational Services, 112335
\$70,000 in each fiscal year shall be allocated to the Wexner 112336
Heritage Village, and \$20,000 in each fiscal year shall be 112337
allocated to the Columbus Jewish Community Center. 112338

ALZHEIMER'S RESPITE - FEDERAL STIMULUS 112339

The foregoing appropriation item 490625, Alzheimer's Respite 112340
- Federal Stimulus, shall be used to fund only Alzheimer's disease 112341
services under section 173.04 of the Revised Code. 112342

EDUCATION AND TRAINING 112343

The foregoing appropriation item 490606, Senior Community 112344
Outreach and Education, may be used to provide training to workers 112345
in the field of aging pursuant to division (G) of section 173.02 112346
of the Revised Code. 112347

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 112348

The foregoing appropriation item 490609, Regional Long-Term 112349
Care Ombudsman, shall be used to pay the costs of operating the 112350
regional long-term care ombudsman programs designated by the 112351
Long-Term Care Ombudsman. 112352

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 112353

The foregoing appropriation item 490610, PASSPORT/Residential 112354
State Supplement, may be used to fund the Residential State 112355
Supplement Program. The remaining available funds shall be used to 112356
fund the PASSPORT program. 112357

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 112358
AND FEDERAL AGING GRANTS 112359

At the request of the Director of Aging, the Director of 112360
Budget and Management may transfer appropriation between 112361
appropriation items 490612, Federal Independence Services, and 112362
490618, Federal Aging Grants. The amounts transferred shall not 112363

exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer \$600,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.

Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP

(A) There is hereby created the Unified Long-Term Care Budget Workgroup. The Workgroup shall consist of the following members:

(1) The Director of Aging;

(2) Consumer advocates, representatives of the provider community, and state policy makers, appointed by the Governor;

(3) Two members of the House of Representatives, one member from the majority party and one member from the minority party, appointed by the Speaker of the House of Representatives;

(4) Two members of the Senate, one member from the majority party and one member from the minority party, appointed by the President of the Senate.

The Director of Aging shall serve as the chairperson of the Workgroup.

The Workgroup shall be staffed by the departments of Aging and Job and Family Services.

(B) The Workgroup shall develop a unified long-term care budget that facilitates the following:

(1) Providing a consumer a choice of services that meet the

consumer's health care needs and improve the consumer's quality of life;	112393 112394
(2) Providing a continuum of services that meet the needs of a consumer throughout life;	112395 112396
(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;	112397 112398 112399 112400
(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.	112401 112402
(C) On an annual basis, the Directors of Aging, Job and Family Services, 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.	112403 112404 112405 112406 112407 112408 112409 112410 112411
(D) In support of the Workgroup's proposal, the Director of Budget and Management may seek Controlling Board approval to transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of Job and Family Services, to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging.	112412 112413 112414 112415 112416 112417
Any transfers of cash approved by the Controlling Board under this section are hereby appropriated to appropriation item 490610, PASSPORT/Residential State Supplement.	112418 112419 112420
Section 209.50. OHIO'S BEST RX PROGRAM	112421
OHIO'S BEST RX ADMINISTRATION	112422

On and after July 1, 2009, the Director of Aging may take any 112423
actions necessary to conclude the operation of the Ohio's Best Rx 112424
Program and settle all accounts with drug manufacturers and 112425
terminal distributors of dangerous drugs that had program 112426
agreements in effect on June 30, 2009. As appropriate, the 112427
Director's actions shall be taken in accordance with the 112428
provisions of former sections 173.71 to 173.91 of the Revised 112429
Code, as those sections existed on June 30, 2009. The Director 112430
shall make every effort to conclude the program by July 31, 2009, 112431
but any program accounts with drug manufacturers and terminal 112432
distributors that remain open after that date may be settled until 112433
October 1, 2009. 112434

On August 1, 2009, or as soon as possible thereafter, the 112435
Director of Budget and Management shall transfer the cash balance 112436
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 112437
General Revenue Fund. Fund 5AA0 shall remain open after the 112438
transfer to allow program accounts to be settled with drug 112439
manufacturers and terminal distributors pursuant to this section. 112440
On October 1, 2009, or as soon as possible thereafter, the 112441
Director of Budget and Management shall complete the final 112442
transfer of any cash balance in Fund 5AA0 to the General Revenue 112443
Fund. Upon completion of the transfer, Fund 5AA0 is abolished. The 112444
Director shall cancel any existing encumbrances against 112445
appropriation item 490673, Ohio's Best Rx Administration. 112446

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 112447

General Revenue Fund 112448
GRF 700401 Animal Disease Control \$ 3,617,777 \$ 3,617,777 112449
GRF 700403 Dairy Division \$ 1,110,277 \$ 1,110,277 112450
GRF 700404 Ohio Proud \$ 246,895 \$ 246,895 112451
GRF 700406 Consumer Analytical \$ 1,256,469 \$ 1,274,854 112452
Lab

GRF 700407	Food Safety	\$	875,043	\$	875,043	112453
GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	112454
GRF 700411	International Trade and Market Development	\$	531,440	\$	531,440	112455
GRF 700412	Weights and Measures	\$	200,000	\$	200,000	112456
GRF 700415	Poultry Inspection	\$	375,401	\$	375,401	112457
GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,353,676	112458
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	112459
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	112460
GRF 700501	County Agricultural Societies	\$	334,903	\$	334,903	112461
GRF 700503	Livestock Exhibition Fund	\$	62,500	\$	62,500	112462
GRF 700654	Agriculture Operating - Federal Stimulus	\$	1,107,035	\$	1,017,758	112463
TOTAL GRF	General Revenue Fund	\$	16,282,356	\$	16,282,356	112464
	General Services Fund Group					112465
5DA0 700644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	112466
5GH0 700655	Central Support Indirect Cost	\$	5,713,404	\$	5,713,404	112467
TOTAL GSF	General Services Fund Group	\$	6,813,404	\$	6,813,404	112468
	Federal Special Revenue Fund Group					112469
3260 700618	Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	112470
3360 700617	Ohio Farm Loan	\$	1,000,000	\$	1,000,000	112471

		Revolving Fund				
3820	700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000 112472
3AB0	700641	Agricultural Easement	\$	1,000,000	\$	1,000,000 112473
3J40	700607	Indirect Cost	\$	600,000	\$	600,000 112474
3R20	700614	Federal Plant	\$	1,000,000	\$	1,000,000 112475
		Industry				
TOTAL FED		Federal Special Revenue				112476
Fund Group			\$	10,550,000	\$	10,550,000 112477
State Special Revenue Fund Group						112478
4900	700651	License Plates - Sustainable Agriculture	\$	20,000	\$	20,000 112479
4940	700612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000 112480
4960	700626	Ohio Grape Industries	\$	849,999	\$	849,999 112481
4970	700627	Commodity Handlers Regulatory Program	\$	496,000	\$	496,000 112482
4C90	700605	Commercial Feed and Seed	\$	2,200,000	\$	2,200,000 112483
4D20	700609	Auction Education	\$	41,000	\$	41,000 112484
4E40	700606	Utility Radiological Safety	\$	134,631	\$	134,631 112485
4P70	700610	Food Safety Inspection	\$	1,099,396	\$	1,099,396 112486
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500 112487
4R20	700637	Dairy Industry Inspection	\$	1,800,000	\$	1,800,000 112488
4T60	700611	Poultry and Meat Inspection	\$	153,339	\$	153,339 112489
4T70	700613	Ohio Proud International and Domestic Market	\$	15,000	\$	15,000 112490

		Development				
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001 112491
5B80	700629	Auctioneers	\$	365,390	\$	365,390 112492
5CP0	700652	License Plate	\$	20,000	\$	20,000 112493
		Scholarships				
5FB0	700647	Fuel Quality Testing	\$	25,000	\$	25,000 112494
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000 112495
5H20	700608	Metrology Lab and	\$	1,454,006	\$	1,454,006 112496
		Scale Certification				
5L80	700604	Livestock Management	\$	256,286	\$	256,286 112497
		Program				
6520	700634	Animal and Consumer	\$	4,400,000	\$	4,400,000 112498
		Analytical Laboratory				
6690	700635	Pesticide,	\$	3,470,000	\$	3,470,000 112499
		Fertilizer, and Lime				
		Inspection Program				
TOTAL SSR		State Special Revenue				112500
Fund Group			\$	19,060,548	\$	19,060,548 112501
Clean Ohio Conservation Fund Group						112502
7057	700632	Clean Ohio	\$	149,000	\$	149,000 112503
		Agricultural Easement				
TOTAL CLF		Clean Ohio Conservation	\$	149,000	\$	149,000 112504
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	52,855,308	\$	52,855,308 112505
TOLEDO GROWS						112506
Of the foregoing appropriation item 700404, Operating						112507
Expenses, \$50,000 in each fiscal year shall be used for the Toledo						112508
Botanical Garden to fund the urban agriculture initiative known as						112509
Toledo Grows.						112510
OHIO - ISRAEL AGRICULTURAL INITIATIVE						112511
Of the foregoing appropriation item 700411, International						112512
Trade and Market Development, \$100,000 in each fiscal year shall						112513

be used for the Ohio - Israel Agricultural Initiative. 112514

Section 211.20. COUNTY AGRICULTURAL SOCIETIES 112515

The foregoing appropriation item 700501, County Agricultural 112516
Societies, shall be used to reimburse county and independent 112517
agricultural societies for expenses related to Junior Fair 112518
activities. 112519

FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 112520

The foregoing appropriation item 700654, Agriculture 112521
Operating - Federal Stimulus, shall be used to support government 112522
services consistent with funds received from the federal 112523
government for fiscal stabilization and recovery purposes. 112524

Section 211.30. COMMERCIAL FEED AND SEED FUND TRANSFER 112525

On July 1, 2009, or as soon as possible thereafter, the 112526
Director of Budget and Management shall transfer thirty-two per 112527
cent of the cash balance in the Commercial Feed and Seed Fund 112528
(Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and 112529
Lime Inspection Program Fund (Fund 6690). The Director shall 112530
cancel existing encumbrances against appropriation item 700605, 112531
Commercial Feed and Seed, and re-establish them against 112532
appropriation item 700635, Pesticide, Fertilizer, and Lime 112533
Inspection Program. The re-established encumbrance amounts are 112534
hereby appropriated. 112535

PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 112536

On July, 1, 2009, or as soon as possible thereafter, the 112537
Director of Budget and Management shall transfer \$600,000 in cash 112538
from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 112539
6690) to the Plant Pest Program Fund (Fund 5FC0). 112540

CLEAN OHIO AGRICULTURAL EASEMENT 112541

The foregoing appropriation item 700632, Clean Ohio 112542

Agricultural Easement, shall be used by the Department of 112543
Agriculture in administering sections 901.21, 901.22, and 5301.67 112544
to 5301.70 of the Revised Code. 112545

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 112546

General Revenue Fund 112547

GRF 898402 Coal Development \$ 424,146 \$ 424,146 112548
Office

GRF 898901 Coal Research and \$ 9,968,400 \$ 10,947,000 112549
Development General
Obligation Debt
Service

TOTAL GRF General Revenue Fund \$ 10,392,546 \$ 11,371,146 112550

General Services Fund Group 112551

5EG0 898608 Energy Strategy \$ 307,000 \$ 307,000 112552
Development

TOTAL GSF General Services Fund \$ 307,000 \$ 307,000 112553

Agency Fund Group 112554

4Z90 898602 Small Business \$ 294,290 \$ 294,290 112555
Ombudsman

5700 898601 Operating Expenses \$ 264,000 \$ 264,000 112556

5A00 898603 Small Business \$ 71,087 \$ 71,087 112557
Assistance

TOTAL AGY Agency Fund Group \$ 629,377 \$ 629,377 112558

Coal Research/Development Fund 112559

7046 898604 Coal Research and \$ 66,000,000 \$ 10,000,000 112560
Development Fund

TOTAL 046 Coal Research and \$ 66,000,000 \$ 10,000,000 112561
Development Fund

TOTAL ALL BUDGET FUND GROUPS \$ 77,328,923 \$ 22,307,523 112562

COAL DEVELOPMENT OFFICE 112563

The foregoing appropriation item 898402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office. 112564
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112566

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 112567

The foregoing appropriation item GRF 898901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, for obligations issued under sections 151.01 and 151.07 of the Revised Code. 112568
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Section 213.20. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 112574

On July 1 of each fiscal year, or as soon as possible thereafter, 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 (Fund 5EG0), which is used by the Air Quality Development Authority. Fund 5EG0 may accept contributions and transfers made to the fund. The moneys in Fund 5EG0 shall be used to develop energy initiatives, projects, and policy. 112575
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<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Office Services Fund (Fund 1170)	Department of Administrative Services	\$ 35,000	\$ 35,000	112583 112584
Central Support Indirect Cost Fund (Fund 5GH0)	Department of Agriculture	\$ 35,000	\$ 35,000	112585
Support Services Fund (Fund 1350)	Department of Development	\$ 35,000	\$ 35,000	112586
Central Support Indirect Cost Fund (Fund 2190)	Environmental Protection Agency	\$ 35,000	\$ 35,000	112587

Central Support	Department of	\$	35,000	\$	35,000	112588
Indirect Chargeback	Natural Resources					
Fund (Fund 1570)						
Highway Operating Fund	Department of	\$	50,000	\$	50,000	112589
(Fund 7002)	Transportation					

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 112590
AUTHORITY TRUST ACCOUNT 112591

Notwithstanding any other provision of law to the contrary, 112592
the Air Quality Development Authority may reimburse the Air 112593
Quality Development Authority trust account established under 112594
section 3706.10 of the Revised Code from all operating funds of 112595
the agency for expenses pertaining to the administration and 112596
shared costs incurred by the Air Quality Development Authority in 112597
the execution of responsibilities as prescribed in Chapter 3706. 112598
of the Revised Code. Reimbursement shall be made by voucher and 112599
completed in accordance with the administrative indirect costs 112600
allocation plan approved by the Office of Budget and Management. 112601

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 112602
SERVICES 112603

General Revenue Fund						112604
GRF 038401	Treatment Services	\$	37,241,513	\$	35,588,058	112605
GRF 038404	Prevention Services	\$	1,241,702	\$	1,241,702	112606
GRF 038626	Local Alcohol and	\$	0	\$	2,954,598	112607
	Other Drug Subsidy -					
	Federal Stimulus					
TOTAL GRF	General Revenue Fund	\$	38,483,215	\$	39,784,358	112608
General Services Fund						112609
5T90 038616	Problem Gambling	\$	335,000	\$	335,000	112610
	Services					
TOTAL GSF	General Services Fund	\$	335,000	\$	335,000	112611

Group

Federal Special Revenue Fund Group					112612
3G30 038603 Drug Free Schools	\$	2,260,000	\$	2,260,000	112613
3G40 038614 Substance Abuse Block Grant	\$	71,500,000	\$	71,500,000	112614
3H80 038609 Demonstration Grants	\$	7,093,075	\$	7,093,075	112615
3J80 038610 Medicaid	\$	62,772,342	\$	60,817,910	112616
3N80 038611 Administrative Reimbursement	\$	500,000	\$	500,000	112617
TOTAL FED Federal Special Revenue Fund Group	\$	144,125,417	\$	142,170,985	112618
State Special Revenue Fund Group					112620
4750 038621 Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000	112621
5DH0 038620 Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500	112622
6890 038604 Education and Conferences	\$	350,000	\$	350,000	112623
TOTAL SSR State Special Revenue Fund Group	\$	18,677,500	\$	18,677,500	112624
TOTAL ALL BUDGET FUND GROUPS	\$	201,621,132	\$	200,967,843	112626

Section 215.20. TREATMENT SERVICES 112628

Of the foregoing appropriation item 038401, Treatment Services, \$115,919 in fiscal year 2010 and \$230,464 in fiscal year 2011 shall be provided to alcohol, drug addiction, and mental health services boards and alcohol and drug addiction services boards to pay the nonfederal share of the one-half of one per cent increase in the Medicaid reimbursement rate ceilings for Medicaid-covered alcohol and drug addiction treatment services provided for under the section of this act titled "INCREASE IN MEDICAID RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES." 112629
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Section 217.10. ARC ARCHITECTS BOARD				112638
General Services Fund Group				112639
4K90 891609	Operating Expenses	\$ 522,055	\$ 550,718	112640
TOTAL GSF General Services Fund				112641
Group		\$ 522,055	\$ 550,718	112642
TOTAL ALL BUDGET FUND GROUPS				112643
 Section 219.10. ART OHIO ARTS COUNCIL				112645
General Revenue Fund				112646
GRF 370321	Operating Expenses	\$ 2,072,545	\$ 2,072,545	112647
GRF 370502	State Program	\$ 9,097,868	\$ 8,847,869	112648
Subsidies				
TOTAL GRF General Revenue Fund				112649
General Services Fund Group				112650
4600 370602	Management Expenses	\$ 285,000	\$ 285,000	112651
and Donations				
4B70 370603	Percent for Art	\$ 500,000	\$ 500,000	112652
Acquisitions				
TOTAL GSF General Services Fund				112653
Group				
Federal Special Revenue Fund Group				112654
3140 370601	Federal Support	\$ 1,000,000	\$ 1,000,000	112655
TOTAL FED Federal Special Revenue				112656
Fund Group				
TOTAL ALL BUDGET FUND GROUPS				112657
PROGRAM SUBSIDIES				112658
A museum is not eligible to receive funds from appropriation				112659
item 370502, State Program Subsidies, if \$8,000,000 or more in				112660
capital appropriations were appropriated by the state for the				112661
museum between January 1, 1986, and December 31, 2002.				112662

Section 221.10. ATH ATHLETIC COMMISSION				112663
General Services Fund Group				112664
4K90 175609	Operating Expenses	\$ 255,850	\$ 255,850	112665
TOTAL GSF General Services Fund				112666
Group				
TOTAL ALL BUDGET FUND GROUPS				112667
 Section 223.10. AGO ATTORNEY GENERAL				112669
General Revenue Fund				112670
GRF 055321	Operating Expenses	\$ 46,399,699	\$ 46,399,699	112671
GRF 055405	Law-Related Education	\$ 100,000	\$ 100,000	112672
GRF 055411	County Sheriffs' Pay	\$ 757,921	\$ 757,921	112673
Supplement				
GRF 055415	County Prosecutors'	\$ 831,499	\$ 831,499	112674
Pay Supplement				
TOTAL GRF General Revenue Fund				112675
General Services Fund Group				112676
1060 055612	General Reimbursement	\$ 38,750,000	\$ 38,750,000	112677
1950 055660	Workers' Compensation	\$ 8,415,504	\$ 8,415,504	112678
Section				
4180 055615	Charitable	\$ 7,286,000	\$ 7,286,000	112679
Foundations				
4200 055603	Attorney General	\$ 1,750,000	\$ 1,750,000	112680
Antitrust				
4210 055617	Police Officers'	\$ 2,000,000	\$ 2,000,000	112681
Training Academy Fee				
4Z20 055609	BCI Asset Forfeiture	\$ 1,000,000	\$ 1,000,000	112682
and Cost				
Reimbursement				
5900 055633	Peace Officer Private	\$ 98,370	\$ 98,370	112683
Security Fund				

5A90	055618	Telemarketing Fraud Enforcement	\$	7,500	\$	7,500	112684
5L50	055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0	112685
6290	055636	Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000	112686
6310	055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000	112687
TOTAL GSF General Services Fund							112688
Group			\$	64,280,226	\$	62,822,374	112689
Federal Special Revenue Fund Group							112690
3060	055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672	112691
3810	055611	Civil Rights Legal Service	\$	402,540	\$	402,540	112692
3830	055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000	112693
3E50	055638	Attorney General Pass-Through Funds	\$	3,030,000	\$	3,030,000	112694
3R60	055613	Attorney General Federal Funds	\$	5,115,000	\$	5,115,000	112695
TOTAL FED Federal Special Revenue							112696
Fund Group			\$	28,427,212	\$	28,427,212	112697
State Special Revenue Fund Group							112698
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000	112699
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000	112700
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962	112701
4Y70	055608	Title Defect Rescission	\$	600,000	\$	600,000	112702
6590	055641	Solid and Hazardous Waste Background	\$	621,159	\$	621,159	112703

Investigations				
TOTAL SSR State Special Revenue				112704
Fund Group	\$	71,024,121	\$	70,024,121 112705
Holding Account Redistribution Fund Group				112706
R004 055631	General Holding	\$	1,000,000	\$ 1,000,000 112707
Account				
R005 055632	Antitrust Settlements	\$	1,000	\$ 1,000 112708
R018 055630	Consumer Frauds	\$	750,000	\$ 750,000 112709
R042 055601	Organized Crime	\$	25,025	\$ 25,025 112710
Commission				
Distributions				
R054 055650	Collection Outside	\$	4,500,000	\$ 4,500,000 112711
Counsel Payments				
TOTAL 090 Holding Account				112712
Redistribution Fund Group	\$	6,276,025	\$	6,276,025 112713
Tobacco Master Settlement Agreement Fund Group				112714
J087 055635	Law Enforcement	\$	1,987,073	\$ 0 112715
Technology, Training, and Facility Enhancements				
U087 055402	Tobacco Settlement	\$	2,478,850	\$ 2,478,850 112716
Oversight, Administration, and Enforcement				
TOTAL TSF Tobacco Master Settlement	\$	4,465,923	\$	2,478,850 112717
Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	222,562,626	\$	218,117,701 112718
LAW-RELATED EDUCATION				112719
The foregoing appropriation item 055405, Law-Related				112720
Education, shall be distributed directly to the Ohio Center for				112721
Law-Related Education for the purpose of providing continuing				112722
citizenship education activities to primary and secondary				112723

students, expanding delinquency prevention programs, increasing 112724
activities for at-risk youth, and accessing additional public and 112725
private money for new programs. 112726

COUNTY SHERIFFS' PAY SUPPLEMENT 112727

The foregoing appropriation item 055411, County Sheriffs' Pay 112728
Supplement, shall be used for the purpose of supplementing the 112729
annual compensation of county sheriffs as required by section 112730
325.06 of the Revised Code. 112731

At the request of the Attorney General, the Director of 112732
Budget and Management may transfer appropriation from 112733
appropriation item 055321, Operating Expenses, to appropriation 112734
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 112735
transferred shall be used to supplement the annual compensation of 112736
county sheriffs as required by section 325.06 of the Revised Code. 112737
112738

COUNTY PROSECUTORS' PAY SUPPLEMENT 112739

The foregoing appropriation item 055415, County Prosecutors' 112740
Pay Supplement, shall be used for the purpose of supplementing the 112741
annual compensation of certain county prosecutors as required by 112742
section 325.111 of the Revised Code. 112743

At the request of the Attorney General, the Director of 112744
Budget and Management may transfer appropriation from 112745
appropriation item 055321, Operating Expenses, to appropriation 112746
item 055415, County Prosecutors' Pay Supplement. Any appropriation 112747
so transferred shall be used to supplement the annual compensation 112748
of county prosecutors as required by section 325.111 of the 112749
Revised Code. 112750

WORKERS' COMPENSATION SECTION 112751

The Workers' Compensation Fund (Fund 1950) is entitled to 112752
receive payments from the Bureau of Workers' Compensation and the 112753

Ohio Industrial Commission at the beginning of each quarter of 112754
each fiscal year to fund legal services to be provided to the 112755
Bureau of Workers' Compensation and the Ohio Industrial Commission 112756
during the ensuing quarter. The advance payment shall be subject 112757
to adjustment. 112758

In addition, the Bureau of Workers' Compensation shall 112759
transfer payments at the beginning of each quarter for the support 112760
of the Workers' Compensation Fraud Unit. 112761

All amounts shall be mutually agreed upon by the Attorney 112762
General, the Bureau of Workers' Compensation, and the Ohio 112763
Industrial Commission. 112764

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 112765

The foregoing appropriation item 055636, Corrupt Activity 112766
Investigation and Prosecution, shall be used as provided by 112767
division (D)(2) of section 2923.35 of the Revised Code to dispose 112768
of the proceeds, fines, and penalties credited to the Corrupt 112769
Activity Investigation and Prosecution Fund, which is created in 112770
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 112771
is determined that additional amounts are necessary for this 112772
purpose, the amounts are hereby appropriated. 112773

GENERAL HOLDING ACCOUNT 112774

The foregoing appropriation item 055631, General Holding 112775
Account, shall be used to distribute moneys under the terms of 112776
relevant court orders or other settlements received in a variety 112777
of cases involving the Office of the Attorney General. If it is 112778
determined that additional amounts are necessary for this purpose, 112779
the amounts are hereby appropriated. 112780

ATTORNEY GENERAL PASS-THROUGH FUNDS 112781

The foregoing appropriation item 055638, Attorney General 112782
Pass-Through Funds, shall be used to receive federal grant funds 112783

provided to the Attorney General by other state agencies, 112784
including, but not limited to, the Department of Youth Services 112785
and the Department of Public Safety. 112786

ANTITRUST SETTLEMENTS 112787

The foregoing appropriation item 055632, Antitrust 112788
Settlements, shall be used to distribute moneys under the terms of 112789
relevant court orders or other out of court settlements in 112790
antitrust cases or antitrust matters involving the Office of the 112791
Attorney General. If it is determined that additional amounts are 112792
necessary for this purpose, the amounts are hereby appropriated. 112793

CONSUMER FRAUDS 112794

The foregoing appropriation item 055630, Consumer Frauds, 112795
shall be used for distribution of moneys from court-ordered 112796
judgments against sellers in actions brought by the Office of 112797
Attorney General under sections 1334.08 and 4549.48 and division 112798
(B) of section 1345.07 of the Revised Code. These moneys shall be 112799
used to provide restitution to consumers victimized by the fraud 112800
that generated the court-ordered judgments. If it is determined 112801
that additional amounts are necessary for this purpose, the 112802
amounts are hereby appropriated. 112803

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 112804

The foregoing appropriation item 055601, Organized Crime 112805
Commission Distributions, shall be used by the Organized Crime 112806
Investigations Commission, as provided by section 177.011 of the 112807
Revised Code, to reimburse political subdivisions for the expenses 112808
the political subdivisions incur when their law enforcement 112809
officers participate in an organized crime task force. If it is 112810
determined that additional amounts are necessary for this purpose, 112811
the amounts are hereby appropriated. 112812

FUND ABOLISHMENTS 112813

Effective July 1, 2009, or as soon as possible thereafter, 112814
the Director of Budget and Management shall transfer the cash 112815
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 112816
the General Revenue Fund. Upon completion of the transfer, Fund 112817
6740 is abolished. 112818

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 112819
R003) is abolished. 112820

Section 225.10. AUD AUDITOR OF STATE 112821

General Revenue Fund 112822

GRF	070321	Operating Expenses	\$	30,029,775	\$	30,029,775	112823
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GRF	070403	Fiscal	\$	570,000	\$	570,000	112824
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Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund	\$	30,599,775	\$	30,599,775	112825
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Auditor of State Fund Group 112826

1090	070601	Public Audit Expense	\$	11,000,000	\$	11,000,000	112827
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- Intra-State

4220	070602	Public Audit Expense	\$	30,828,000	\$	31,053,000	112828
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- Local Government

5840	070603	Training Program	\$	181,250	\$	181,250	112829
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6750	070605	Uniform Accounting	\$	3,317,336	\$	3,317,336	112830
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Network

TOTAL AUD Auditor of State Fund 112831

Group	\$	45,326,586	\$	45,551,586	112832
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TOTAL ALL BUDGET FUND GROUPS	\$	75,926,361	\$	76,151,361	112833
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FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 112834

The foregoing appropriation item 070403, Fiscal 112835

Watch/Emergency Technical Assistance, shall be used for expenses 112836

incurred by the Office of the Auditor of State in its role 112837

relating to fiscal watch or fiscal emergency activities under 112838

Chapters 118. and 3316. of the Revised Code. Expenses include, but 112839
are not limited to, the following: duties related to the 112840
determination or termination of fiscal watch or fiscal emergency 112841
of municipal corporations, counties, townships, or school 112842
districts; development of preliminary accounting reports; 112843
performance of annual forecasts; provision of performance audits; 112844
and supervisory, accounting, or auditing services for the 112845
municipal corporations, counties, townships, or school districts. 112846

An amount equal to the unexpended, unencumbered portion of 112847
appropriation item 070403, Fiscal Watch/Emergency Technical 112848
Assistance, at the end of fiscal year 2010 is hereby 112849
reappropriated for the same purpose in fiscal year 2011. 112850

Section 227.10. BRB BOARD OF BARBER EXAMINERS 112851

General Services Fund Group 112852

4K90 877609	Operating Expenses	\$	628,264	\$	628,264	112853
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TOTAL GSF General Services Fund 112854

Group		\$	628,264	\$	628,264	112855
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TOTAL ALL BUDGET FUND GROUPS		\$	628,264	\$	628,264	112856
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ED JEFFERS BARBER MUSEUM 112857

Beginning October 1, 2009, or as soon as possible thereafter, 112858
the Director of Budget and Management and the Executive Director 112859
of the Barber Board shall develop a plan to distribute the amounts 112860
collected under division (C) of section 4709.12 of the Revised 112861
Code to the Ed Jeffers Barber Museum. 112862

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 112863

General Revenue Fund 112864

GRF 042321	Budget Development	\$	2,412,346	\$	2,350,805	112865
	and Implementation					

GRF 042410	National Association	\$	30,448	\$	31,361	112866
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		Dues					
GRF	042412	Audit of Auditor of	\$	44,528	\$	46,309	112867
		State					
GRF	042413	Payment Issuance	\$	446,968	\$	457,545	112868
GRF	042416	Medicaid Agency	\$	571,028	\$	369,298	112869
		Transition					
GRF	042435	Gubernatorial	\$	0	\$	250,000	112870
		Transition					
TOTAL GRF		General Revenue Fund	\$	3,505,318	\$	3,505,318	112871
		General Services Fund Group					112872
1050	042603	State Accounting and	\$	37,031,976	\$	41,206,060	112873
		Budgeting					
5N40	042602	OAKS Project	\$	2,100,000	\$	2,100,000	112874
		Implementation					
5Z80	042608	Executive Medicaid	\$	57,751	\$	0	112875
		Administration					
TOTAL GSF		General Services Fund	\$	39,189,727	\$	43,306,060	112876
		Group					
		Federal Special Revenue Fund Group					112877
3CM0	042606	Medicaid Transition -	\$	734,979	\$	747,098	112878
		Federal					
TOTAL FED		Federal Special Revenue	\$	734,979	\$	747,098	112879
		Fund Group					
		Agency Fund Group					112880
5EH0	042604	Forgery Recovery	\$	50,000	\$	50,000	112881
TOTAL AGY		Agency Fund Group	\$	50,000	\$	50,000	112882
TOTAL ALL BUDGET FUND GROUPS			\$	43,480,024	\$	47,608,476	112883
		AUDIT COSTS					112884
		Of the foregoing appropriation item 042603, State Accounting					112885
		and Budgeting, not more than \$456,000 in fiscal year 2010 and not					112886
		more than \$467,000 in fiscal year 2011 shall be used to pay for					112887
		centralized audit costs associated with either Single Audit					112888

Schedules or financial statements prepared in conformance with 112889
generally accepted accounting principles for the state. 112890

SHARED SERVICES CENTER 112891

The Director of Budget and Management shall use the OAKS 112892
Project Implementation Fund (Fund 5N40) and the Accounting and 112893
Budgeting Fund (Fund 1050) to implement a Shared Services Center 112894
within the Office of Budget and Management for the purpose of 112895
consolidating statewide finance functions and common transactional 112896
processes. The Director of Budget and Management shall transfer 112897
the unobligated cash balance remaining in Fund 5N40 to the General 112898
Revenue Fund before the end of fiscal year 2011. 112899

Effective July 1, 2009, the Director of Budget and Management 112900
shall include the recovery of costs to operate the Shared Services 112901
Center in the accounting and budgeting services payroll rate and 112902
through a direct charge using intrastate transfer vouchers to 112903
agencies for services rendered. The Director of Budget and 112904
Management shall determine the cost recovery methodology. Such 112905
cost recovery revenues shall be deposited to the credit of Fund 112906
1050. 112907

INTERNAL CONTROL AND AUDIT OVERSIGHT 112908

Effective July 1, 2009, the Director of Budget and Management 112909
shall include the recovery of costs to operate the Internal 112910
Control and Audit Oversight Program in the accounting and 112911
budgeting services payroll rate and through a direct charge using 112912
intrastate transfer vouchers to agencies reviewed by the program. 112913
The Director of Budget and Management, with advice from the 112914
Internal Audit Advisory Council, shall determine the cost recovery 112915
methodology. Such cost recovery revenues shall be deposited to the 112916
credit of the Accounting and Budgeting Fund (Fund 1050). 112917

FORGERY RECOVERY 112918

The foregoing appropriation item 042604, Forgery Recovery, 112919

shall be used to reissue warrants that have been certified as 112920
forgeries by the rightful recipient as determined by the Bureau of 112921
Criminal Identification and Investigation and the Treasurer of 112922
State. Upon receipt of funds to cover the reissuance of the 112923
warrant, the Director of Budget and Management shall reissue a 112924
state warrant of the same amount. 112925

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 112926

General Revenue Fund 112927

GRF 874100 Personal Services \$ 1,873,368 \$ 1,873,368 112928

GRF 874320 Maintenance and \$ 752,591 \$ 752,590 112929
Equipment

TOTAL GRF General Revenue Fund \$ 2,625,959 \$ 2,625,958 112930

General Services Fund Group 112931

4G50 874603 Capitol Square \$ 15,000 \$ 15,000 112932
Education Center and
Arts

4S70 874602 Statehouse Gift \$ 799,995 \$ 794,651 112933
Shop/Events

TOTAL GSF General Services 112934

Fund Group \$ 814,995 \$ 809,651 112935

Underground Parking Garage 112936

2080 874601 Underground Parking \$ 2,923,224 \$ 2,979,615 112937
Garage Operations

TOTAL UPG Underground Parking 112938

Garage \$ 2,923,224 \$ 2,979,615 112939

TOTAL ALL BUDGET FUND GROUPS \$ 6,364,178 \$ 6,415,224 112940

WAREHOUSE PAYMENTS 112941

Of the foregoing appropriation item 874601, Underground 112942
Parking Garage Operations, \$48,000 in each fiscal year shall be 112943
used to meet all payments at the times they are required to be 112944

made during the period from July 1, 2009, to June 30, 2011, to the 112945
Ohio Building Authority for bond service charges relating to the 112946
purchase and improvement of a warehouse acquired pursuant to 112947
section 105.41 of the Revised Code, in which to store items of the 112948
Capitol Collection Trust and, whenever necessary, equipment or 112949
other property of the Board. 112950

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 112951
SCHOOLS 112952

General Services Fund Group 112953

4K90 233601	Operating Expenses	\$	572,700	\$	572,700	112954
TOTAL GSF	General Services Fund	\$	572,700	\$	572,700	112955

Group

TOTAL ALL BUDGET FUND GROUPS		\$	572,700	\$	572,700	112956
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Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 112958

General Services Fund Group 112959

4K90 930609	Operating Expenses	\$	551,146	\$	551,146	112960
TOTAL GSF	General Services Fund	\$	551,146	\$	551,146	112961

Group

TOTAL ALL BUDGET FUND GROUPS		\$	551,146	\$	551,146	112962
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Section 237.10. CHR STATE CHIROPRACTIC BOARD 112964

General Services Fund Group 112965

4K90 878609	Operating Expenses	\$	621,621	\$	621,621	112966
TOTAL GSF	General Services Fund	\$	621,621	\$	621,621	112967

Group

TOTAL ALL BUDGET FUND GROUPS		\$	621,621	\$	621,621	112968
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Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 112970

General Revenue Fund 112971

GRF 876321	Operating Expenses	\$	6,391,317	\$	6,391,317	112972
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TOTAL GRF General Revenue Fund	\$	6,391,317	\$	6,391,317	112973
General Services Fund Group					112974
2170 876604 Operations Support	\$	8,000	\$	8,000	112975
TOTAL GSF General Services					112976
Fund Group	\$	8,000	\$	8,000	112977
Federal Special Revenue Fund Group					112978
3340 876601 Federal Programs	\$	3,876,500	\$	3,281,500	112979
TOTAL FED Federal Special Revenue					112980
Fund Group	\$	3,876,500	\$	3,281,500	112981
TOTAL ALL BUDGET FUND GROUPS	\$	10,275,817	\$	9,680,817	112982
Section 241.10. COM DEPARTMENT OF COMMERCE					112984
General Revenue Fund					112985
GRF 800410 Labor and Worker	\$	2,132,396	\$	2,132,396	112986
Safety					
Total GRF General Revenue Fund	\$	2,132,396	\$	2,132,396	112987
General Services Fund Group					112988
1630 800620 Division of	\$	7,420,049	\$	7,561,286	112989
Administration					
1630 800637 Information	\$	6,219,734	\$	6,137,122	112990
Technology					
5430 800602 Unclaimed	\$	9,948,085	\$	9,948,085	112991
Funds-Operating					
5430 800625 Unclaimed	\$	75,000,000	\$	75,000,000	112992
Funds-Claims					
5F10 800635 Small Government Fire	\$	300,000	\$	300,000	112993
Departments					
TOTAL GSF General Services Fund					112994
Group	\$	98,887,868	\$	98,946,493	112995
Federal Special Revenue Fund Group					112996
3480 800622 Underground Storage	\$	586,128	\$	585,782	112997

	Tanks					
3480	800624	Leaking Underground	\$	1,477,606	\$	1,489,717 112998
	Storage Tanks					
	TOTAL FED Federal Special Revenue					112999
	Fund Group		\$	2,063,734	\$	2,075,499 113000
	State Special Revenue Fund Group					113001
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000 113002
	Recovery					
4H90	800608	Cemeteries	\$	273,465	\$	273,465 113003
4X20	800619	Financial Institutions	\$	2,233,031	\$	2,221,395 113004
5440	800612	Banks	\$	6,703,253	\$	6,753,254 113005
5450	800613	Savings Institutions	\$	2,286,615	\$	2,307,019 113006
5460	800610	Fire Marshal	\$	15,118,673	\$	15,191,721 113007
5460	800639	Fire Department Grants	\$	1,695,198	\$	1,698,802 113008
5470	800603	Real Estate	\$	250,000	\$	250,000 113009
	Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000 113010
5490	800614	Real Estate	\$	3,456,405	\$	3,451,694 113011
5500	800617	Securities	\$	4,761,545	\$	4,411,545 113012
5520	800604	Credit Union	\$	3,627,390	\$	3,627,390 113013
5530	800607	Consumer Finance	\$	5,367,260	\$	5,148,702 113014
5560	800615	Industrial Compliance	\$	25,753,662	\$	26,713,417 113015
5GK0	800609	Securities Investor	\$	485,000	\$	485,000 113016
	Education/Enforcement					
5K70	800621	Penalty Enforcement	\$	150,000	\$	150,000 113017
5X60	800623	Video Service	\$	34,476	\$	34,476 113018
6530	800629	UST	\$	1,433,189	\$	1,431,831 113019
	Registration/Permit Fee					
6A40	800630	Real Estate	\$	664,006	\$	664,006 113020
	Appraiser-Operating					
	TOTAL SSR State Special Revenue					113021
	Fund Group		\$	74,378,168	\$	74,898,717 113022

Liquor Control Fund Group					113023	
7043 800601	Merchandising	\$	472,492,696	\$	488,434,277	113024
7043 800627	Liquor Control	\$	13,776,430	\$	14,313,346	113025
	Operating					
7043 800633	Development Assistance	\$	40,565,100	\$	52,412,800	113026
	Debt Service					
7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000	113027
	Service					
TOTAL LCF Liquor Control						113028
Fund Group		\$	542,467,026	\$	575,519,423	113029
Volunteer Firefighters' Dependents Fund Group						113030
7085 800985	Volunteer	\$	300,000	\$	300,000	113031
	Firefighters'					
	Dependents Fund					
TOTAL 085 Volunteer Firefighters'		\$	300,000	\$	300,000	113032
Dependents Fund Group						
Revenue Distribution Fund Group						113033
7066 800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	113034
	Permits					
TOTAL RDF Revenue Distribution Fund		\$	14,100,000	\$	14,100,000	113035
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	734,329,192	\$	767,972,528	113036
SMALL GOVERNMENT FIRE DEPARTMENTS						113037
Notwithstanding section 3737.17 of the Revised Code, the						113038
foregoing appropriation item 800635, Small Government Fire						113039
Departments, may be used to provide loans to private fire						113040
departments.						113041
UNCLAIMED FUNDS PAYMENTS						113042
The foregoing appropriation item 800625, Unclaimed						113043
Funds-Claims, shall be used to pay claims under section 169.08 of						113044
the Revised Code. If it is determined that additional amounts are						113045

necessary, the amounts are appropriated. 113046

UNCLAIMED FUNDS TRANSFERS 113047

Notwithstanding division (A) of section 169.05 of the Revised Code, on or after December 1, 2009, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$250,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2010. 113048
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Notwithstanding division (A) of section 169.05 of the Revised Code, on or after December 1, 2010, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$135,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2011. 113057
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FIRE DEPARTMENT GRANTS 113066

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,647,140 in each fiscal year shall be used to make annual grants to volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. 113067
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The grants shall be used by recipients to purchase 113076

firefighting or rescue equipment or gear or similar items, to 113077
provide full or partial reimbursement for the documented costs of 113078
firefighter training, or, at the discretion of the State Fire 113079
Marshal, to cover fire department costs for providing fire 113080
protection services in that grant recipient's jurisdiction. 113081

Grant awards for firefighting or rescue equipment or gear or 113082
for fire department costs of providing fire protection services 113083
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 113084
fiscal year if an eligible entity serves a jurisdiction in which 113085
the Governor declared a natural disaster during the preceding or 113086
current fiscal year in which the grant was awarded. In addition to 113087
any grant funds awarded for rescue equipment or gear, or for fire 113088
department costs associated with the provision of fire protection 113089
services, an eligible entity may receive a grant for up to \$15,000 113090
per fiscal year for full or partial reimbursement of the 113091
documented costs of firefighter training. For each fiscal year, 113092
the State Fire Marshal shall determine the total amounts to be 113093
allocated for each eligible purpose. 113094

The grant program shall be administered by the State Fire 113095
Marshal in accordance with rules the State Fire Marshal adopts as 113096
part of the state fire code adopted pursuant to section 3737.82 of 113097
the Revised Code that are necessary for the administration and 113098
operation of the grant program. The rules may further define the 113099
entities eligible to receive grants and establish criteria for the 113100
awarding and expenditure of grant funds, including methods the 113101
State Fire Marshal may use to verify the proper use of grant funds 113102
or to obtain reimbursement for or the return of equipment for 113103
improperly used grant funds. Any amounts in appropriation item 113104
800639, Fire Department Grants, in excess of the amount allocated 113105
for these grants may be used for the administration of the grant 113106
program. 113107

DIVISION OF SECURITIES TECHNOLOGY UPGRADES 113108

Of the foregoing appropriation item 800617, Securities, such 113109
sums as are necessary may be used over the biennium to support the 113110
development and implementation of information technology solutions 113111
designed to enable the Division of Securities to better protect 113112
the interests of investors, the public, and the securities 113113
industry. Implementation of these solutions shall, among other 113114
things, enhance the Division's ability to monitor complaints about 113115
and actions against persons engaged in any practice prohibited by 113116
Chapter 1707. of the Revised Code or defined as fraudulent in that 113117
chapter or any other deceptive scheme or practice in connection 113118
with the sale of securities. The Director of Commerce may seek 113119
assistance from the Department of Administrative Services in 113120
relation to the development and implementation of the solutions. 113121

113122

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 113123
EDUCATION AND ENFORCEMENT EXPENSE FUND 113124

The Director of Budget and Management, upon the request of 113125
the Director of Commerce, shall transfer up to \$485,000 in cash in 113126
each fiscal year from the Division of Securities Fund (Fund 5500) 113127
to the Division of Securities Investor Education and Enforcement 113128
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 113129
Code. 113130

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND 113131

The Director of Budget and Management, upon request of the 113132
Director of Commerce, shall transfer \$1,300,000 in cash over the 113133
FY 2010-FY 2011 biennium from the Real Estate Education and 113134
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 113135
5490). 113136

The Director of Budget and Management, upon request of the 113137
Director of Commerce, shall transfer \$600,000 in cash over the FY 113138
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 113139

5480) to the Real Estate Operating Fund (Fund 5490). 113140

INCREASED APPROPRIATION - MERCHANDISING 113141

The foregoing appropriation item 800601, Merchandising, shall 113142
be used under section 4301.12 of the Revised Code. If it is 113143
determined that additional expenditures are necessary, the amounts 113144
are appropriated. 113145

DEVELOPMENT ASSISTANCE DEBT SERVICE 113146

The foregoing appropriation item 800633, Development 113147
Assistance Debt Service, shall be used to pay debt service and 113148
related financing costs at the times they are required to be made 113149
during the period from July 1, 2009, to June 30, 2011, for bond 113150
service charges on obligations issued under Chapter 166. of the 113151
Revised Code. If it is determined that additional appropriations 113152
are necessary for this purpose, such amounts are appropriated, 113153
subject to the limitations set forth in section 166.11 of the 113154
Revised Code. An appropriation for this purpose is not required, 113155
but is made in this form and in this act for record purposes only. 113156

113157

REVITALIZATION DEBT SERVICE 113158

The foregoing appropriation item 800636, Revitalization Debt 113159
Service, shall be used to pay debt service and related financing 113160
costs under sections 151.01 and 151.40 of the Revised Code during 113161
the period from July 1, 2009, to June 30, 2011. If it is 113162
determined that additional appropriations are necessary for this 113163
purpose, such amounts are hereby appropriated. The General 113164
Assembly acknowledges the priority of the pledge of a portion of 113165
receipts from that source to obligations issued and to be issued 113166
under Chapter 166. of the Revised Code. 113167

ADMINISTRATIVE ASSESSMENTS 113168

Notwithstanding any other provision of law to the contrary, 113169

the Division of Administration Fund (Fund 1630) is entitled to 113170
receive assessments from all operating funds of the Department in 113171
accordance with procedures prescribed by the Director of Commerce 113172
and approved by the Director of Budget and Management. 113173

Section 241.20. ABOLISHMENT OF THE DIVISION OF LABOR AND 113174
WORKER SAFETY AND THE DIVISION OF INDUSTRIAL COMPLIANCE IN THE 113175
DEPARTMENT OF COMMERCE 113176

The Division of Labor and Worker Safety in the Department of 113177
Commerce and the Division of Industrial Compliance in the 113178
Department of Commerce are hereby abolished on the effective date 113179
of section 121.04 of the Revised Code, as amended by this act. The 113180
Division of Labor shall supersede the Division of Labor and Worker 113181
Safety and Division of Industrial Compliance, and the 113182
Superintendent of Labor shall supersede the Superintendent of 113183
Labor and Worker Safety and the Superintendent of Industrial 113184
Compliance. The Superintendent of Labor or Division of Labor, as 113185
applicable, shall succeed to and have and perform all the duties, 113186
powers, and obligations pertaining to the duties, powers, and 113187
obligations of the Superintendent and Division of Labor and Worker 113188
Safety and the Superintendent and Division of Industrial 113189
Compliance. For the purpose of the institution, conduct, and 113190
completion of matters relating to its succession, the 113191
Superintendent of Labor or the Division of Labor, as applicable, 113192
is deemed to be the continuation of and successor under law to the 113193
Superintendent and Division of Labor and Worker Safety or the 113194
Superintendent and Division of Industrial Compliance, as 113195
applicable. All rules, actions, determinations, commitments, 113196
resolutions, decisions, and agreements pertaining to those duties, 113197
powers, obligations, functions, and rights in force or in effect 113198
on the effective date of section 121.04 of the Revised Code, as 113199
amended by this act, shall continue in force and effect subject to 113200
any further lawful action thereon by the Superintendent or 113201

Division of Labor. Wherever the Superintendent of Labor and Worker 113202
Safety, Division of Labor and Worker Safety, Superintendent of 113203
Industrial Compliance, or Division of Industrial Compliance are 113204
referred to in any provision of law, or in any agreement or 113205
document that pertains to those duties, powers, obligations, 113206
functions, and rights, the reference is to the Superintendent of 113207
Labor or Division of Labor, as appropriate. 113208

All authorized obligations and supplements thereto of the 113209
Superintendent and Division of Labor and Worker Safety and the 113210
Superintendent and Division of Industrial Compliance pertaining to 113211
the duties, powers, and obligations transferred are binding on the 113212
Superintendent or Division of Labor, as applicable, and nothing in 113213
this act impairs the obligations or rights thereunder or under any 113214
contract. The abolition of the Division of Labor and Worker Safety 113215
and the Division of Industrial Compliance and the transfer of the 113216
duties, powers, and obligations of the Superintendent and Division 113217
of Labor and Worker Safety and the Superintendent and Division of 113218
Industrial Compliance do not affect the validity of agreements or 113219
obligations made by those superintendents or divisions pursuant to 113220
Chapters 121., 3703., 3781., 3791., 4104., 4105., and 4740. of the 113221
Revised Code or any other provisions of law. 113222

In connection with the transfer of duties, powers, 113223
obligations, functions, and rights and abolition of the Division 113224
of Labor and Worker Safety and the Division of Industrial 113225
Compliance, all real property and interest therein, documents, 113226
books, money, papers, records, machinery, furnishings, office 113227
equipment, furniture, and all other property over which the 113228
Superintendent and Division of Labor and Worker Safety or the 113229
Superintendent and Division of Industrial Compliance has control 113230
pertaining to the duties, powers, and obligations transferred and 113231
the rights of the Superintendent and Division of Labor and Worker 113232
Safety and the Superintendent and Division of Industrial 113233

Compliance to enforce or receive any of the aforesaid is 113234
 automatically transferred to the Superintendent and Division of 113235
 Labor without necessity for further action on the part of the 113236
 Superintendent, Division of Labor, or the Director of Commerce. 113237
 Additionally, all appropriations or reappropriations made to the 113238
 Superintendent and Division of Labor and Worker Safety and the 113239
 Superintendent and Division of Industrial Compliance for the 113240
 purposes of the performance of their duties, powers, and 113241
 obligations, are transferred to the Superintendent and Division of 113242
 Labor to the extent of the remaining unexpended or unencumbered 113243
 balance thereof, whether allocated or unallocated, and whether 113244
 obligated or unobligated. 113245

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 113246

General Services Fund Group 113247
 5F50 053601 Operating Expenses \$ 9,543,196 \$ 9,377,610 113248
 TOTAL GSF General Services Fund \$ 9,543,196 \$ 9,377,610 113249
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 9,543,196 \$ 9,377,610 113250

Section 245.10. CEB CONTROLLING BOARD 113252

General Revenue Fund 113253
 GRF 911401 Emergency \$ 4,000,000 \$ 4,000,000 113254
 Purposes/Contingencies
 GRF 911404 Mandate Assistance \$ 545,417 \$ 545,417 113255
 GRF 911441 Ballot Advertising \$ 487,600 \$ 487,600 113256
 Costs
 TOTAL GRF General Revenue Fund \$ 5,033,017 \$ 5,033,017 113257
 TOTAL ALL BUDGET FUND GROUPS \$ 5,033,017 \$ 5,033,017 113258

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 113259

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 113260

The Controlling Board may, at the request of any state agency 113261

or the Director of Budget and Management, transfer all or part of 113262
the appropriation in appropriation item 911401, Emergency 113263
Purposes/Contingencies, for the purpose of providing disaster and 113264
emergency situation aid to state agencies and political 113265
subdivisions in the event of disasters and emergency situations or 113266
for the other purposes noted in this section, including, but not 113267
limited to, costs related to the disturbance that occurred on 113268
April 11, 1993, at the Southern Ohio Correctional Facility in 113269
Lucasville, Ohio. 113270

FEDERAL SHARE 113271

In transferring appropriations to or from appropriation items 113272
that have federal shares identified in this act, the Controlling 113273
Board shall add or subtract corresponding amounts of federal 113274
matching funds at the percentages indicated by the state and 113275
federal division of the appropriations in this act. Such changes 113276
are hereby appropriated. 113277

DISASTER ASSISTANCE 113278

Pursuant to requests submitted by the Department of Public 113279
Safety, the Controlling Board may approve transfers from 113280
appropriation item 911401, Emergency Purposes/Contingencies, to 113281
appropriation items used by the Department of Public Safety to 113282
provide funding for assistance to political subdivisions and 113283
individuals made necessary by natural disasters or emergencies. 113284
Such transfers may be requested and approved prior to or following 113285
the occurrence of any specific natural disasters or emergencies in 113286
order to facilitate the provision of timely assistance. 113287

113288

DISASTER SERVICES 113289

Pursuant to requests submitted by the Department of Public 113290
Safety, the Controlling Board may approve transfers from the 113291
Disaster Services Fund (5E20) to a fund and appropriation item 113292

used by the Department of Public Safety to provide for assistance 113293
to political subdivisions made necessary by natural disasters or 113294
emergencies. These transfers may be requested and approved prior 113295
to the occurrence of any specific natural disasters or emergencies 113296
in order to facilitate the provision of timely assistance. The 113297
Emergency Management Agency of the Department of Public Safety 113298
shall use the funding to fund the State Disaster Relief Program 113299
for disasters that have been declared by the Governor, and the 113300
State Individual Assistance Program for disasters that have been 113301
declared by the Governor and the federal Small Business 113302
Administration. The Ohio Emergency Management Agency shall publish 113303
and make available application packets outlining procedures for 113304
the State Disaster Relief Program and the State Individual 113305
Assistance Program. 113306

Fund 5E20 shall be used by the Controlling Board, pursuant to 113307
requests submitted by state agencies, to transfer cash and 113308
appropriations to any fund and appropriation item for the payment 113309
of state agency disaster relief program expenses for disasters 113310
declared by the Governor, if the Director of Budget and Management 113311
determines that sufficient funds exist. 113312

SOUTHERN OHIO CORRECTIONAL FACILITY COST 113313

The Division of Criminal Justice Services in the Department 113314
of Public Safety and the Public Defender Commission may each 113315
request, upon approval of the Director of Budget and Management, 113316
additional funds from appropriation item 911401, Emergency 113317
Purposes/Contingencies, for costs related to the disturbance that 113318
occurred on April 11, 1993, at the Southern Ohio Correctional 113319
Facility in Lucasville, Ohio. 113320

MANDATE ASSISTANCE 113321

(A) The foregoing appropriation item 911404, Mandate 113322
Assistance, shall be used to provide financial assistance to local 113323

units of government and school districts for the cost of the 113324
 following two state mandates: 113325

(1) The cost to county prosecutors for prosecuting certain 113326
 felonies that occur on the grounds of state institutions operated 113327
 by the Department of Rehabilitation and Correction and the 113328
 Department of Youth Services; 113329

(2) The cost to school districts of in-service training for 113330
 child abuse detection. 113331

(B) The Division of Criminal Justice Services in the 113332
 Department of Public Safety and the Department of Education may 113333
 prepare and submit to the Controlling Board one or more requests 113334
 to transfer appropriations from appropriation item 911404, Mandate 113335
 Assistance. The state agencies charged with this administrative 113336
 responsibility are listed below, as well as the estimated annual 113337
 amounts that may be used for each program of state financial 113338
 assistance. 113339

		ESTIMATED	113340
	ADMINISTERING	ANNUAL	113341
PROGRAM	AGENCY	AMOUNT	113342
Prosecution Costs	Division of Criminal	\$125,446	113343
	Justice Services		113344
Child Abuse Detection	Department of	\$419,971	113345
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 113346
 year for appropriation item 911404, Mandate Assistance, the 113347
 Division of Criminal Justice Services and the Department of 113348
 Education may request from the Controlling Board that amounts 113349
 smaller or larger than these estimated annual amounts be 113350
 transferred to each program. 113351

(D) In addition to making the initial transfers requested by 113352
 the Division of Criminal Justice Services and the Department of 113353

Education, the Controlling Board may transfer appropriations 113354
received by a state agency under this section back to 113355
appropriation item 911404, Mandate Assistance, or to the other 113356
program of state financial assistance identified under this 113357
section. 113358

(E) It is expected that not all costs incurred by local units 113359
of government and school districts under each of the two programs 113360
of state financial assistance identified in this section will be 113361
fully reimbursed by the state. Reimbursement levels may vary by 113362
program and shall be based on: the relationship between the 113363
appropriation transfers requested by the Division of Criminal 113364
Justice Services and the Department of Education and provided by 113365
the Controlling Board for each of the programs; the rules and 113366
procedures established for each program by the administering state 113367
agency; and the actual costs incurred by local units of government 113368
and school districts. 113369

(F) Each of these programs of state financial assistance 113370
shall be carried out as follows: 113371

(1) PROSECUTION COSTS 113372

(a) Appropriations may be transferred to the Division of 113373
Criminal Justice Services to cover local prosecution costs for 113374
aggravated murder, murder, felonies of the first degree, and 113375
felonies of the second degree that occur on the grounds of 113376
institutions operated by the Department of Rehabilitation and 113377
Correction and the Department of Youth Services. 113378

(b) Upon a delinquency filing in juvenile court or the return 113379
of an indictment for aggravated murder, murder, or any felony of 113380
the first or second degree that was committed at a Department of 113381
Youth Services or a Department of Rehabilitation and Correction 113382
institution, the affected county may, in accordance with rules 113383
that the Division of Criminal Justice Services shall adopt, apply 113384

to the Division of Criminal Justice Services for a grant to cover 113385
all documented costs that are incurred by the county prosecutor's 113386
office. 113387

(c) Twice each year, the Division of Criminal Justice 113388
Services shall designate counties to receive grants from those 113389
counties that have submitted one or more applications in 113390
compliance with the rules that have been adopted by the Division 113391
of Criminal Justice Services for the receipt of such grants. In 113392
each year's first round of grant awards, if sufficient 113393
appropriations have been made, up to a total of \$100,000 may be 113394
awarded. In each year's second round of grant awards, the 113395
remaining appropriations available for this purpose may be 113396
awarded. 113397

(d) If for a given round of grants there are insufficient 113398
appropriations to make grant awards to all the eligible counties, 113399
the first priority shall be given to counties with cases involving 113400
aggravated murder and murder; second priority shall be given to 113401
counties with cases involving a felony of the first degree; and 113402
third priority shall be given to counties with cases involving a 113403
felony of the second degree. Within these priorities, the grant 113404
awards shall be based on the order in which the applications were 113405
received, except that applications for cases involving a felony of 113406
the first or second degree shall not be considered in more than 113407
two consecutive rounds of grant awards. 113408

(2) CHILD ABUSE DETECTION TRAINING COSTS 113409

Appropriations may be transferred to the Department of 113410
Education for payment to local school districts as full or partial 113411
reimbursement for the cost of providing in-service training for 113412
child abuse detection. In accordance with rules that the 113413
Department shall adopt, a local school district may apply to the 113414
Department for a grant to cover all documented costs that are 113415
incurred to provide in-service training for child abuse detection. 113416

The department shall make grants within the limits of the funding 113417
provided. 113418

(G) Any moneys allocated within appropriation item 911404, 113419
Mandate Assistance, not fully utilized may, upon application of 113420
the Ohio Public Defender Commission, and with the approval of the 113421
Controlling Board, be paid to boards of county commissioners to 113422
provide additional reimbursement for the costs incurred by 113423
counties in providing defense to indigent defendants pursuant to 113424
Chapter 120. of the Revised Code. Application for the unutilized 113425
funds shall be made by the Ohio Public Defender Commission at the 113426
first June meeting of the Controlling Board. 113427

The amount to be paid to each county shall be allocated 113428
proportionately on the basis of the total amount of reimbursement 113429
paid to each county as a percentage of the amount of reimbursement 113430
paid to all of the counties during the most recent state fiscal 113431
year for which data is available and as calculated by the Ohio 113432
Public Defender Commission. 113433

BALLOT ADVERTISING COSTS 113434

Pursuant to section 3501.17 of the Revised Code, and upon 113435
requests submitted by the Secretary of State, the Controlling 113436
Board shall approve transfers from the foregoing appropriation 113437
item 911441, Ballot Advertising Costs, to appropriation item 113438
050621, Statewide Ballot Advertising, in order to pay for the cost 113439
of public notices associated with statewide ballot initiatives. 113440
113441

Section 247.10. COS STATE BOARD OF COSMETOLOGY 113442

General Services Fund Group 113443
4K90 879609 Operating Expenses \$ 3,533,679 \$ 3,533,679 113444
TOTAL GSF General Services Fund 113445
Group \$ 3,533,679 \$ 3,533,679 113446

TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$	3,533,679	113447
Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE					113449
AND FAMILY THERAPIST BOARD					113450
General Services Fund Group					113451
4K90 899609 Operating Expenses	\$	1,179,774	\$	1,179,774	113452
TOTAL GSF General Services Fund					113453
Group	\$	1,179,774	\$	1,179,774	113454
TOTAL ALL BUDGET FUND GROUPS	\$	1,179,774	\$	1,179,774	113455
Section 251.10. CLA COURT OF CLAIMS					113457
General Revenue Fund					113458
GRF 015321 Operating Expenses	\$	2,699,369	\$	2,780,350	113459
TOTAL GRF General Revenue Fund	\$	2,699,369	\$	2,780,350	113460
State Special Revenue Fund Group					113461
5K20 015603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	113462
TOTAL SSR State Special Revenue					113463
Fund Group	\$	1,582,684	\$	1,582,684	113464
TOTAL ALL BUDGET FUND GROUPS	\$	4,282,053	\$	4,363,034	113465
Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION					113467
General Revenue Fund					113468
GRF 371321 Operating Expenses	\$	140,909	\$	140,909	113469
GRF 371401 Lease Rental Payments	\$	26,454,900	\$	28,301,600	113470
TOTAL GRF General Revenue Fund	\$	26,595,809	\$	28,442,509	113471
State Special Revenue Fund Group					113472
4T80 371601 Riffe Theatre	\$	81,000	\$	81,000	113473
Equipment Maintenance					
4T80 371603 Project	\$	1,302,866	\$	1,302,866	113474
Administration					
Services					
TOTAL SSR State Special Revenue	\$	1,383,866	\$	1,383,866	113475

Group

TOTAL ALL BUDGET FUND GROUPS	\$	27,979,675	\$	29,826,375	113476
LEASE RENTAL PAYMENTS					113477
The foregoing appropriation item 371401, Lease Rental					113478
Payments, shall be used to meet all payments from the Ohio					113479
Cultural Facilities Commission to the Treasurer of State during					113480
the period from July 1, 2009, to June 30, 2011, under the primary					113481
leases and agreements for those arts and sports facilities made					113482
under Chapters 152. and 154. of the Revised Code. This					113483
appropriation is the source of funds pledged for bond service					113484
charges on related obligations issued under Chapters 152. and 154.					113485
of the Revised Code.					113486
OPERATING EXPENSES					113487
The foregoing appropriation item 371321, Operating Expenses,					113488
shall be used by the Ohio Cultural Facilities Commission to carry					113489
out its responsibilities under this section and Chapter 3383. of					113490
the Revised Code.					113491
By the tenth day following each calendar quarter in each					113492
fiscal year, or as soon as possible thereafter, the Director of					113493
Budget and Management shall determine the amount of cash from					113494
interest earnings to be transferred from the Cultural and Sports					113495
Facilities Building Fund (Fund 7030) to the Cultural Facilities					113496
Commission Administration Fund (Fund 4T80).					113497
As soon as possible after each bond issuance made on behalf					113498
of the Cultural Facilities Commission, the Director of Budget and					113499
Management shall determine the amount of cash from any premium					113500
paid on each issuance that is available to be transferred after					113501
all issuance costs have been paid from the Cultural and Sports					113502
Facilities Building Fund (Fund 7030) to the Cultural Facilities					113503
Commission Administration Fund (Fund 4T80).					113504
CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS					113505

The Executive Director of the Cultural Facilities Commission 113506
shall certify to the Director of Budget and Management the amount 113507
of cash receipts and related investment income, irrevocable 113508
letters of credit from a bank, or certification of the 113509
availability of funds that have been received from a county or a 113510
municipal corporation for deposit into the Capital Donations Fund 113511
(Fund 5A10) and that are related to an anticipated project. These 113512
amounts are hereby appropriated to appropriation item C37146, 113513
Capital Donations. Prior to certifying these amounts to the 113514
Director, the Executive Director shall make a written agreement 113515
with the participating entity on the necessary cash flows required 113516
for the anticipated construction or equipment acquisition project. 113517

Section 255.10. DEN STATE DENTAL BOARD 113518

General Services Fund Group 113519
4K90 880609 Operating Expenses \$ 1,528,749 \$ 1,528,749 113520
TOTAL GSF General Services Fund 113521
Group \$ 1,528,749 \$ 1,528,749 113522
TOTAL ALL BUDGET FUND GROUPS \$ 1,528,749 \$ 1,528,749 113523

Section 257.10. BDP BOARD OF DEPOSIT 113525

General Services Fund Group 113526
4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 113527
TOTAL GSF General Services Fund 113528
Group \$ 1,876,000 \$ 1,876,000 113529
TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 113530

BOARD OF DEPOSIT EXPENSE FUND 113531

Upon receiving certification of expenses from the Treasurer 113532
of State, the Director of Budget and Management shall transfer 113533
cash from the Investment Earnings Redistribution Fund (Fund 6080) 113534
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 113535
shall be used pursuant to section 135.02 of the Revised Code to 113536

pay for any and all necessary expenses of the Board of Deposit or 113537
for banking charges and fees required for the operation of the 113538
State of Ohio Regular Account. 113539

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 113540

General Revenue Fund 113541

GRF 195401 Thomas Edison Program \$ 15,946,751 \$ 15,946,751 113542

GRF 195404 Small Business \$ 1,565,770 \$ 1,565,770 113543
Development

GRF 195405 Minority Business \$ 1,238,528 \$ 1,238,528 113544
Enterprise Division

GRF 195407 Travel and Tourism \$ 1,399,410 \$ 1,399,410 113545

GRF 195410 Defense Conversion \$ 3,000,000 \$ 1,000,000 113546
Assistance

GRF 195412 Rapid Outreach Grants \$ 11,000,000 \$ 11,000,000 113547

GRF 195415 Strategic Business \$ 5,882,129 \$ 5,882,129 113548
Investment Division
and Regional Offices

GRF 195416 Governor's Office of \$ 4,508,741 \$ 4,508,741 113549
Appalachia

GRF 195422 Technology Action \$ 3,500,000 \$ 3,500,000 113550

GRF 195426 Clean Ohio \$ 168,365 \$ 168,365 113551
Implementation

GRF 195432 Global Markets \$ 3,889,566 \$ 3,889,566 113552

GRF 195434 Industrial Training \$ 11,334,893 \$ 11,334,893 113553
Grants

GRF 195436 Labor/Management \$ 752,603 \$ 752,603 113554
Cooperation

GRF 195497 CDBG Operating Match \$ 1,056,075 \$ 1,056,075 113555

GRF 195498 State Match Energy \$ 246,820 \$ 246,820 113556

GRF 195501 Appalachian Local \$ 391,482 \$ 391,482 113557
Development Districts

GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	113558
GRF	195507	Travel and Tourism Grants	\$	2,005,000	\$	2,005,000	113559
GRF	195520	Ohio Main Street Program	\$	575,000	\$	75,000	113560
GRF	195521	Discover Ohio!	\$	6,800,903	\$	6,800,903	113561
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	113562
GRF	195523	Workforce Retention & Attraction	\$	500,000	\$	500,000	113563
GRF	195524	EfficientGovNow Match	\$	1,000,000	\$	0	113564
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	113565
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	5,685,400	\$	10,601,900	113566
TOTAL GRF		General Revenue Fund	\$	107,417,660	\$	116,897,460	113567
		General Services Fund Group					113568
1350	195684	Supportive Services	\$	12,162,444	\$	12,184,444	113569
4W10	195646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	113570
5AD0	195677	Economic Development Contingency	\$	4,000,000	\$	4,000,000	113571
5DU0	195689	Energy Projects	\$	840,000	\$	840,000	113572
5W50	195690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	113573
6850	195636	Direct Cost Recovery Expenditures	\$	1,000,000	\$	1,000,000	113574

TOTAL GSF General Services Fund				113575
Group	\$	20,933,041	\$ 20,955,041	113576
Federal Special Revenue Fund Group				113577
3080 195602 Appalachian Regional Commission	\$	475,000	\$ 475,000	113578
3080 195603 Housing and Urban Development	\$	6,000,000	\$ 6,000,000	113579
3080 195605 Federal Projects	\$	27,000,000	\$ 27,000,000	113580
3080 195609 Small Business Administration	\$	5,011,381	\$ 5,011,381	113581
3080 195618 Energy Federal Grants	\$	3,400,000	\$ 3,400,000	113582
3350 195610 Energy Conservation and Emerging Technology	\$	1,800,000	\$ 1,100,000	113583
3AE0 195643 Workforce Development Initiatives	\$	17,000,000	\$ 16,500,000	113584
3K80 195613 Community Development Block Grant	\$	65,000,000	\$ 65,000,000	113585
3K90 195611 Home Energy Assistance Block Grant	\$	115,743,608	\$ 115,743,608	113586
3K90 195614 HEAP Weatherization	\$	22,000,000	\$ 22,000,000	113587
3L00 195612 Community Services Block Grant	\$	25,235,000	\$ 25,235,000	113588
3V10 195601 HOME Program	\$	40,000,000	\$ 40,000,000	113589
TOTAL FED Federal Special Revenue Fund Group	\$	328,664,989	\$ 327,464,989	113590 113591
State Special Revenue Fund Group				113592
4440 195607 Water and Sewer Commission Loans	\$	500,000	\$ 500,000	113593
4500 195624 Minority Business Bonding Program	\$	53,967	\$ 53,967	113594

		Administration					
4510	195625	Economic Development	\$	3,433,311	\$	3,433,311	113595
		Financing Operating					
4F20	195639	State Special	\$	400,000	\$	400,000	113596
		Projects					
4F20	195676	Marketing	\$	6,100,000	\$	6,100,000	113597
		Initiatives					
4F20	195699	Utility Provided	\$	500,000	\$	500,000	113598
		Funds					
4S00	195630	Tax Incentive	\$	650,800	\$	650,800	113599
		Programs					
5CG0	195679	Alternative Fuel	\$	1,000,000	\$	1,000,000	113600
		Transportation					
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000	113601
		Assistance					
5M50	195660	Advanced Energy	\$	17,000,000	\$	17,000,000	113602
		Programs					
5W60	195691	International Trade	\$	25,000	\$	0	113603
		Cooperative Projects					
5X10	195651	Exempt Facility	\$	8,000	\$	0	113604
		Inspection					
6110	195631	Water and Sewer	\$	10,000	\$	10,000	113605
		Administration					
6170	195654	Volume Cap	\$	200,000	\$	200,000	113606
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	113607
		Income Housing Trust					
		Fund					
TOTAL	SSR	State Special Revenue					113608
Fund Group			\$	327,881,078	\$	327,848,078	113609
Facilities	Establishment	Fund Group					113610
4Z60	195647	Rural Industrial Park	\$	3,000,000	\$	3,000,000	113611
		Loan					

5D20	195650	Urban Redevelopment Loans	\$	5,000,000	\$	5,000,000	113612
5S80	195627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	113613
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	113614
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	113615
7009	195664	Innovation Ohio	\$	20,000,000	\$	20,000,000	113616
7010	195665	Research and Development	\$	35,000,000	\$	35,000,000	113617
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	113618
TOTAL 037 Facilities							113619
Establishment Fund Group			\$	184,000,000	\$	134,000,000	113620
Clean Ohio Revitalization Fund							113621
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	113622
TOTAL 7003 Clean Ohio			\$	964,200	\$	953,300	113623
Revitalization Fund							
Third Frontier Research & Development Fund Group							113624
7011	195687	Third Frontier Research & Development Projects	\$	55,000,000	\$	55,000,000	113625
7014	195692	Research & Development Taxable Bond Projects	\$	6,000,000	\$	6,000,000	113626
TOTAL 011 Third Frontier Research & Development Fund Group			\$	61,000,000	\$	61,000,000	113627
Job Ready Site Development Fund Group							113628
7012	195688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	113629

TOTAL 012 Job Ready Site	\$	1,246,155	\$	1,246,155	113630
Development Fund Group					
Tobacco Master Settlement Agreement Fund Group					113631
5Z30 195694 Jobs Fund Bioproducts	\$	40,000,000	\$	10,000,000	113632
5Z30 195695 Jobs Fund Biomedical	\$	80,000,000	\$	20,000,000	113633
M087 195435 Biomedical Research	\$	1,257,363	\$	1,259,563	113634
and Technology					
Transfer					
TOTAL TSF Tobacco Master Settlement	\$	121,257,363	\$	31,259,563	113635
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,153,364,486	\$	1,021,624,586	113636

Section 259.10.10. THOMAS EDISON PROGRAM 113638

The foregoing appropriation item 195401, Thomas Edison 113639
Program, shall be used for the purposes of sections 122.28 to 113640
122.38 of the Revised Code. Of the foregoing appropriation item 113641
195401, Thomas Edison Program, not more than ten per cent in each 113642
fiscal year shall be used for operating expenditures in 113643
administering the programs of the Technology and Innovation 113644
Division. 113645

Notwithstanding any provision of law to the contrary, of the 113646
foregoing appropriation item 195401, Thomas Edison Program, 113647
\$75,000 in each fiscal year shall be used for the City of 113648
Cleveland and \$75,000 in each fiscal year shall be used for the 113649
City of Toledo to develop the Toledo-Cleveland Energy Corridor. 113650
These funds shall not be released unless the Department of 113651
Development first secures a commitment of matching funds from each 113652
recipient. 113653

Notwithstanding any provision of law to the contrary, of the 113654
foregoing appropriation item 195401, Thomas Edison Program, 113655
\$160,000 in fiscal year 2010 shall be used for an in-depth 113656
workforce needs assessment for the advanced and renewable energy 113657

industry and affiliated suppliers in Northwest Ohio. The 113658
assessment shall identify the skill sets required for workers 113659
needed by the industry. Any unexpended and unencumbered portion of 113660
the moneys appropriated for this purpose in fiscal year 2010 shall 113661
be reappropriated for the same purpose in fiscal year 2011. 113662

Section 259.10.20. SMALL BUSINESS DEVELOPMENT 113663

The foregoing appropriation item 195404, Small Business 113664
Development, shall be used as matching funds for grants from the 113665
United States Small Business Administration and other federal 113666
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 113667
L. No. 98-395 (1984), and regulations and policy guidelines for 113668
the programs pursuant thereto. This appropriation item also may be 113669
used to provide grants to local organizations to support the 113670
operation of small business development centers and other local 113671
economic development activities that promote small business 113672
development and entrepreneurship. 113673

Section 259.10.25. DEFENSE CONVERSION ASSISTANCE 113674

The foregoing appropriation item 195410, Defense Conversion 113675
Assistance, shall be used by Development Projects, Inc., for the 113676
creation of new jobs to leverage and support mission gains at 113677
Wright-Patterson Air Force Base in defense intelligence, aerospace 113678
research, and related areas from successful base realignment and 113679
closure efforts. Moneys shall not be disbursed for any project 113680
under this section without the approval of the Director of 113681
Development. 113682

Section 259.10.30. RAPID OUTREACH GRANTS 113683

The foregoing appropriation item 195412, Rapid Outreach 113684
Grants, shall be used as an incentive for attracting, expanding, 113685
and retaining business opportunities for the state. Projects 113686

offering substantial opportunities for new, expanding, or retained 113687
business operations in Ohio, are eligible for grant funding. The 113688
projects must create or retain a significant number of jobs for 113689
Ohioans. An award of grant funds is reserved for only those 113690
instances in which Ohio's ability to attract, retain, or assist 113691
with an expansion of a project depends on an award of funds from 113692
appropriation item 195412, Rapid Outreach Grants. 113693

The department's primary goal shall be to award funds 113694
directly to business entities considering Ohio for their expansion 113695
or new site location opportunities. Rapid Outreach grants shall be 113696
used by recipients to purchase equipment, make infrastructure 113697
improvements, make real property improvements, or fund other fixed 113698
assets. To meet the particular needs of economic development in a 113699
region, the department may elect to award funds directly to a 113700
political subdivision to assist with making on- or off-site 113701
infrastructure improvements to water and sewage treatment 113702
facilities, electric or gas service connections, fiber optic 113703
access, rail facilities, site preparation, and parking facilities. 113704
The Director of Development may recommend that the funds be used 113705
for alternative purposes when considered appropriate to satisfy an 113706
economic development opportunity or need deemed extraordinary in 113707
nature by the Director. 113708

The foregoing appropriation item 195412, Rapid Outreach 113709
Grants, may be expended only after the submission of a request to 113710
the Controlling Board by the Department of Development outlining 113711
the planned use of the funds, and the subsequent approval of the 113712
request by the Controlling Board. 113713

The foregoing appropriation item 195412, Rapid Outreach 113714
Grants, may be used for, but is not limited to, construction, 113715
rehabilitation, and acquisition projects for rail freight 113716
assistance as requested by the Department of Transportation. The 113717
Director of Transportation shall submit the proposed projects to 113718

the Director of Development for an evaluation of potential 113719
economic benefit. 113720

**Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 113721
REGIONAL OFFICES 113722**

The foregoing appropriation item 195415, Strategic Business 113723
Investment Division and Regional Offices, shall be used for the 113724
operating expenses of the Strategic Business Investment Division 113725
and the regional economic development offices and for grants for 113726
cooperative economic development ventures. 113727

Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 113728

The foregoing appropriation item 195416, Governor's Office of 113729
Appalachia, may be used for the administrative costs of planning 113730
and liaison activities for the Governor's Office of Appalachia, to 113731
provide financial assistance to projects in Ohio's Appalachian 113732
counties, and to match federal funds from the Appalachian Regional 113733
Commission. 113734

Section 259.10.60. TECHNOLOGY ACTION 113735

The foregoing appropriation item 195422, Technology Action, 113736
shall be used for operating expenses the Department of Development 113737
incurs for administering sections 184.10 to 184.20 of the Revised 113738
Code. If the appropriation is insufficient to cover the operating 113739
expenses, the Department may request Controlling Board approval to 113740
appropriate the additional amount needed in appropriation item 113741
195686, Third Frontier Operating. The Department shall not request 113742
an amount in excess of the amount needed. 113743
113744

Section 259.10.70. CLEAN OHIO IMPLEMENTATION 113745

The foregoing appropriation item 195426, Clean Ohio 113746

Implementation, shall be used to fund the costs of administering 113747
the Clean Ohio Revitalization program and other urban 113748
revitalization programs that may be implemented by the Department 113749
of Development. 113750

Section 259.10.80. GLOBAL MARKETS 113751

The foregoing appropriation item 195432, Global Markets, 113752
shall be used to administer Ohio's foreign trade and investment 113753
programs, including operation and maintenance of Ohio's 113754
out-of-state trade and investment offices. This appropriation item 113755
also shall be used to fund the Global Markets Division and to 113756
assist Ohio manufacturers, agricultural producers, and service 113757
providers in exporting to foreign countries and to assist in the 113758
attraction of foreign direct investment. 113759

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 113760

The foregoing appropriation item 195434, Industrial Training 113761
Grants, may be used for the Ohio Workforce Guarantee Program to 113762
promote training through grants to businesses and, in the case of 113763
a business consortium, training and education providers for the 113764
reimbursement of eligible training expenses. 113765

Of the foregoing appropriation item 195643, Workforce 113766
Development Initiatives, \$5,400,000 in each fiscal year shall be 113767
used to support the Ohio Workforce Guarantee Grant Program. 113768

Of the foregoing appropriation item 195643, Workforce 113769
Development Initiatives, \$50,000 in each fiscal year shall be used 113770
for the NewLife Technical Institute in support of the Bridges from 113771
Poverty to IT Jobs pilot program. 113772

Section 259.15.10. STATE MATCH ENERGY 113773

Of the foregoing appropriation item 195498, State Match 113774
Energy, \$150,000 in each fiscal year shall be used to support the 113775

Ross County Auditor in conducting a study of renewable energy 113776
sources for schools. The study shall investigate the feasibility 113777
of implementing bio-fuel energy sources for school heating 113778
systems. 113779

Section 259.20.10. OHIO FILM OFFICE 113780

The Ohio Film Office shall promote media productions in the 113781
state and help the industry optimize its production experience in 113782
the state by enhancing local economies through increased 113783
employment and tax revenues and ensuring an accurate portrayal of 113784
Ohio. The Office shall serve as an informational clearinghouse and 113785
provide technical assistance to the media production industry and 113786
business entities engaged in media production in the state. The 113787
Office shall promote Ohio as the ideal site for media production 113788
and help those in the industry benefit from their experience in 113789
the state. 113790

The primary objective of the Office shall be to encourage 113791
development of a strong capital base for electronic media 113792
production in order to achieve an independent, self-supporting 113793
industry in Ohio. Other objectives shall include: 113794

(A) Attracting private investment for the electronic media 113795
production industry; 113796

(B) Developing a tax infrastructure that encourages private 113797
investment; and 113798

(C) Encouraging increased employment opportunities within 113799
this sector and increased competition with other states. 113800

Section 259.20.15. TRAVEL AND TOURISM GRANTS 113801

Of the foregoing appropriation item 195507, Travel and 113802
Tourism Grants, \$550,000 in each fiscal year shall be used to 113803
support operating expenses at the National Underground Railroad 113804

Freedom Center.	113805
Of the foregoing appropriation item 195507, Travel and	113806
Tourism Grants, \$400,000 in each fiscal year shall be used for the	113807
Great Lakes Science Center.	113808
Of the foregoing appropriation item 195507, Travel and	113809
Tourism Grants, \$250,000 in each fiscal year shall be used for the	113810
Cleveland Zoo.	113811
Of the foregoing appropriation item 195507, Travel and	113812
Tourism Grants, \$50,000 in each fiscal year shall be used for the	113813
Greater Cleveland Sports Commission, and \$50,000 in each fiscal	113814
year shall be used for the Greater Columbus Sports Commission.	113815
Of the foregoing appropriation item 195507, Travel and	113816
Tourism Grants, \$50,000 in each fiscal year shall be used for the	113817
Montgomery County Youth Sports Initiative to attract Amateur	113818
Athletic Union tournaments.	113819
Of the foregoing appropriation item 195507, Travel and	113820
Tourism Grants, \$80,000 in each fiscal year shall be used for the	113821
outdoor dramas <i>Tecumseh!</i> and <i>Trumpet in the Land</i> .	113822
Of the foregoing appropriation item 195507, Travel and	113823
Tourism Grants, \$500,000 in each fiscal year shall be used for the	113824
International Center for the Preservation of Wild Animals.	113825
Of the foregoing appropriation item 195507, Travel and	113826
Tourism Grants, \$25,000 in each fiscal year shall be used for	113827
Ohio's Appalachian Country to support tourism activities in	113828
Appalachian counties.	113829
Of the foregoing appropriation item 195507, Travel and	113830
Tourism Grants, \$50,000 in each fiscal year shall be used for the	113831
Columbus Film Commission.	113832
Section 259.20.20. DISCOVER OHIO!	113833

The foregoing appropriation item 195521, Discover Ohio!, 113834
shall be used by the Ohio Tourism Division in the Department of 113835
Development for marketing and promoting Ohio as a tourism 113836
destination and for costs associated with operating such programs. 113837
113838

Section 259.20.25. EFFICIENTGOVNOW MATCH 113839

Of the foregoing appropriation item 195524, EfficientGovNow 113840
Match, up to \$150,000 in fiscal year 2010 shall be used to match 113841
grants awarded by EfficientGovNow in Northeast Ohio. The state 113842
shall match up to three grants, and no state matching grant shall 113843
exceed \$50,000. 113844

Of the foregoing appropriation item 195524, EfficientGovNow 113845
Match, up to \$850,000 in fiscal year 2010 shall be used to match 113846
grants awarded by EfficientGovNow if EfficientGovNow expands 113847
statewide. 113848

Any unexpended and unencumbered portion of the foregoing 113849
appropriation item 195524, EfficientGovNow Match, at the end of 113850
fiscal year 2010 is hereby appropriated for the same purpose in 113851
fiscal year 2011. 113852

Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT 113853
GENERAL OBLIGATION DEBT SERVICE 113854

The foregoing appropriation item 195905, Third Frontier 113855
Research & Development General Obligation Debt Service, shall be 113856
used to pay all debt service and related financing costs during 113857
the period from July 1, 2009, to June 30, 2011, on obligations 113858
issued for research and development purposes under sections 151.01 113859
and 151.10 of the Revised Code. 113860

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 113861

The foregoing appropriation item 195912, Job Ready Site 113862

Development General Obligation Debt Service, shall be used to pay 113863
all debt service and related financing costs during the period 113864
from July 1, 2009, to June 30, 2011, on obligations issued for job 113865
ready site development purposes under sections 151.01 and 151.11 113866
of the Revised Code. 113867

Section 259.20.40. SUPPORTIVE SERVICES 113868

The Director of Development may assess divisions of the 113869
department for the cost of central service operations. An 113870
assessment shall contain the characteristics of administrative 113871
ease and uniform application. A division's payments shall be 113872
credited to the Supportive Services Fund (Fund 1350) using an 113873
intrastate transfer voucher. 113874

ECONOMIC DEVELOPMENT CONTINGENCY 113875

The foregoing appropriation item 195677, Economic Development 113876
Contingency, may be used to award funds directly to either (1) 113877
business entities considering Ohio for expansion or new site 113878
location opportunities or (2) political subdivisions to assist 113879
with necessary costs involved in attracting a business entity. In 113880
addition, the Director of Development may award funds for 113881
alternative purposes when appropriate to satisfy an economic 113882
development opportunity or need deemed extraordinary in nature by 113883
the Director. 113884

DIRECT COST RECOVERY EXPENDITURES 113885

The foregoing appropriation item 195636, Direct Cost Recovery 113886
Expenditures, shall be used for reimbursable costs. Revenues to 113887
the General Reimbursement Fund (Fund 6850) shall consist of moneys 113888
charged for administrative costs that are not central service 113889
costs. 113890

Section 259.20.50. HEAP WEATHERIZATION 113891

Up to fifteen per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited shall be used to match federal housing grants for the homeless and to market economic development opportunities in the state. Private-sector moneys shall be deposited for use in appropriation item 195699, Utility Provided Funds, and shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) leverage additional federal funds, (3) fund special projects to assist homeless individuals, (4) fund special projects to assist with the energy efficiency of households eligible to participate in the Percentage of Income Payment Plan, and (5) assist with training programs for agencies that administer low-income customer assistance programs.

Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING

The foregoing appropriation item 195630, Tax Incentive Programs, shall be used for the operating costs of the Office of Grants and Tax Incentives.

Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing

Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 113922
Program shall be deposited in the State Treasury to the credit of 113923
the Minority Business Enterprise Loan Fund (Fund 4W10). All 113924
operating costs of administering the Minority Business Enterprise 113925
Loan Fund shall be paid from the Minority Business Enterprise Loan 113926
Fund (Fund 4W10). 113927

MINORITY BUSINESS BONDING FUND 113928

Notwithstanding Chapters 122., 169., and 175. of the Revised 113929
Code, the Director of Development may, upon the recommendation of 113930
the Minority Development Financing Advisory Board, pledge up to 113931
\$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of 113932
unclaimed funds administered by the Director of Commerce and 113933
allocated to the Minority Business Bonding Program under section 113934
169.05 of the Revised Code. The transfer of any cash by the 113935
Director of Budget and Management from the Department of 113936
Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of 113937
Development's Minority Business Bonding Fund (Fund 4490) shall 113938
occur, if requested by the Director of Development, only if such 113939
funds are needed for payment of losses arising from the Minority 113940
Business Bonding Program, and only after proceeds of the initial 113941
transfer of \$2,700,000 by the Controlling Board to the Minority 113942
Business Bonding Program has been used for that purpose. Moneys 113943
transferred by the Director of Budget and Management from the 113944
Department of Commerce for this purpose may be moneys in custodial 113945
funds held by the Treasurer of State. If expenditures are required 113946
for payment of losses arising from the Minority Business Bonding 113947
Program, such expenditures shall be made from appropriation item 113948
195623, Minority Business Bonding Contingency in the Minority 113949
Business Bonding Fund, and such amounts are hereby appropriated. 113950

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION 113951

Of the foregoing appropriation item 195679, Alternative Fuel 113952

Transportation, not more than ten per cent shall be used by the 113953
Director of Development for administrative costs associated with 113954
the program under section 122.075 of the Revised Code. 113955

ADVANCED ENERGY FUND 113956

The foregoing appropriation item 195660, Advanced Energy 113957
Programs, shall be used to provide financial assistance to 113958
customers for eligible advanced energy projects for residential, 113959
commercial, and industrial business, local government, educational 113960
institution, nonprofit, and agriculture customers, and to pay for 113961
the program's administrative costs as provided in sections 4928.61 113962
to 4928.63 of the Revised Code and rules adopted by the Director 113963
of Development. 113964

OHIO ENERGY RESOURCE CENTER 113965

There is hereby created the Ohio Energy Resource Center at 113966
the Voinovich School of Leadership and Public Affairs at Ohio 113967
University. 113968

The center shall do all of the following: 113969

(A) Act as a knowledge hub for clean energy, advanced energy, 113970
and energy efficiency projects throughout the state; 113971

(B) Maintain a database of research and development projects 113972
in the fields of clean energy, advanced energy, and energy 113973
efficiency undertaken by public institutions of higher education; 113974

(C) Act as a clearinghouse for information and promote 113975
collaboration among public and private entities on federal, state, 113976
and private sources of financial and technical assistance for 113977
advanced energy, clean energy, and energy efficiency projects 113978
including, but not limited to, Edison Technology Centers, Edison 113979
Incubators, and programs under the Third Frontier Commission; and 113980

(D) Provide technical assistance to state government and 113981
local governments, other political subdivisions, mercantile 113982

customers as defined in section 4928.01 of the Revised Code, and 113983
businesses located in an Appalachian county as defined in section 113984
107.21 of the Revised Code on clean energy, advanced energy, and 113985
energy efficiency projects. 113986

Of the foregoing appropriation item 195660, Advanced Energy 113987
Programs, up to \$75,000 in each fiscal year shall be used for the 113988
activities of the Center. 113989

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 113990

All payments received by the state pursuant to a series of 113991
settlements with ten brokerage firms reached with the United 113992
States Securities and Exchange Commission, the National 113993
Association of Securities Dealers, the New York Stock Exchange, 113994
the New York Attorney General, and other state regulators 113995
(henceforth referred to as the "Global Analysts Settlement 113996
Agreements"), shall be deposited into the state treasury to the 113997
credit of the Economic Development Contingency Fund (Fund 5Y60). 113998
The fund shall be used by the Director of Development to support 113999
economic development projects. Moneys shall be awarded to either 114000
(1) business entities considering Ohio for expansion or new site 114001
location opportunities or (2) political subdivisions to assist 114002
with necessary costs involved in attracting a business entity. In 114003
addition, the Director of Development may award funds for 114004
alternative purposes when appropriate to satisfy an economic 114005
development opportunity or need deemed extraordinary by the 114006
Director. Grant funds may be expended only after the submission of 114007
a request to the Controlling Board by the Department outlining the 114008
planned use of the funds and the subsequent approval of the 114009
Controlling Board. 114010

VOLUME CAP ADMINISTRATION 114011

The foregoing appropriation item 195654, Volume Cap 114012
Administration, shall be used for expenses related to the 114013

administration of the Volume Cap Program. Revenues received by the 114014
Volume Cap Administration Fund (Fund 6170) shall consist of 114015
application fees, forfeited deposits, and interest earned from the 114016
custodial account held by the Treasurer of State. 114017

OHIO HOUSING TRUST FUND 114018

Notwithstanding any provision of law to the contrary, of the 114019
foregoing appropriation item 195638, Low- and Moderate-Income 114020
Housing Trust Fund, at least \$500,000 in each fiscal year shall be 114021
used for activities that provide outreach, organizational 114022
assistance, and information to tenants and residents of 114023
manufactured homes. 114024

INNOVATION OHIO LOAN FUND 114025

The foregoing appropriation item 195664, Innovation Ohio, 114026
shall be used to provide for innovation Ohio purposes, including 114027
loan guarantees and loans under Chapter 166. and particularly 114028
sections 166.12 to 166.16 of the Revised Code. 114029

RESEARCH AND DEVELOPMENT 114030

The foregoing appropriation item 195665, Research and 114031
Development, shall be used to provide for research and development 114032
purposes, including loans, under Chapter 166. and particularly 114033
sections 166.17 to 166.21 of the Revised Code. 114034

Section 259.20.90. LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 114035

The foregoing appropriation item 195698, Logistics and 114036
Distribution Infrastructure, shall be used for eligible logistics 114037
and distribution infrastructure projects as defined in section 114038
166.01 of the Revised Code. Any unexpended and unencumbered 114039
portion of the appropriation item at the end of fiscal year 2009 114040
is hereby reappropriated for the same purpose in fiscal year 2010, 114041
and any unexpended and unencumbered portion of the appropriation 114042
item at the end of fiscal year 2010 is hereby reappropriated for 114043

the same purpose in fiscal year 2011. 114044

FACILITIES ESTABLISHMENT FUND 114045

The foregoing appropriation item 195615, Facilities 114046
Establishment (Fund 7037), shall be used for the purposes of the 114047
Facilities Establishment Fund under Chapter 166. of the Revised 114048
Code. 114049

Notwithstanding Chapter 166. of the Revised Code, an amount 114050
not to exceed \$2,000,000 in cash each fiscal year may be 114051
transferred from the Facilities Establishment Fund (Fund 7037) to 114052
the Economic Development Financing Operating Fund (Fund 4510). The 114053
transfer is subject to Controlling Board approval under division 114054
(B) of section 166.03 of the Revised Code. 114055

Notwithstanding Chapter 166. of the Revised Code, an amount 114056
not to exceed \$5,000,000 in cash each fiscal year may be 114057
transferred during the biennium from the Facilities Establishment 114058
Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) 114059
for the purpose of removing barriers to urban core redevelopment. 114060
The Director of Development shall develop program guidelines for 114061
the transfer and release of funds, including, but not limited to, 114062
the completion of all appropriate environmental assessments before 114063
state assistance is committed to a project. The transfers shall be 114064
subject to approval by the Controlling Board upon the submission 114065
of a request by the Department of Development. 114066

Notwithstanding Chapter 166. of the Revised Code, an amount 114067
not to exceed \$3,000,000 in cash each fiscal year may be 114068
transferred from the Facilities Establishment Fund (Fund 7037) to 114069
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 114070
subject to Controlling Board approval under section 166.03 of the 114071
Revised Code. 114072

Notwithstanding Chapter 166. of the Revised Code, on the 114073
first day of July of each year of the biennium, or as soon as 114074

possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$6,102,500 in cash from the Facilities Establishment Fund (Fund 7037) to the General Revenue Fund. The amount transferred is hereby appropriated for each fiscal year in appropriation item 195412, Rapid Outreach Grants.

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 7037) to the Job Development Initiatives Fund (Fund 5AD0). The amount transferred is hereby appropriated in each fiscal year in appropriation item 195677, Economic Development Contingency.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195615, Facilities Establishment, \$100,000 in each fiscal year shall be used for the Ohio Means Jobs web site.

Of the foregoing appropriation item 195615, Facilities Establishment, \$1,000,000 in each fiscal year shall be used to provide loans under the Micro-Lending Program established in division (C) of section 166.07 of the Revised Code.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 in cash in fiscal year 2011 shall be transferred from moneys in the Facilities Establishment Fund (Fund 7037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG0) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is

entitled to receive moneys from the Facilities Establishment Fund 114106
(Fund 7037). The Director of Development may make grants from the 114107
Rural Development Initiative Fund as specified in division (A)(2) 114108
of this section to eligible applicants in Appalachian counties and 114109
in rural counties in the state that are designated as distressed 114110
under section 122.25 of the Revised Code. Preference shall be 114111
given to eligible applicants located in Appalachian counties 114112
designated as distressed by the federal Appalachian Regional 114113
Commission. 114114

(2) The Director of Development shall make grants from the 114115
Rural Development Initiative Fund (Fund 5S80) only to eligible 114116
applicants who also qualify for and receive funding under the 114117
Rural Industrial Park Loan Program as specified in sections 122.23 114118
to 122.27 of the Revised Code. Eligible applicants shall use the 114119
grants for the purposes specified in section 122.24 of the Revised 114120
Code. All projects supported by grants from the fund are subject 114121
to Chapter 4115. of the Revised Code as specified in division (E) 114122
of section 166.02 of the Revised Code. The Director shall develop 114123
program guidelines for the transfer and release of funds. The 114124
release of grant moneys to an eligible applicant is subject to 114125
Controlling Board approval. 114126

(B) Notwithstanding Chapter 166. of the Revised Code, the 114127
Director of Budget and Management may transfer an amount not to 114128
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 114129
at the request of the Director of Development from the Facilities 114130
Establishment Fund (Fund 7037) to the Rural Development Initiative 114131
Fund (Fund 5S80). The transfer is subject to Controlling Board 114132
approval under section 166.03 of the Revised Code. 114133

CAPITAL ACCESS LOAN PROGRAM 114134

The foregoing appropriation item 195628, Capital Access Loan 114135
Program, shall be used for operating, program, and administrative 114136
expenses of the program. Funds of the Capital Access Loan Program 114137

shall be used to assist participating financial institutions in 114138
making program loans to eligible businesses that face barriers in 114139
accessing working capital and obtaining fixed-asset financing. 114140

Notwithstanding Chapter 166. of the Revised Code, the 114141
Director of Budget and Management may transfer an amount not to 114142
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 114143
at the request of the Director of Development from the Facilities 114144
Establishment Fund (Fund 7037) to the Capital Access Loan Program 114145
Fund (Fund 5S90). The transfer is subject to Controlling Board 114146
approval under section 166.03 of the Revised Code. 114147

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES 114148

The foregoing appropriation item 195663, Clean Ohio 114149
Operating, shall be used by the Department of Development in 114150
administering sections 122.65 to 122.658 of the Revised Code. 114151

Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT 114152
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 114153

The foregoing appropriation items 195687, Third Frontier 114154
Research and Development Projects, and 195692, Research and 114155
Development Taxable Bond Projects, shall be used by the Department 114156
of Development to fund selected projects. Eligible costs are those 114157
costs of research and development projects to which the proceeds 114158
of the Third Frontier Research and Development Fund (Fund 7011) 114159
and the Research & Development Taxable Bond Project Fund (Fund 114160
7014) are to be applied. 114161

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 114162

The Director of Budget and Management may approve written 114163
requests from the Director of Development for the transfer of 114164
appropriations between appropriation items 195687, Third Frontier 114165
Research and Development Projects, and 195692, Research and 114166
Development Taxable Bond Projects, based upon awards recommended 114167

by the Third Frontier Commission. The transfers are subject to 114168
approval by the Controlling Board. 114169

On or before June 30, 2010, any unexpended and unencumbered 114170
portions of the foregoing appropriation items 195687, Third 114171
Frontier Research & Development Projects, and 195692, Research & 114172
Development Taxable Bond Projects, for fiscal year 2010 are hereby 114173
reappropriated to the Department of Development for the same 114174
purposes for fiscal year 2011. 114175

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 114176

The Ohio Public Facilities Commission, upon request of the 114177
Department of Development, is hereby authorized to issue and sell, 114178
in accordance with Section 2p of Article VIII, Ohio Constitution, 114179
and particularly sections 151.01 and 151.10 of the Revised Code, 114180
original obligations of the State of Ohio in an aggregate amount 114181
not to exceed \$100,000,000 in addition to the original issuance of 114182
obligations authorized by prior acts of the General Assembly. The 114183
authorized obligations shall be issued and sold from time to time 114184
and in amounts necessary to ensure sufficient moneys to the credit 114185
of the Third Frontier Research and Development Fund (Fund 7011) to 114186
pay costs of research and development projects. 114187

Section 259.30.30. JOB READY SITE OPERATING 114188

The foregoing appropriation item 195688, Job Ready Site 114189
Operating, shall be used for operating expenses incurred by the 114190
Department of Development in administering the Job Ready Sites 114191
Program authorized under sections 122.085 to 122.0820 of the 114192
Revised Code. Operating expenses include, but are not limited to, 114193
certain expenses of the District Public Works Integrating 114194
Committees, as applicable, engineering review of submitted 114195
applications by the State Architect or a third party engineering 114196
firm, audit and accountability activities, and costs associated 114197
with formal certifications verifying that site infrastructure is 114198

in place and is functional. 114199

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND 114200
COMMERCIALIZATION PROGRAM 114201

The General Assembly and the Governor recognize the role that 114202
the biomedical industry has in job creation, innovation, and 114203
economic development throughout Ohio. It is the intent of the 114204
General Assembly, the Governor, the Director of Development, and 114205
the Director of Budget and Management to work together in 114206
continuing to provide comprehensive state support for the 114207
biomedical industry as a whole through the Third Frontier 114208
Biomedical Research and Commercialization Program. 114209

Section 259.30.50. JOBS FUND BIOPRODUCTS AND BIOMEDICAL 114210

The foregoing appropriation item 195694, Jobs Fund 114211
Bioproducts, shall be used for the Ohio Bioproducts Development 114212
Program established in section 184.25 of the Revised Code. Of the 114213
foregoing appropriation item 195694, Jobs Fund Bioproducts, not 114214
more than five per cent in each fiscal year shall be used for 114215
operating expenditures in administering the program. 114216

The foregoing appropriation item 195695, Jobs Fund 114217
Biomedical, shall be used for the Ohio Biomedical Development 114218
Program established in section 184.26 of the Revised Code. Of the 114219
foregoing appropriation item 195695, Jobs Fund Biomedical, not 114220
more than five per cent in each fiscal year shall be used for 114221
operating expenditures in administering the program. 114222

Section 259.30.60. JOBS FUND CASH TRANSFER 114223

On June 30, 2011, or as soon as possible thereafter, the 114224
Director of Budget and Management shall transfer the unexpended 114225
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 114226
General Revenue Fund. Upon completion of the transfer, the Jobs 114227

Fund is abolished. 114228

Section 259.30.70. UNCLAIMED FUNDS TRANSFER 114229

(A) Notwithstanding division (A) of section 169.05 of the 114230
Revised Code, upon the request of the Director of Budget and 114231
Management, the Director of Commerce, before June 30, 2010, shall 114232
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 114233
amount not to exceed \$4,000,000 in cash of the unclaimed funds 114234
that have been reported by the holders of unclaimed funds under 114235
section 169.05 of the Revised Code, regardless of the allocation 114236
of the unclaimed funds described under that section. 114237

Notwithstanding division (A) of section 169.05 of the Revised 114238
Code, upon the request of the Director of Budget and Management, 114239
the Director of Commerce, before June 30, 2011, shall transfer to 114240
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 114241
exceed \$4,000,000 in cash of the unclaimed funds that have been 114242
reported by the holders of unclaimed funds under section 169.05 of 114243
the Revised Code, regardless of the allocation of the unclaimed 114244
funds described under that section. 114245

(B) Notwithstanding division (A) of section 169.05 of the 114246
Revised Code, upon the request of the Director of Budget and 114247
Management, the Director of Commerce, before June 30, 2010, shall 114248
transfer to the State Special Projects Fund (Fund 4F20) an amount 114249
not to exceed \$6,100,000 of the unclaimed funds that have been 114250
reported by the holders of unclaimed funds under section 169.05 of 114251
the Revised Code, regardless of the allocation of the unclaimed 114252
funds described under that section. 114253

Notwithstanding division (A) of section 169.05 of the Revised 114254
Code, upon the request of the Director of Budget and Management, 114255
the Director of Commerce, prior to June 30, 2011, shall transfer 114256
to the State Special Projects Fund (Fund 4F20) an amount not to 114257
exceed \$6,100,000 in cash of the unclaimed funds that have been 114258

reported by the holders of unclaimed funds under section 169.05 of 114259
the Revised Code, regardless of the allocation of the unclaimed 114260
funds described under that section. 114261

Section 259.30.80. THIRD FRONTIER NEXTGEN NETWORK 114262

Any unexpended, unencumbered amounts of the foregoing 114263
appropriation items 195687, Third Frontier Research & Development 114264
Projects, and 195692, Research & Development Taxable Bond 114265
Projects, that were previously allocated for implementation of the 114266
NextGen Network in fiscal years 2008 and 2009 are hereby 114267
reappropriated for the same purpose in fiscal years 2010 and 2011. 114268

Section 259.30.90. WORKFORCE DEVELOPMENT 114269

The Director of Development and the Director of Job and 114270
Family Services may enter into one or more interagency agreements 114271
between the two departments and take other actions the directors 114272
consider appropriate to further integrate workforce development 114273
into a larger economic development strategy, to implement the 114274
recommendations of the Workforce Policy Board, and to complete 114275
activities related to the transition of the administration of 114276
employment programs identified by the board. Subject to the 114277
approval of the Director of Budget and Management, the Department 114278
of Development and the Department of Job and Family Services may 114279
expend moneys to support the recommendations of the Workforce 114280
Policy Board in the area of integration of employment functions as 114281
described in this paragraph and to complete implementation and 114282
transition activities from the appropriations to those 114283
departments. 114284

Section 261.10. OBD OHIO BOARD OF DIETETICS 114285

General Services Fund Group 114286
4K90 860609 Operating Expenses \$ 348,964 \$ 348,964 114287

TOTAL GSF General Services Fund				114288
Group	\$	348,964	\$ 348,964	114289
TOTAL ALL BUDGET FUND GROUPS	\$	348,964	\$ 348,964	114290
Section 263.10. CDR COMMISSION ON DISPUTE RESOLUTION AND				114292
CONFLICT MANAGEMENT				114293
General Revenue Fund				114294
GRF 145401 Commission Operations	\$	349,600	\$ 349,600	114295
TOTAL GRF General Revenue Fund	\$	349,600	\$ 349,600	114296
General Services Fund Group				114297
4B60 145601 Dispute Resolution	\$	140,000	\$ 140,000	114298
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	114299
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	489,600	\$ 489,600	114300
Section 265.10. EDU DEPARTMENT OF EDUCATION				114302
General Revenue Fund				114303
GRF 200100 Personal Services	\$	13,103,147	\$ 13,103,147	114304
GRF 200320 Maintenance and	\$	3,495,350	\$ 3,495,350	114305
Equipment				
GRF 200408 Early Childhood	\$	23,268,341	\$ 23,268,341	114306
Education				
GRF 200410 Educator Training	\$	7,810,500	\$ 7,010,500	114307
GRF 200416 Career-Technical	\$	2,233,195	\$ 2,233,195	114308
Education Match				
GRF 200420 Computer/Application/	\$	5,394,826	\$ 5,394,826	114309
Network Development				
GRF 200421 Alternative Education	\$	11,015,885	\$ 11,015,885	114310
Programs				
GRF 200422 School Management	\$	9,504,572	\$ 22,490,572	114311
Assistance				

GRF 200424	Policy Analysis	\$	1,056,687	\$	1,056,687	114312
GRF 200425	Tech Prep Consortia Support	\$	1,594,373	\$	1,594,373	114313
GRF 200426	Ohio Educational Computer Network	\$	27,411,025	\$	27,411,025	114314
GRF 200427	Academic Standards	\$	5,789,861	\$	5,789,861	114315
GRF 200431	School Improvement Initiatives	\$	13,359,997	\$	15,359,997	114316
GRF 200437	Student Assessment	\$	71,909,814	\$	71,909,814	114317
GRF 200439	Accountability/Report Cards	\$	6,828,650	\$	6,828,650	114318
GRF 200442	Child Care Licensing	\$	1,302,495	\$	1,302,495	114319
GRF 200446	Education Management Information System	\$	15,621,135	\$	15,621,135	114320
GRF 200447	GED Testing	\$	1,250,353	\$	1,250,353	114321
GRF 200448	Educator Preparation	\$	2,030,000	\$	2,030,000	114322
GRF 200455	Community Schools	\$	472,404,384	\$	512,686,539	114323
GRF 200457	STEM Initiatives	\$	2,000,000	\$	4,500,000	114324
GRF 200502	Pupil Transportation	\$	448,022,619	\$	462,822,619	114325
GRF 200503	Bus Purchase Allowance	\$	10,850,000	\$	10,850,000	114326
GRF 200505	School Lunch Match	\$	11,798,025	\$	11,798,025	114327
GRF 200511	Auxiliary Services	\$	132,740,457	\$	132,740,457	114328
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	59,810,517	\$	59,810,517	114329
GRF 200540	Special Education Enhancements	\$	139,719,648	\$	142,292,936	114330
GRF 200545	Career-Technical Education Enhancements	\$	7,754,662	\$	7,804,699	114331
GRF 200550	Foundation Funding	\$	4,896,532,136	\$	4,788,953,026	114332
GRF 200551	Foundation Funding - Federal Stimulus	\$	387,583,913	\$	457,449,362	114333
GRF 200555	Teach Ohio	\$	6,100,000	\$	6,100,000	114334

GRF 200578	Violence Prevention and School Safety	\$ 1,384,924	\$ 1,384,924	114335
GRF 200587	Community Projects	\$ 7,225,517	\$ 7,065,517	114336
GRF 200901	Property Tax Allocation - Education	\$ 1,008,262,363	\$ 1,020,655,157	114337
TOTAL GRF	General Revenue Fund	\$ 7,816,169,371	\$ 7,865,079,984	114338
	General Services Fund Group			114339
1380 200606	Computer Services-Operational Support	\$ 7,600,091	\$ 7,600,091	114340
4520 200638	Miscellaneous Educational Services	\$ 275,000	\$ 275,000	114341
4L20 200681	Teacher Certification and Licensure	\$ 8,013,206	\$ 8,147,756	114342
5960 200656	Ohio Career Information System	\$ 529,761	\$ 529,761	114343
5H30 200687	School District Solvency Assistance	\$ 18,000,000	\$ 18,000,000	114344
TOTAL GSF	General Services Fund Group	\$ 34,418,058	\$ 34,552,608	114345 114346
	Federal Special Revenue Fund Group			114347
3090 200601	Educationally Disadvantaged Programs	\$ 8,405,512	\$ 8,405,512	114348
3670 200607	School Food Services	\$ 6,324,707	\$ 6,577,695	114349
3680 200614	Veterans' Training	\$ 778,349	\$ 793,846	114350
3690 200616	Career-Technical Education Federal Enhancement	\$ 5,000,000	\$ 5,000,000	114351
3700 200624	Education of Exceptional Children	\$ 2,664,000	\$ 2,755,000	114352
3740 200647	Troops to Teachers	\$ 100,000	\$ 100,000	114353

3780	200660	Learn and Serve	\$	619,211	\$	619,211	114354
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	114355
3AN0	200671	School Improvement Grants	\$	17,909,676	\$	17,936,675	114356
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	114357
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	114358
3BV0	200636	Character Education	\$	700,000	\$	0	114359
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	114360
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0	114361
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834	114362
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966	114363
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000	114364
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026	114365
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737	114366
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679	114367
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000	114368
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000	114369
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	114370

3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675	114371
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500	114372
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500	114373
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	114374
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000	114375
3M10	200678	Innovative Education	\$	1,000,000	\$	0	114376
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163	114377
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397	114378
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353	114379
3Y20	200688	21st Century Community Learning Centers	\$	36,000,000	\$	36,000,000	114380
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172	114381
3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400	114382
3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299	114383
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	114384
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	114385
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280	114386
3Z70	200697	General Supervisory Enhancement Grant	\$	887,319	\$	0	114387
TOTAL FED Federal Special							114388
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	114389
State Special Revenue Fund Group							114390

4540	200610	Guidance and Testing	\$	450,000	\$	450,000	114391
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	114392
4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	114393
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	114394
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	114395
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	114396
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	114397
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	114398
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	114399
5X90	200911	NGA STEM	\$	100,000	\$	0	114400
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	114401
TOTAL SSR State Special Revenue							114402
Fund Group			\$	55,890,748	\$	55,846,635	114403
Lottery Profits Education Fund Group							114404
7017	200612	Foundation Funding	\$	705,000,000	\$	711,000,000	114405
TOTAL LPE Lottery Profits							114406
Education Fund Group			\$	705,000,000	\$	711,000,000	114407
Revenue Distribution Fund Group							114408
7047	200909	School District Property Tax Replacement-Business	\$	1,150,207,366	\$	1,150,207,366	114409
7053	200900	School District Property Tax Replacement-Utility	\$	91,123,523	\$	91,123,523	114410

TOTAL RDF Revenue Distribution			114411
Fund Group	\$ 1,241,330,889	\$ 1,241,330,889	114412
TOTAL ALL BUDGET FUND GROUPS	\$12,091,325,345	\$12,170,709,239	114413

Section 265.10.10. PERSONAL SERVICES 114415

The foregoing appropriation item 200100, Personal Services, 114416
may be used to pay fees for the Department's membership in the 114417
Education Commission of the States, an interstate nonprofit, 114418
nonpartisan organization that supports states with the development 114419
of education policy. 114420

Of the foregoing appropriation item 200100 Personal Services, 114421
up to \$25,000 in each fiscal year may be expended to provide for 114422
travel expenses for the members of the State Board of Education. 114423

Of the foregoing appropriation item 200100, Personal 114424
Services, up to \$150,000 in each fiscal year shall be used by the 114425
Department of Education to support Ohio's Partnership for 114426
Continued Learning at the direction of the Office of the Governor. 114427
Ohio's Partnership for Continued Learning replaces and broadens 114428
the former Joint Council of the Department of Education and the 114429
Board of Regents. The Partnership shall advise and make 114430
recommendations to promote collaboration among relevant state 114431
entities in an effort to help local communities develop coherent 114432
and successful "P-16" learning systems. The Governor, or the 114433
Governor's designee, shall serve as the chairperson. 114434

Of the foregoing appropriation item 200100, Personal 114435
Services, up to \$950,000 in each fiscal year shall be used to 114436
support administration and activities including travel, contract 114437
services, and other expenses of the Governor's Closing the 114438
Achievement Gap Initiative in the Department. 114439

Of the foregoing appropriation item 200100, Personal 114440
Services, up to \$200,000 in each fiscal year shall be used to 114441
support administration and activities of the Office of Urban and 114442

Rural Student Success in the Department. 114443

Of the foregoing appropriation item 200100, Personal 114444
Services, up to \$700,000 in each fiscal year shall be used to 114445
support administration and activities of the Center for Creativity 114446
and Innovation in the Department. 114447

Section 265.10.20. EARLY CHILDHOOD EDUCATION 114448

The Department of Education shall distribute the foregoing 114449
appropriation item 200408, Early Childhood Education, to pay the 114450
costs of early childhood education programs. 114451

(A) As used in this section: 114452

(1) "Provider" means a city, local, exempted village, or 114453
joint vocational school district, or an educational service 114454
center. 114455

(2) In the case of a city, local, or exempted village school 114456
district, "new eligible provider" means a district that did not 114457
receive state funding for Early Childhood Education in the 114458
previous fiscal year or demonstrates a need for early childhood 114459
programs as defined in division (D) of this section. 114460

(3) "Eligible child" means a child who is at least three 114461
years of age as of the district entry date for kindergarten, is 114462
not of the age to be eligible for kindergarten, and whose family 114463
earns not more than two hundred per cent of the federal poverty 114464
guidelines as defined in division (A)(3) of section 5101.46 of the 114465
Revised Code. Children with an Individualized Education Program 114466
and where the Early Childhood Education program is the least 114467
restrictive environment may be enrolled on their third birthday. 114468

(B) In each fiscal year, up to two per cent of the total 114469
appropriation may be used by the Department for program support 114470
and technical assistance. The Department shall distribute the 114471
remainder of the appropriation in each fiscal year to serve 114472

eligible children. 114473

(C) The Department shall provide an annual report to the 114474
Governor, the Speaker of the House of Representatives, and the 114475
President of the Senate and post the report to the Department's 114476
web site, regarding early childhood education programs operated 114477
under this section and the early learning program guidelines. 114478

(D) After setting aside the amounts to make payments due from 114479
the previous fiscal year, in fiscal year 2010, the Department 114480
shall distribute funds first to recipients of funds for early 114481
childhood education programs under Section 269.10.20 of Am. Sub. 114482
H.B. 119 of the 127th General Assembly in the previous fiscal year 114483
and the balance to new eligible providers of early childhood 114484
education programs under this section or to existing providers to 114485
serve more eligible children or for purposes of program expansion, 114486
improvement, or special projects to promote quality and 114487
innovation. 114488

After setting aside the amounts to make payments due from the 114489
previous fiscal year, in fiscal year 2011, the Department shall 114490
distribute funds first to providers of early childhood education 114491
programs under this section in the previous fiscal year and the 114492
balance to new eligible providers or to existing providers to 114493
serve more eligible children or for purposes of program expansion, 114494
improvement, or special projects to promote quality and 114495
innovation. 114496

Awards under this section shall be distributed on a per-pupil 114497
basis, and in accordance with division (H) of this section. The 114498
Department may adjust the per-pupil amount so that the per-pupil 114499
amount multiplied by the number of eligible children enrolled and 114500
receiving services, as defined by the Department, reported on the 114501
first day of December or the first business day following that 114502
date equals the amount allocated under this section. 114503

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (J) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program guidelines. The approved provider shall administer and use such property and funds for the purposes specified.

(F) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (E) of this section, or if the program fails to substantially meet the early learning program guidelines or exhibits below average performance as measured against the guidelines, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective

action plan, the Department may deny expansion funding to the 114536
program or withdraw all or part of the funding to the program and 114537
establish a new eligible provider through a selection process 114538
established by the Department. 114539

(G) Each early childhood education program shall do all of 114540
the following: 114541

(1) Meet teacher qualification requirements prescribed by 114542
section 3301.311 of the Revised Code; 114543

(2) Align curriculum to the early learning content standards 114544
developed by the Department; 114545

(3) Meet any child or program assessment requirements 114546
prescribed by the Department; 114547

(4) Require teachers, except teachers enrolled and working to 114548
obtain a degree pursuant to section 3301.311 of the Revised Code, 114549
to attend a minimum of twenty hours every two years of 114550
professional development as prescribed by the Department; 114551

(5) Document and report child progress as prescribed by the 114552
Department; 114553

(6) Meet and report compliance with the early learning 114554
program guidelines as prescribed by the Department. 114555

(H) Per-pupil funding for programs subject to this section 114556
shall be sufficient to provide eligible children with services for 114557
a standard early childhood schedule which shall be defined in this 114558
section as one-half of the statewide average length of the school 114559
day, as determined by the Department, for the minimum school year 114560
as defined in sections 3313.48, 3313.481, and 3313.482 of the 114561
Revised Code. Nothing in this section shall be construed to 114562
prohibit program providers from utilizing other funds to serve 114563
eligible children in programs that exceed the statewide average 114564
length of the school day or that exceed the minimum school year. 114565

For any provider for which a standard early childhood education 114566
does not meet the local need or creates a hardship, the provider 114567
may submit a waiver to the Department requesting an alternate 114568
schedule. If the Department approves a waiver for an alternate 114569
schedule that provides services for less time than the standard 114570
early childhood education schedule, the Department shall reduce 114571
the provider's annual allocation proportionately. Under no 114572
circumstances shall an annual allocation be increased because of 114573
the approval of an alternate schedule. 114574

(I) Each provider shall develop a sliding fee scale based on 114575
family incomes and shall charge families who earn more than two 114576
hundred per cent of the federal poverty guidelines, as defined in 114577
division (A)(3) of section 5101.46 of the Revised Code, for the 114578
early childhood education program. 114579

(J) If an early childhood education program voluntarily 114580
waives its right for funding, or has its funding eliminated for 114581
not meeting financial standards or the early learning program 114582
guidelines, the provider shall transfer control of title to 114583
property, equipment, and remaining supplies obtained through the 114584
program to providers designated by the Department and return any 114585
unexpended funds to the Department along with any reports 114586
prescribed by the Department. The funding made available from a 114587
program that waives its right for funding or has its funding 114588
eliminated or reduced may be used by the Department for new grant 114589
awards or expansion grants. The Department may award new grants or 114590
expansion grants to eligible providers who apply. The eligible 114591
providers who apply must do so in accordance with the selection 114592
process established by the Department. 114593

(K) As used in this section, "early learning program 114594
guidelines" means the guidelines established by the Department 114595
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 114596
66 of the 126th General Assembly. 114597

Section 265.10.23. EARLY CHILDHOOD CABINET 114598

The Governor shall appoint to the entity in the Office of the 114599
Governor known as the Early Childhood Cabinet a representative of 114600
a board of health of a city or general health district or an 114601
authority having the duties of a board of health under section 114602
3709.05 of the Revised Code. The Governor shall make the 114603
appointment not later than six months after the effective date of 114604
this section. 114605

Section 265.10.25. EDUCATOR TRAINING 114606

The foregoing appropriation item 200410, Educator Training, 114607
shall be used by the Department of Education to provide grants to 114608
pay \$2,225 of the application fee in order to assist teachers from 114609
public and chartered nonpublic schools applying for the first time 114610
to the National Board for Professional Teaching Standards for 114611
professional teaching certificates or licenses that the board 114612
offers. These moneys shall be used to pay up to the first 400 114613
applications in each fiscal year received by the Department. This 114614
set aside shall also be used to recognize and reward teachers who 114615
become certified by the National Board for Professional Teaching 114616
Standards under section 3319.55 of the Revised Code. Up to 114617
\$300,000 in each fiscal year may be used by the Department to pay 114618
for costs associated with activities to support candidates through 114619
the application and certification process. 114620
114621

Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH 114622

The foregoing appropriation item 200416, Career-Technical 114623
Education Match, shall be used by the Department of Education to 114624
provide vocational administration matching funds under 20 U.S.C. 114625
2311. 114626

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 114627

The foregoing appropriation item 200420, 114628
Computer/Application/Network Development, shall be used to support 114629
the development and implementation of information technology 114630
solutions designed to improve the performance and services of the 114631
Department of Education. Funds may be used for personnel, 114632
maintenance, and equipment costs related to the development and 114633
implementation of these technical system projects. Implementation 114634
of these systems shall allow the Department to provide greater 114635
levels of assistance to school districts and to provide more 114636
timely information to the public, including school districts, 114637
administrators, and legislators. Funds may also be used to support 114638
data-driven decision-making and differentiated instruction, as 114639
well as to communicate academic content standards and curriculum 114640
models to schools through web-based applications. 114641

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS 114642

Of the foregoing appropriation item 200421, Alternative 114643
Education Programs, \$1,000,000 in each fiscal year shall be 114644
provided to Big Brothers Big Sisters of Central Ohio. 114645

The foregoing appropriation item 200421, Alternative 114646
Education Programs, shall be used for the renewal of successful 114647
implementation grants and for competitive matching grants to the 114648
21 urban school districts as defined in division (O) of section 114649
3317.02 of the Revised Code as it existed prior to July 1, 1998, 114650
and for the renewal of successful implementation grants and for 114651
competitive matching grants to rural and suburban school districts 114652
for alternative educational programs for existing and new at-risk 114653
and delinquent youth. Programs shall be focused on youth in one or 114654
more of the following categories: those who have been expelled or 114655
suspended, those who have dropped out of school or who are at risk 114656
of dropping out of school, those who are habitually truant or 114657

disruptive, or those on probation or on parole from a Department 114658
of Youth Services facility. Grants shall be awarded according to 114659
the criteria established by the Alternative Education Advisory 114660
Council in 1999. Grants shall be awarded only to programs in which 114661
the grant will not serve as the program's primary source of 114662
funding. These grants shall be administered by the Department of 114663
Education. 114664

The Department of Education may waive compliance with any 114665
minimum education standard established under section 3301.07 of 114666
the Revised Code for any alternative school that receives a grant 114667
under this section on the grounds that the waiver will enable the 114668
program to more effectively educate students enrolled in the 114669
alternative school. 114670

Of the foregoing appropriation item 200421, Alternative 114671
Education Programs, a portion may be used for program 114672
administration, monitoring, technical assistance, support, 114673
research, and evaluation. 114674

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE 114675

Of the foregoing appropriation item 200422, School Management 114676
Assistance, up to \$1,000,000 in each fiscal year shall be used by 114677
the Auditor of State in consultation with the Department of 114678
Education for expenses incurred in the Auditor of State's role 114679
relating to fiscal caution, fiscal watch, and fiscal emergency 114680
activities as defined in Chapter 3316. of the Revised Code and may 114681
also be used to conduct performance audits with priority given to 114682
districts in fiscal distress. Expenses include duties related to 114683
the completion of performance audits for school districts that the 114684
Superintendent of Public Instruction determines are employing 114685
fiscal practices or experiencing budgetary conditions that could 114686
produce a state of fiscal watch or fiscal emergency. 114687

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Of the foregoing appropriation item 200422, School Management Assistance, up to \$350,000 in each fiscal year shall be used by the Department of Education to work with school districts and entities that serve school districts to develop and deploy analytical tools that allow districts and other stakeholders to analyze more thoroughly district spending patterns in order to promote more effective and efficient use of resources.

Of the foregoing appropriation item 200422, School Management Assistance, up to \$4,994,000 in fiscal year 2010 and up to \$17,980,000 in fiscal year 2011 shall be used by the Department of Education to contract with the Auditor of State or another identified vendor as determined by the Department and approved by the Controlling Board to conduct performance reviews of school districts, STEM schools, and community schools on a five year cycle. Unless conducted as part of the support provided to a school district subject to Chapter 3316. of the Revised Code, performance reviews for school districts, STEM schools, and community schools shall not begin until fiscal year 2011. The Office of School Resource Management in the Department shall determine the scope of reviews, not limited to operations, in consultation with the Auditor of State and the Office of Budget and Management. Priority may be given to districts in fiscal distress as determined by the Auditor of State and the Superintendent of Public Instruction. A portion of this amount in each fiscal year shall be used by the Department to contract with the Auditor of State or another identified vendor as determined by the Department and approved by the Controlling Board to conduct performance reviews of educational service centers (ESCs) and joint vocational school districts (JVSDs). The purpose of such reviews shall be to assist ESCs and JVSDs in identifying and implementing operational efficiencies, setting statewide benchmarks in certain operations, evaluating quality of services provided to school districts, and using findings to inform and

develop recommendations for a new ESC and JVSD funding model to be 114722
implemented in the fiscal year 2012-2013 biennium. 114723

The remainder of foregoing appropriation item 200422, School 114724
Management Assistance, shall be used by the Department of 114725
Education to provide fiscal technical assistance and inservice 114726
education for school district management personnel and to 114727
administer, monitor, and implement the fiscal caution, fiscal 114728
watch, and fiscal emergency provisions under Chapter 3316. of the 114729
Revised Code. 114730

Section 265.10.60. POLICY ANALYSIS 114731

The foregoing appropriation item 200424, Policy Analysis, 114732
shall be used by the Department of Education to support a system 114733
of administrative, statistical, and legislative education 114734
information to be used for policy analysis. Staff supported by 114735
this appropriation shall administer the development of reports, 114736
analyses, and briefings to inform education policymakers of 114737
current trends in education practice, efficient and effective use 114738
of resources, and evaluation of programs to improve education 114739
results. The database shall be kept current at all times. These 114740
research efforts shall be used to supply information and analysis 114741
of data to the General Assembly and other state policymakers, 114742
including the Office of Budget and Management and the Legislative 114743
Service Commission. 114744

Of the foregoing appropriation item 200424, Policy Analysis, 114745
up to \$600,000 in each fiscal year shall be used to support the 114746
Office of School Resource Management in the Department of 114747
Education. A portion of this amount shall be used in conjunction 114748
with appropriation item 200439, Accountability/Report Cards, to 114749
develop a fiscal reporting dimension, which shall contain fiscal 114750
data reported for the prior fiscal year, to the school report card 114751
for publication beginning in fiscal year 2011. The fiscal 114752

information contained therein shall be updated and reported 114753
annually in a form and in a manner as determined by the 114754
Department. 114755

The Department of Education may use funding from this 114756
appropriation item to purchase or contract for the development of 114757
software systems or contract for policy studies that will assist 114758
in the provision and analysis of policy-related information. 114759
Funding from this appropriation item also may be used to monitor 114760
and enhance quality assurance for research-based policy analysis 114761
and program evaluation to enhance the effective use of education 114762
information to inform education policymakers. 114763

TECH PREP CONSORTIA SUPPORT 114764

The foregoing appropriation item 200425, Tech Prep Consortia 114765
Support, shall be used by the Department of Education to support 114766
state-level activities designed to support, promote, and expand 114767
tech prep programs. Use of these funds shall include, but not be 114768
limited to, administration of grants, program evaluation, 114769
professional development, curriculum development, assessment 114770
development, program promotion, communications, and statewide 114771
coordination of tech prep consortia. 114772

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 114773

The foregoing appropriation item 200426, Ohio Educational 114774
Computer Network, shall be used by the Department of Education to 114775
maintain a system of information technology throughout Ohio and to 114776
provide technical assistance for such a system in support of the 114777
P-16 State Education Technology Plan developed under section 114778
3353.09 of the Revised Code. 114779

Of the foregoing appropriation item 200426, Ohio Educational 114780
Computer Network, up to \$15,874,498 in each fiscal year shall be 114781
used by the Department of Education to support connection of all 114782

public school buildings and participating chartered nonpublic 114783
schools to the state's education network, to each other, and to 114784
the Internet. In each fiscal year the Department of Education 114785
shall use these funds to assist information technology centers or 114786
school districts with the operational costs associated with this 114787
connectivity. The Department of Education shall develop a formula 114788
and guidelines for the distribution of these funds to information 114789
technology centers or individual school districts. As used in this 114790
section, "public school building" means a school building of any 114791
city, local, exempted village, or joint vocational school 114792
district, any community school established under Chapter 3314. of 114793
the Revised Code, any educational service center building used for 114794
instructional purposes, the Ohio School for the Deaf and the Ohio 114795
School for the Blind, or high schools chartered by the Ohio 114796
Department of Youth Services and high schools operated by Ohio 114797
Department of Rehabilitation and Corrections' Ohio Central School 114798
System. 114799

Of the foregoing appropriation item 200426, Ohio Educational 114800
Computer Network, up to \$2,163,657 in each fiscal year shall be 114801
used for the Union Catalog and InfoOhio Network and to support the 114802
provision of electronic resources with priority given to resources 114803
that support the teaching of state academic content standards in 114804
all public schools. Consideration shall be given by the Department 114805
of Education to coordinating the allocation of these moneys with 114806
the efforts of Libraries Connect Ohio, whose members include 114807
OhioLINK, the Ohio Public Information Network, and the State 114808
Library of Ohio. 114809

Of the foregoing appropriation item 200426, Ohio Educational 114810
Computer Network, up to \$7,942,391 in each fiscal year shall be 114811
used, through a formula and guidelines devised by the Department, 114812
to subsidize the activities of designated information technology 114813
centers, as defined by State Board of Education rules, to provide 114814

school districts and chartered nonpublic schools with 114815
computer-based student and teacher instructional and 114816
administrative information services, including approved 114817
computerized financial accounting, and to ensure the effective 114818
operation of local automated administrative and instructional 114819
systems. 114820

The remainder of appropriation item 200426, Ohio Educational 114821
Computer Network, shall be used to support development, 114822
maintenance, and operation of a network of uniform and compatible 114823
computer-based information and instructional systems. This 114824
technical assistance shall include, but not be restricted to, 114825
development and maintenance of adequate computer software systems 114826
to support network activities. In order to improve the efficiency 114827
of network activities, the Department and information technology 114828
centers may jointly purchase equipment, materials, and services 114829
from funds provided under this appropriation for use by the 114830
network and, when considered practical by the Department, may 114831
utilize the services of appropriate state purchasing agencies. 114832

Section 265.10.80. ACADEMIC STANDARDS 114833

The foregoing appropriation item 200427, Academic Standards, 114834
shall be used by the Department of Education to develop, revise, 114835
and communicate to school districts academic content standards and 114836
curriculum models. 114837

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 114838

Of the foregoing appropriation item 200431, School 114839
Improvement Initiatives, up to \$510,990 in each fiscal year shall 114840
be used by the Department of Education to support educational 114841
media centers to provide Ohio public schools with instructional 114842
resources and services, with priority given to resources and 114843
services aligned with state academic content standards. 114844

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$9,349,007 in each fiscal year shall be used to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317.

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$2,000,000 in fiscal year 2011 shall be used by the Department of Education to fund grants to eligible school districts and community schools for the pilot subsidy program for creative and innovative classrooms. The pilot subsidy program shall be administered by the Center for Creativity and Innovation within the Department of Education following guidelines established by the Center in accordance with section 3306.57 of the Revised Code.

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$3,500,000 in each fiscal year shall be used to create early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program. The funds for early college high schools shall be distributed according to guidelines established by the Department of Education and the Board of Regents.

Section 265.20.10. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to \$212,486 in each fiscal year may be used to support the assessments required under section 3301.0715 of the Revised Code.

The Superintendent of Public Instruction and the Chancellor of the Ohio Board of Regents shall determine a percentage of the foregoing appropriation item 200437, Student Assessment, that

shall be used in each fiscal year to pay for all or a portion of 114876
the following: (1) a college readiness exam for high school 114877
juniors enrolled in Ohio secondary schools and (2) preparation, 114878
practice examinations, and diagnostics related to a college 114879
readiness exam, including, but not limited to, the PSAT, PLAN, and 114880
EXPLORE. The Superintendent shall develop a plan, to be approved 114881
by the Chancellor of the Board of Regents, to determine how to 114882
allocate these funds in a manner which maximizes the number of 114883
students who will be fully assessed for college readiness and in a 114884
manner which allows for pre-college level remediation at the 114885
earliest level possible. For examinations paid in whole or in part 114886
by these funds and where scores may be submitted to institutions 114887
of higher education, all students must submit their scores to the 114888
University System of Ohio. Upon approval by the Chancellor, the 114889
Superintendent shall submit the plan to the Controlling Board for 114890
approval. 114891

The Superintendent and the Chancellor jointly may negotiate 114892
terms to enter into contracts with providers of preparatory 114893
courses for the purpose of assisting students enrolled in Ohio 114894
secondary schools prepare for student assessments. 114895

Of the foregoing appropriation item 200437, Student 114896
Assessments, a portion may be used by the Superintendent of Public 114897
Instruction to reimburse public school districts for (1) a portion 114898
of costs associated with Advanced Placement testing and Advanced 114899
Placement programming, including teacher training, teaching 114900
materials, and student supplies and equipment and (2) a portion of 114901
costs associated with taking the International Baccalaureate 114902
Examination. The Superintendent shall develop a plan, to be 114903
approved by the Chancellor of the Board of Regents, to determine 114904
how to allocate these funds in a manner which maximizes the number 114905
of students who receive college credit through the Advanced 114906
Placement testing process. Upon approval by the Chancellor, the 114907

Superintendent shall submit the plan to the Controlling Board for approval. 114908
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The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. If funds remain in this appropriation after these purposes have been fulfilled, the Department may use the remainder of the appropriation to develop end-of-course exams. 114910
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Section 265.20.20. ACCOUNTABILITY/REPORT CARDS 114919

Of the foregoing appropriation item 200439, Accountability/Report Cards, up to \$2,378,976 in each fiscal year shall be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This funding shall be used in consultation with a credible nonprofit organization with expertise in value-added progress dimensions. 114920
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The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department to incorporate a statewide pilot value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards and funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code. 114928
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CHILD CARE LICENSING 114936

The foregoing appropriation item 200442, Child Care 114937

Licensing, shall be used by the Department of Education to license 114938
and to inspect preschool and school-age child care programs under 114939
sections 3301.52 to 3301.59 of the Revised Code. 114940

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 114941

The foregoing appropriation item 200446, Education Management 114942
Information System, shall be used by the Department of Education 114943
to improve the Education Management Information System (EMIS). 114944

Of the foregoing appropriation item 200446, Education 114945
Management Information System, up to \$1,276,761 in each fiscal 114946
year shall be distributed to designated information technology 114947
centers for costs relating to processing, storing, and 114948
transferring data for the effective operation of the EMIS. These 114949
costs may include, but are not limited to, personnel, hardware, 114950
software development, communications connectivity, professional 114951
development, and support services, and to provide services to 114952
participate in the State Education Technology Plan developed under 114953
section 3353.09 of the Revised Code. 114954

Of the foregoing appropriation item 200446, Education 114955
Management Information System, up to \$7,874,541 in each fiscal 114956
year shall be distributed on a per-pupil basis to school 114957
districts, community schools established under Chapter 3314. of 114958
the Revised Code, educational service centers, joint vocational 114959
school districts, and any other education entity that reports data 114960
through EMIS. From this funding, each school district or community 114961
school established under Chapter 3314. of the Revised Code with 114962
enrollment greater than 100 students and each vocational school 114963
district shall receive a minimum of \$5,000 in each fiscal year. 114964
Each school district or community school established under Chapter 114965
3314. of the Revised Code with enrollment between one and one 114966
hundred and each educational service center and each county board 114967
of MR/DD that submits data through EMIS shall receive \$3,000 in 114968

each fiscal year. This subsidy shall be used for costs relating to 114969
reporting, processing, storing, transferring, and exchanging data 114970
necessary to meet requirements of the Department of Education's 114971
data system. 114972

The remainder of appropriation item 200446, Education 114973
Management Information System, shall be used to develop and 114974
support a common core of data definitions and standards as adopted 114975
by the Education Management Information System Advisory Board, 114976
including the ongoing development and maintenance of the data 114977
dictionary and data warehouse. In addition, such funds shall be 114978
used to support the development and implementation of data 114979
standards and the design, development, and implementation of a new 114980
data exchange system. 114981

Any provider of software meeting the standards approved by 114982
the Education Management Information System Advisory Board shall 114983
be designated as an approved vendor and may enter into contracts 114984
with local school districts, community schools, information 114985
technology centers, or other educational entities for the purpose 114986
of collecting and managing data required under Ohio's education 114987
management information system (EMIS) laws. On an annual basis, the 114988
Department of Education shall convene an advisory group of school 114989
districts, community schools, and other education-related entities 114990
to review the Education Management Information System data 114991
definitions and data format standards. The advisory group shall 114992
recommend changes and enhancements based upon surveys of its 114993
members, education agencies in other states, and current industry 114994
practices, to reflect best practices, align with federal 114995
initiatives, and meet the needs of school districts. 114996

School districts and community schools not implementing a 114997
common and uniform set of data definitions and data format 114998
standards for Education Management Information System purposes 114999
shall have all EMIS funding withheld until they are in compliance. 115000

Section 265.20.40. GED TESTING 115001

The foregoing appropriation item 200447, GED Testing, shall 115002
be used to provide General Educational Development (GED) testing 115003
at no cost to applicants, under rules adopted by the State Board 115004
of Education. The Department of Education may reimburse in fiscal 115005
year 2010 school districts and community schools, created under 115006
Chapter 3314. of the Revised Code, for a portion of the costs 115007
incurred in providing summer instructional or intervention 115008
services to students who have not graduated because of their 115009
inability to pass one or more parts of the state's Ohio Graduation 115010
Test. School districts shall also provide such services to 115011
students who are residents of the district under section 3313.64 115012
of the Revised Code, but who are enrolled in chartered, nonpublic 115013
schools. The services shall be provided in the public school, in 115014
nonpublic schools, in public centers, or in mobile units located 115015
on or off the nonpublic school premises. No school district shall 115016
provide summer instructional or intervention services to nonpublic 115017
school students as authorized by this section unless such services 115018
are available to students attending the public schools within the 115019
district. No school district shall provide services for use in 115020
religious courses, devotional exercises, religious training, or 115021
any other religious activity. Chartered, nonpublic schools shall 115022
pay for any unreimbursed costs incurred by school districts for 115023
providing summer instruction or intervention services to students 115024
enrolled in chartered, nonpublic schools. School districts may 115025
provide these services to students directly or contract with 115026
postsecondary or nonprofit community-based institutions in 115027
providing instruction. 115028

Section 265.20.50. EDUCATOR PREPARATION 115029

Of the foregoing appropriation item 200448, Educator 115030
Preparation, up to \$350,000 in each fiscal year shall be used for 115031

training and professional development of school administrators, 115032
school treasurers, and school business officials. 115033

The remainder of appropriation item 200448, Educator 115034
Preparation, may be used by the Department to support the Educator 115035
Standards Board under section 3319.61 of the Revised Code as it 115036
develops and recommends to the State Board of Education standards 115037
for educator training and standards for teacher and other school 115038
leadership positions. Also, any remaining funds may be used by the 115039
Department to develop alternative preparation programs for school 115040
leaders and coordination of a career ladder for teachers. 115041

Section 265.20.60. COMMUNITY SCHOOLS 115042

Of the foregoing appropriation item 200455, Community 115043
Schools, up to \$1,308,661 in each fiscal year may be used by the 115044
Department of Education for additional services and 115045
responsibilities under section 3314.11 of the Revised Code. 115046

Of the foregoing appropriation item 200455, Community 115047
Schools, up to \$225,000 in each fiscal year may be used by the 115048
Department of Education for developing and conducting training 115049
sessions for community schools and sponsors and prospective 115050
sponsors of community schools as prescribed in division (A)(1) of 115051
section 3314.015 of the Revised Code. In developing the training 115052
sessions, the Department shall collect and disseminate examples of 115053
best practices used by sponsors of independent charter schools in 115054
Ohio and other states. 115055

STEM INITIATIVES 115056

The foregoing appropriation item 200457, STEM Initiatives, 115057
shall be used for initiatives that support innovative mathematics 115058
and science education and mathematics and science professional 115059
development for teachers. Such initiatives shall be connected to 115060
and leveraged against Ohio's portfolio of STEM education 115061

initiatives including STEM schools, STEM Programs of Excellence, 115062
and STEM Centers that are positioned to enhance teacher 115063
preparation and professional development through the use of 115064
professional practice on-site laboratories, teacher-in-residence 115065
programs, master teacher and apprentice models, and STEM teaching 115066
fellowships. 115067

Section 265.20.70. PUPIL TRANSPORTATION 115068

Of the foregoing appropriation item 200502, Pupil 115069
Transportation, up to \$838,930 in each fiscal year may be used by 115070
the Department of Education for training prospective and 115071
experienced school bus drivers in accordance with training 115072
programs prescribed by the Department. Up to \$60,469,220 in each 115073
fiscal year may be used by the Department of Education for special 115074
education transportation reimbursements to school districts and 115075
county MR/DD boards for transportation operating costs as provided 115076
in division (J) of section 3317.024 of the Revised Code. The 115077
remainder of appropriation item 200502, Pupil Transportation, 115078
shall be used for the state reimbursement of public school 115079
districts' costs in transporting pupils to and from the school 115080
they attend in accordance with the district's policy, State Board 115081
of Education standards, and division (J) of section 3306.12 of the 115082
Revised Code. 115083

Of the foregoing appropriation item 200502, Pupil 115084
Transportation, \$376,914,469 in each fiscal year shall be used to 115085
calculate the prorated portion of transportation aid to school 115086
districts and shall be distributed as provided by division (L)(1) 115087
of section 3306.12 of the Revised Code. The remainder shall be 115088
used for additional transportation aid for school districts as 115089
provided by division (L)(2) of section 3306.12 of the Revised 115090
Code. 115091

Section 265.20.80. BUS PURCHASE ALLOWANCE 115092

The foregoing appropriation item 200503, Bus Purchase 115093
Allowance, shall be distributed to school districts, educational 115094
service centers, and county MR/DD boards pursuant to rules adopted 115095
under section 3317.07 of the Revised Code. Up to 28 per cent of 115096
the amount appropriated may be used to reimburse school districts 115097
and educational service centers for the purchase of buses to 115098
transport students with disabilities and nonpublic school students 115099
and to county MR/DD boards, the Ohio School for the Deaf, and the 115100
Ohio School for the Blind for the purchase of buses to transport 115101
students with disabilities. 115102

SCHOOL LUNCH MATCH 115103

The foregoing appropriation item 200505, School Lunch Match, 115104
shall be used to provide matching funds to obtain federal funds 115105
for the school lunch program. 115106

Any remaining appropriation after providing matching funds 115107
for the school lunch program shall be used to partially reimburse 115108
school buildings within school districts that are required to have 115109
a school breakfast program under section 3313.813 of the Revised 115110
Code, at a rate decided by the Department. 115111

Section 265.20.90. AUXILIARY SERVICES 115112

The foregoing appropriation item 200511, Auxiliary Services, 115113
shall be used by the Department of Education for the purpose of 115114
implementing section 3317.06 of the Revised Code. Of the 115115
appropriation, up to \$2,121,800 in each fiscal year may be used 115116
for payment of the Post-Secondary Enrollment Options Program for 115117
nonpublic students. Notwithstanding section 3365.10 of the Revised 115118
Code, the Department shall distribute funding according to rules 115119
adopted by the Department in accordance with Chapter 119. of the 115120
Revised Code. 115121

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 115122
REIMBURSEMENT 115123

The foregoing appropriation item 200532, Nonpublic 115124
Administrative Cost Reimbursement, shall be used by the Department 115125
of Education for the purpose of implementing section 3317.063 of 115126
the Revised Code. 115127

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 115128

Of the foregoing appropriation item 200540, Special Education 115129
Enhancements, up to \$2,906,875 in each fiscal year shall be used 115130
for home instruction for children with disabilities. 115131

Of the foregoing appropriation item 200540, Special Education 115132
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 115133
\$48,421,435 in fiscal year 2011 shall be used to fund special 115134
education and related services at county boards of mental 115135
retardation and developmental disabilities for eligible students 115136
under section 3317.20 of the Revised Code and at institutions for 115137
eligible students under section 3317.201 of the Revised Code. 115138
Notwithstanding the distribution formulas under sections 3317.20 115139
and 3317.201 of the Revised Code, funding for MR/DD boards and 115140
institutions in fiscal year 2010 and fiscal year 2011 shall be 115141
determined by inflating the per pupil amount received by each 115142
MR/DD board and institution in the prior fiscal year by 1.9 per 115143
cent and providing that inflated per pupil amount for each student 115144
served in the current fiscal year. 115145

Of the foregoing appropriation item 200540, Special Education 115146
Enhancements, up to \$1,500,000 in each fiscal year shall be used 115147
for parent mentoring programs. 115148

Of the foregoing appropriation item 200540, Special Education 115149
Enhancements, up to \$2,783,396 in each fiscal year may be used for 115150
school psychology interns. 115151

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

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 physical therapist 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 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 therapist 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.

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical

Education Enhancements, up to \$2,633,531 in fiscal year 2010 and 115183
up to \$2,683,568 in fiscal year 2011 shall be used to fund 115184
secondary career-technical education at institutions. 115185

Notwithstanding sections 3317.05, 3317.052, and 3317.053 of the 115186
Revised Code, the Department of Education shall distribute funding 115187
to institutions for career-technical programming on a grant basis. 115188

Of the foregoing appropriation item 200545, Career-Technical 115189
Education Enhancements, up to \$2,228,281 in each fiscal year shall 115190
be used by the Department of Education to fund competitive grants 115191
to tech prep consortia that expand the number of students enrolled 115192
in tech prep programs. These grant funds shall be used to directly 115193
support expanded tech prep programs provided to students enrolled 115194
in school districts, including joint vocational school districts, 115195
and affiliated higher education institutions. This support may 115196
include the purchase of equipment. 115197

Of the foregoing appropriation item 200545, Career-Technical 115198
Education Enhancements, \$2,000 in each fiscal year shall be used 115199
by the Perry Local High School College Medical Tech Prep program 115200
in Massillon to teach low-income kids how to lead healthy 115201
lifestyles. 115202

Of the foregoing appropriation item 200545, Career-Technical 115203
Education Enhancements, up to \$2,890,850 in each fiscal year shall 115204
be used by the Department of Education to support existing High 115205
Schools That Work (HSTW) sites, develop and support new sites, 115206
fund technical assistance, and support regional centers and middle 115207
school programs. The purpose of HSTW is to combine challenging 115208
academic courses and modern career-technical studies to raise the 115209
academic achievement of students. HSTW provides intensive 115210
technical assistance, focused staff development, targeted 115211
assessment services, and ongoing communications and networking 115212
opportunities. 115213

Section 265.30.40. FOUNDATION FUNDING 115214

The foregoing appropriation item 200550, Foundation Funding, 115215
includes \$75,000,000 in each fiscal year for the state education 115216
aid offset due to the change in public utility valuation as a 115217
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 115218
General Assembly. This amount represents the total state education 115219
aid offset due to the valuation change for school districts and 115220
joint vocational school districts from all relevant appropriation 115221
line item sources. Upon certification by the Department of 115222
Education, in consultation with the Department of Taxation, to the 115223
Director of Budget and Management of the actual state aid offset, 115224
the cash transfer from the School District Property Tax 115225
Replacement - Utility Fund (Fund 7053) to the General Revenue Fund 115226
shall be decreased or increased by the Director of Budget and 115227
Management to match the certification in accordance with section 115228
5727.84 of the Revised Code. 115229

The foregoing appropriation item 200550, Foundation Funding, 115230
includes \$11,900,000 in fiscal year 2010 and \$39,300,000 in fiscal 115231
year 2011 for the state education aid offset because of the 115232
changes in tangible personal property valuation as a result of Am. 115233
Sub. H.B. 66 of the 126th General Assembly. This amount represents 115234
the total state education aid offset because of the valuation 115235
change for school districts and joint vocational school districts 115236
from all relevant appropriation item sources. Upon certification 115237
by the Department of Education of the actual state education aid 115238
offset to the Director of Budget and Management, the cash transfer 115239
from the School District Tangible Property Tax Replacement - 115240
Business Fund (Fund 7047) to the General Revenue Fund shall be 115241
decreased or increased by the Director of Budget and Management to 115242
match the certification in accordance with section 5751.21 of the 115243
Revised Code. 115244

Of the foregoing appropriation item 200550, Foundation 115245
Funding, up to \$425,000 shall be expended in each fiscal year for 115246
court payments under section 2151.362 of the Revised Code and up 115247
to \$15,000,000 in each fiscal year shall be reserved for payments 115248
under sections 3317.026, 3317.027, and 3317.028 of the Revised 115249
Code except that the Controlling Board may increase the 115250
\$15,000,000 amount if presented with such a request from the 115251
Department of Education. 115252

Of the foregoing appropriation item 200550, Foundation 115253
Funding, up to \$18,000,000 in fiscal year 2010 and \$15,000,000 in 115254
fiscal year 2011 shall be used to provide additional state aid to 115255
school districts for special education students under division 115256
(C)(3) of section 3317.022 of the Revised Code, except that the 115257
Controlling Board may increase these amounts if presented with 115258
such a request from the Department of Education at the final 115259
meeting of the fiscal year; up to \$2,000,000 in each fiscal year 115260
shall be reserved for Youth Services tuition payments under 115261
section 3317.024 of the Revised Code; up to \$8,100,000 in each 115262
fiscal year shall be used to fund gifted education units at 115263
educational service centers under division (L) of section 3317.024 115264
of the Revised Code, notwithstanding division (D)(3) of section 115265
3317.018 of the Revised Code; and up to \$47,000,000 in each fiscal 115266
year shall be reserved to fund the state reimbursement of 115267
educational service centers under section 3317.11 of the Revised 115268
Code and the section of this act entitled "EDUCATIONAL SERVICE 115269
CENTERS FUNDING." 115270

Of the foregoing appropriation item 200550, Foundation 115271
Funding, an amount shall be available in each fiscal year to be 115272
used by the Department of Education for transitional aid for 115273
school districts under section 3306.19 of the Revised Code. 115274

Of the foregoing appropriation item 200550, Foundation 115275
Funding, up to \$1,000,000 in each fiscal year shall be used by the 115276

Department of Education for a program to pay for educational 115277
services for youth who have been assigned by a juvenile court or 115278
other authorized agency to any of the facilities described in 115279
division (A) of the section of this act entitled "PRIVATE 115280
TREATMENT FACILITY PROJECT." 115281

Of the foregoing appropriation item 200550, Foundation 115282
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 115283
in fiscal year 2011 shall be used to operate school choice 115284
programs. 115285

Of the portion of the funds distributed to the Cleveland 115286
Municipal School District under this section, up to \$11,901,887 in 115287
each fiscal year shall be used to operate the school choice 115288
program in the Cleveland Municipal School District under sections 115289
3313.974 to 3313.979 of the Revised Code. Notwithstanding 115290
divisions (B) and (C) of section 3313.978 and division (C) of 115291
section 3313.979 of the Revised Code, up to \$1,000,000 in each 115292
fiscal year of this amount shall be used by the Cleveland 115293
Municipal School District to provide tutorial assistance as 115294
provided in division (H) of section 3313.974 of the Revised Code. 115295
The Cleveland Municipal School District shall report the use of 115296
these funds in the district's three-year continuous improvement 115297
plan as described in section 3302.04 of the Revised Code in a 115298
manner approved by the Department of Education. 115299

Of the foregoing appropriation item 200550, Foundation 115300
Funding, an amount shall be available in each fiscal year to be 115301
paid to joint vocational school districts in accordance with the 115302
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 115303
DISTRICTS." 115304

Appropriation items 200455, Community Schools, 200502, Pupil 115305
Transportation, 200540, Special Education Enhancements, 200550, 115306
and Foundation Funding, 200551, Foundation Funding - Federal 115307
Stimulus, other than specific set-asides, are collectively used in 115308

each fiscal year to pay state formula aid obligations for school 115309
districts, community schools, and joint vocational school 115310
districts under this act and Chapter 3306. of the Revised Code. 115311
The first priority of these appropriation items, with the 115312
exception of specific set-asides, is to fund state formula aid 115313
obligations. It may be necessary to reallocate funds among these 115314
appropriation items or use excess funds from other general revenue 115315
fund appropriation items in the Department of Education's budget 115316
in each fiscal year, in order to meet state formula aid 115317
obligations. If it is determined that it is necessary to transfer 115318
funds among these appropriation items or to transfer funds from 115319
other General Revenue Fund appropriations in the Department of 115320
Education's budget to meet state formula aid obligations, the 115321
Department of Education shall seek approval from the Controlling 115322
Board to transfer funds as needed. 115323

Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL 115324
DISTRICTS 115325

(A) The Department of Education shall distribute funds within 115326
appropriation item 200550, Foundation Funding, for joint 115327
vocational funding in each fiscal year to each joint vocational 115328
school district that received joint vocational funding in fiscal 115329
year 2009. The Department shall distribute to each such district 115330
joint vocational funding in an amount equal to the district's 115331
joint vocational funding from the previous fiscal year inflated by 115332
1.9 per cent. 115333

(B)(1) A district's fiscal year 2009 joint vocational funding 115334
equals the sum of the following, as reconciled by the Department: 115335
115336

(a) Base-cost funding under division (B) of section 3317.16 115337
of the Revised Code; 115338

(b) Special education and related services additional 115339

weighted funding under division (D)(1) of section 3317.16 of the Revised Code; 115340
115341

(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code; 115342
115343

(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code; 115344
115345

(e) GRADS funding under division (N) of section 3317.024 of the Revised Code; 115346
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(f) Any transitional aid computed for the district under Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General Assembly. 115348
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(2) The joint vocational funding for each fiscal year for each district is the amount specified in division (A) or (B) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code. 115351
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Section 265.30.60. TEACH OHIO 115355

Of the foregoing appropriation item 200555, Teach Ohio, \$1,000,000 in each fiscal year shall be used to support the program established under division (A) of section 3333.39 of the Revised Code to encourage high school students interested in entering the teaching profession. 115356
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The remainder of the appropriation shall be used to support alternative teacher licensure programs under section 3319.26 and division (C) of section 3333.39 of the Revised Code developed in partnership with the Department of Education, educational service centers, and institutions of higher education. Programs shall support teacher licensure in laboratory-based science, advanced mathematics, or foreign language at the secondary education level and employment with an Ohio school district designated by the Department as a hard-to-staff school. The programs shall be 115361
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consistent with the State Board of Education's alternative 115370
licensure requirements. 115371

Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY 115372

Of the foregoing appropriation item 200578, Violence 115373
Prevention and School Safety, up to \$224,250 in each fiscal year 115374
shall be used to fund a safe school center to provide resources 115375
for parents and for school and law enforcement personnel. 115376

The remainder of the appropriation shall be distributed based 115377
on guidelines developed by the Department of Education to enhance 115378
school safety. The guidelines shall provide a list of 115379
research-based best practices and programs from which local 115380
grantees shall select based on local needs. These practices shall 115381
include, but not be limited to, school resource officers and safe 115382
and drug free school coordinators and social-emotional development 115383
programs. 115384

COMMUNITY PROJECTS 115385

Of the foregoing appropriation item 200587, Community 115386
Projects, \$1,000,000 in each fiscal year shall be used by the 115387
National Underground Railroad Freedom Center for education 115388
programs. 115389

Of the foregoing appropriation item 200587, Community 115390
Projects, up to \$39,500 in each fiscal year may be used to support 115391
the application fee for candidates participating in the Take One 115392
program for beginning teachers in years two and three. 115393

Of the foregoing appropriation item 200587, Community 115394
Projects, \$100,000 in each fiscal year shall be used to support 115395
the Toledo Tech Academy. Of this amount, \$25,000 in each fiscal 115396
year shall be used by the Toledo Tech Academy to enhance and 115397
establish For Inspiration and Recognition in Science and 115398
Technology programs (F.I.R.S.T.). 115399

Of the foregoing appropriation item 200587, Community 115400
Projects, \$25,000 in each fiscal year shall be distributed to the 115401
Beaver Creek Wildlife Education Center for student field trips. 115402

Of the foregoing appropriation item 200587, Community 115403
Projects, \$50,000 in each fiscal year shall be used for the 115404
after-school programs of the Monroe Community Center in Stark 115405
County. 115406

Of the foregoing appropriation item 200587, Community 115407
Projects, \$250,000 in each fiscal year shall be provided to Kids 115408
Unlimited to support its after-school program. 115409

Of the foregoing appropriation item 200587, Community 115410
Projects, \$100,000 in fiscal year 2011 shall be used by the Green 115411
Local School District in Summit County, in partnership with The 115412
University of Akron, to create a distance learning pilot program. 115413

Of the foregoing appropriation item 200587, Community 115414
Projects, \$100,000 in each fiscal year shall be provided to the 115415
Cincinnati Arts and Technology Center to increase program support 115416
for high-risk teens and unemployed urban adults. 115417

Of the foregoing appropriation item 200587, Community 115418
Projects, \$1,500,000 in each fiscal year shall be used for Project 115419
Lead the Way leadership and management oversight and initial and 115420
continuing support of Project Lead the Way workforce development 115421
programs in participating school districts. 115422

Of the foregoing appropriation item 200587, Community 115423
Projects, up to \$900,000 in each fiscal year shall be used by the 115424
Department of Education to fund the Reading Recovery Training 115425
Network, to cover the cost of release time for the teacher 115426
trainers. 115427

Of the foregoing appropriation item 200587, Community 115428
Projects, up to \$100,000 in each fiscal year shall be used to 115429
establish a reading recovery teacher leader training site at 115430

Marietta College in fiscal year 2010 and to provide training for 115431
reading recovery teachers by a teacher leader in fiscal year 2011. 115432

Of the foregoing appropriation item 200587, Community 115433
Projects, \$50,000 in each fiscal year shall be used for the Ohio 115434
University Leadership Project. 115435

Of the foregoing appropriation item 200587, Community 115436
Projects, up to \$1,026,017 in each fiscal year shall be used by 115437
the Department of Education to fund the Summer Honors Institute, 115438
including funding for the Martin Essex Program, which shall be 115439
awarded through a request for proposals process. 115440

Of the foregoing appropriation item 200587, Community 115441
Projects, \$75,000 in each fiscal year shall be used for Leaf 115442
Lake/Geauga Educational Assistance Funding. 115443

Of the foregoing appropriation item 200587, Community 115444
Projects, \$500,000 in each fiscal year shall be used to support 115445
the Bellefaire Jewish Children's Bureau. 115446

Of the foregoing appropriation item 200587, Community 115447
Projects, \$650,000 in each fiscal year shall be used to support 115448
Project More for one-to-one reading mentoring. 115449

Of the foregoing appropriation item 200587, Community 115450
Projects, \$100,000 in each fiscal year shall be used by the 115451
American Academy of Pediatrics for the Reach Out and Read Program. 115452

Of the foregoing appropriation item 200587, Community 115453
Projects, up to \$500,000 shall be used in each fiscal year by the 115454
Department of Education to contract with the Children's Hunger 115455
Alliance to expand access to child nutrition programs consistent 115456
with the organization's continued ability to meet specified 115457
performance measures as detailed in the contract. 115458

Of the foregoing appropriation item 200587, Community 115459
Projects, up to \$260,000 in fiscal year 2010 shall be used for the 115460

development of a model dating violence policy and adoption of 115461
dating violence prevention education standards. 115462

Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION 115463

The Superintendent of Public Instruction shall not request, 115464
and the Controlling Board shall not approve, the transfer of 115465
appropriation from appropriation item 200901, Property Tax 115466
Allocation - Education, to any other appropriation item. 115467

The appropriation item 200901, Property Tax Allocation - 115468
Education, is appropriated to pay for the state's costs incurred 115469
because of the homestead exemption, the property tax rollback, and 115470
payments required under division (C) of section 5705.2110 of the 115471
Revised Code. In cooperation with the Department of Taxation, the 115472
Department of Education shall distribute these funds directly to 115473
the appropriate school districts of the state, notwithstanding 115474
sections 321.24 and 323.156 of the Revised Code, which provide for 115475
payment of the homestead exemption and property tax rollback by 115476
the Tax Commissioner to the appropriate county treasurer and the 115477
subsequent redistribution of these funds to the appropriate local 115478
taxing districts by the county auditor. 115479

Upon receipt of these amounts, each school district shall 115480
distribute the amount among the proper funds as if it had been 115481
paid as real or tangible personal property taxes. Payments for the 115482
costs of administration shall continue to be paid to the county 115483
treasurer and county auditor as provided for in sections 319.54, 115484
321.26, and 323.156 of the Revised Code. 115485

Any sums, in addition to the amount specifically appropriated 115486
in appropriation items 200901, Property Tax Allocation - 115487
Education, for the homestead exemption and the property tax 115488
rollback payments, and payments required under division (C) of 115489
section 5705.2110 of the Revised Code, which are determined to be 115490
necessary for these purposes, are hereby appropriated. 115491

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE 115492

The foregoing appropriation item 200681, Teacher 115493
Certification and Licensure, shall be used by the Department of 115494
Education in each year of the biennium to administer and support 115495
teacher certification and licensure activities. 115496

SCHOOL DISTRICT SOLVENCY ASSISTANCE 115497

Of the foregoing appropriation item 200687, School District 115498
Solvency Assistance, \$9,000,000 in each fiscal year shall be 115499
allocated to the School District Shared Resource Account and 115500
\$9,000,000 in each fiscal year shall be allocated to the 115501
Catastrophic Expenditures Account. These funds shall be used to 115502
provide assistance and grants to school districts to enable them 115503
to remain solvent under section 3316.20 of the Revised Code. 115504
Assistance and grants shall be subject to approval by the 115505
Controlling Board. Any required reimbursements from school 115506
districts for solvency assistance shall be made to the appropriate 115507
account in the School District Solvency Assistance Fund (Fund 115508
5H30). 115509

Notwithstanding any provision of law to the contrary, upon 115510
the request of the Superintendent of Public Instruction, the 115511
Director of Budget and Management may make transfers to the School 115512
District Solvency Assistance Fund (Fund 5H30) from any fund used 115513
by the Department of Education or the General Revenue Fund to 115514
maintain sufficient cash balances in Fund 5H30 in fiscal years 115515
2010 and 2011. Any cash transferred is hereby appropriated. The 115516
transferred cash may be used by the Department of Education to 115517
provide assistance and grants to school districts to enable them 115518
to remain solvent and to pay unforeseeable expenses of a temporary 115519
or emergency nature that the school district is unable to pay from 115520
existing resources. The Director of Budget and Management shall 115521
notify the members of the Controlling Board of any such transfers. 115522

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Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 115524

Upon the request of the Superintendent of Public Instruction, 115525
the Director of Budget and Management may transfer up to \$639,000 115526
cash in each fiscal year from the General Revenue Fund to the 115527
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 115528
transferred cash is to be used by the Department of Education to 115529
pay the expenses the Department incurs in administering the 115530
Medicaid School Component of the Medicaid program established 115531
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 115532
of each fiscal year, or as soon as possible thereafter, the 115533
Director of Budget and Management shall transfer cash from Fund 115534
3AF0 back to the General Revenue Fund in an amount equal to the 115535
total amount transferred to Fund 3AF0 in that fiscal year. 115536

The money deposited into Fund 3AF0 under division (B) of 115537
section 5111.714 of the Revised Code is hereby appropriated for 115538
fiscal years 2010 and 2011 and shall be used in accordance with 115539
division (D) of section 5111.714 of the Revised Code. 115540

Section 265.40.20. READING FIRST 115541

The foregoing appropriation item 200632, Reading First, shall 115542
be used by school districts to administer federal diagnostic tests 115543
as well as other functions permitted by federal statute. 115544
Notwithstanding section 3301.079 of the Revised Code, federal 115545
diagnostic tests may be recognized as meeting the state diagnostic 115546
testing requirements outlined in section 3301.079 of the Revised 115547
Code. 115548

HALF-MILL MAINTENANCE EQUALIZATION 115549

The foregoing appropriation item 200626, Half-Mill 115550
Maintenance Equalization, shall be used to make payments pursuant 115551
to section 3318.18 of the Revised Code. 115552

Section 265.40.30. START-UP FUNDS 115553

Funds appropriated for the purpose of providing start-up 115554
grants to Title IV-A Head Start and Title IV-A Head Start Plus 115555
agencies in fiscal year 2004 and fiscal year 2005 for the 115556
provision of services to children eligible for Title IV-A services 115557
under the Title IV-A Head Start or Title IV-A Head Start Plus 115558
programs shall be reimbursed to the General Revenue Fund as 115559
follows: 115560

(A) If, for fiscal years 2010 or 2011, an entity that was a 115561
Title IV-A Head Start or Title IV-A Head Start Plus agency will 115562
not be an early learning agency or early learning provider, the 115563
entity shall repay the entire amount of the start-up grant it 115564
received in fiscal year 2004 and fiscal year 2005 not later than 115565
June 30, 2019, in accordance with a payment schedule agreed to by 115566
the Department of Education. 115567

(B) If an entity that was a Title IV-A Head Start or Title 115568
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 115569
2005 will be an early learning agency or early learning provider 115570
in fiscal year 2010 and fiscal year 2011, the entity shall be 115571
allowed to retain any amount of the start-up grant it received, 115572
unless division (D) of this section applies to the entity. In that 115573
case, the entity shall repay the entire amount of the obligation 115574
described in that division not later than June 30, 2019. 115575

(C) Within ninety days after the closure of an early learning 115576
agency or early learning provider that was a Title IV-A Head Start 115577
Plus agency in fiscal year 2004 or fiscal year 2005, the former 115578
Title IV-A Head Start agencies, Title IV-A Head Start Plus 115579
agencies, and the Department of Education shall determine the 115580
repayment schedule for amounts owed under division (A) of this 115581
section. These amounts shall be paid to the state not later than 115582
June 30, 2019. 115583

(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, 2019, 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 if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.

Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 115600

Notwithstanding section 3317.064 of the Revised Code, if the unexpended, unencumbered cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2010 within thirty days after the effective date of this section, and \$1,500,000 in fiscal year 2011 by August 1, 2010, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Auxiliary Services Reimbursement Fund (Fund 5980) used by the Department of Education.

Section 265.40.50. LOTTERY PROFITS EDUCATION FUND 115609

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide payments to school districts under Chapter 3306. of the Revised Code.

The Department of Education, with the approval of the 115614
Director of Budget and Management, shall determine the monthly 115615
distribution schedules of appropriation item 200550, Foundation 115616
Funding (GRF), and appropriation item 200612, Foundation Funding 115617
(Fund 7017). If adjustments to the monthly distribution schedule 115618
are necessary, the Department of Education shall make such 115619
adjustments with the approval of the Director of Budget and 115620
Management. 115621

Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND 115622

(A) There is hereby created the Lottery Profits Education 115623
Reserve Fund (Fund 7018) in the State Treasury. Investment 115624
earnings of the Lottery Profits Education Reserve Fund shall be 115625
credited to the fund. The Superintendent of Public Instruction may 115626
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 115627
Director of Budget and Management in June of any given fiscal 115628
year. Prior to making the certification, the Superintendent of 115629
Public Instruction shall determine whether the funds above the 115630
\$75,000,000 threshold are needed to help pay for foundation 115631
program obligations for that fiscal year under Chapter 3306. of 115632
the Revised Code. 115633

For fiscal years 2010 and 2011, notwithstanding any 115634
provisions of law to the contrary, amounts necessary to make loans 115635
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 115636
Revised Code are hereby appropriated to Fund 7018. Loan repayments 115637
from loans made in previous years shall be deposited to the fund. 115638
115639

(B) On July 15, 2009, or as soon as possible thereafter, the 115640
Director of the Ohio Lottery Commission shall certify to the 115641
Director of Budget and Management the amount by which lottery 115642
profit transfers received by the Lottery Profits Education Fund 115643
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The 115644

Director of Budget and Management may transfer the amount so 115645
certified, plus the cash balance in Fund 7017, to Fund 7018. 115646

(C) On July 15, 2010, or as soon as possible thereafter, the 115647
Director of the Ohio Lottery Commission shall certify to the 115648
Director of Budget and Management the amount by which lottery 115649
profit transfers received by Fund 7017 exceeded \$705,000,000 in 115650
fiscal year 2010. The Director of Budget and Management may 115651
transfer the amount so certified, plus the cash balance in Fund 115652
7017, to Fund 7018. 115653

(D) Any amounts transferred under division (B) or (C) of this 115654
section may be made available by the Controlling Board in fiscal 115655
years 2010 or 2011, at the request of the Superintendent of Public 115656
Instruction, to provide assistance and grants to school districts 115657
to enable them to remain solvent and to pay unforeseeable expenses 115658
of a temporary or emergency nature that they are unable to pay 115659
from existing resources under section 3316.20 of the Revised Code, 115660
and to provide payments to school districts under Chapter 3306. of 115661
the Revised Code. 115662

Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 115663
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 115664

Notwithstanding any provision of law to the contrary, in 115665
fiscal year 2010 and fiscal year 2011 the Director of Budget and 115666
Management may make temporary transfers between the General 115667
Revenue Fund and the School District Property Tax Replacement - 115668
Business Fund (Fund 7047) in the Department of Education to ensure 115669
sufficient balances in Fund 7047 and to replenish the General 115670
Revenue Fund for such transfers. 115671

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 115672
BUSINESS 115673

The foregoing appropriation item 200909, School District 115674

Property Tax Replacement - Business, shall be used by the 115675
Department of Education, in consultation with the Department of 115676
Taxation, to make payments to school districts and joint 115677
vocational school districts under section 5751.21 of the Revised 115678
Code. If it is determined by the Director of Budget and Management 115679
that additional appropriations are necessary for this purpose, 115680
such amounts are hereby appropriated. 115681

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 115682

The foregoing appropriation item 200900, School District 115683
Property Tax Replacement-Utility, shall be used by the Department 115684
of Education, in consultation with the Department of Taxation, to 115685
make payments to school districts and joint vocational school 115686
districts under section 5727.85 of the Revised Code. If it is 115687
determined by the Director of Budget and Management that 115688
additional appropriations are necessary for this purpose, such 115689
amounts are hereby appropriated. 115690

DISTRIBUTION FORMULAS 115691

The Department of Education shall report the following to the 115692
Director of Budget and Management and the Legislative Service 115693
Commission: 115694

(A) Changes in formulas for distributing state 115695
appropriations, including administratively defined formula 115696
factors; 115697

(B) Discretionary changes in formulas for distributing 115698
federal appropriations; 115699

(C) Federally mandated changes in formulas for distributing 115700
federal appropriations. 115701

Any such changes shall be reported two weeks prior to the 115702
effective date of the change. 115703

Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING 115704

(A) As used in this section: 115705

(1) "Internet- or computer-based community school" has the 115706
same meaning as in section 3314.02 of the Revised Code. 115707

(2) "Service center ADM" has the same meaning as in section 115708
3317.11 of the Revised Code. 115709

(3) "STEM school" means a science, technology, engineering, 115710
and mathematics school established under Chapter 3326. of the 115711
Revised Code. 115712

(B) Notwithstanding division (F) of section 3317.11 of the 115713
Revised Code, no funds shall be provided under that division to an 115714
educational service center in either fiscal year for any pupils of 115715
a city or exempted village school district unless an agreement to 115716
provide services under section 3313.843 of the Revised Code was 115717
entered into by January 1, 1997, except that funds shall be 115718
provided to an educational service center for any pupils of a city 115719
school district if the agreement to provide services was entered 115720
into within one year of the date upon which such district changed 115721
from a local school district to a city school district. 115722

If an educational service center that entered into an 115723
agreement by January 1, 1997, with a city or exempted village 115724
school district to provide services under section 3313.843 of the 115725
Revised Code ceases to operate because all of the local school 115726
districts that constituted the territory of the service center 115727
have severed from the service center pursuant to section 3311.059 115728
of the Revised Code, another educational service center, by 115729
resolution of its governing board, may assume the obligations of 115730
the original service center to provide services to the city or 115731
exempted village school district under that agreement. If that 115732
other service center assumes those obligations to provide services 115733
to the city or exempted village school district, that service 115734
center shall be considered to be the service center that entered 115735

into the agreement by January 1, 1997, and, accordingly, may 115736
receive funds under division (F) of section 3317.11 of the Revised 115737
Code in accordance with this section in fiscal years 2010 and 2011 115738
for pupils of that city or exempted village school district. 115739

(C) Notwithstanding any provision of the Revised Code to the 115740
contrary, an educational service center that sponsors a community 115741
school under Chapter 3314. of the Revised Code in either fiscal 115742
year may include the students of that community school in its 115743
service center ADM for purposes of state funding under division 115744
(F) of section 3317.11 of the Revised Code, unless the community 115745
school is an Internet- or computer-based community school. A 115746
service center shall include the community school students in its 115747
service center ADM only to the extent that the students are not 115748
already so included, and only in accordance with guidelines issued 115749
by the Department of Education. If the students of a community 115750
school sponsored by an educational service center are included in 115751
the service center ADM of another educational service center, 115752
those students shall be removed from the service center ADM of the 115753
other educational service center and added to the service center 115754
ADM of the community school's sponsoring service center. The 115755
General Assembly authorizes this procedure as an incentive for 115756
educational service centers to take over sponsorship of community 115757
schools from the State Board of Education as the State Board's 115758
sponsorship is phased out in accordance with Sub. H.B. 364 of the 115759
124th General Assembly. No student of an Internet- or 115760
computer-based community school shall be counted in the service 115761
center ADM of any educational service center. The Department shall 115762
pay educational service centers under division (F) of section 115763
3317.11 of the Revised Code for community school students included 115764
in their service center ADMs under this division only if 115765
sufficient funds earmarked within appropriation item 200550, 115766
Foundation Funding, for payments under that division remain after 115767
first paying for students attributable to their local and client 115768

school districts, in accordance with divisions (B) and (E) of this section. 115769
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(D) Notwithstanding division (C) of section 3326.45 of the Revised Code, the Department shall pay educational service centers under division (H) of section 3317.11 of the Revised Code for services provided to STEM schools only if sufficient funds earmarked within appropriation item 200550, Foundation Funding, for payments under that division remain after first paying for students attributable to the local and client school districts of the service centers and for community school students in their service center ADMs, in accordance with divisions (B), (C), and (E) of this section. 115771
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(E) If insufficient funds are earmarked within appropriation item 200550, Foundation Funding, for payments under divisions (F) and (H) of section 3317.11 of the Revised Code and division (C) of this section in fiscal year 2010 or fiscal year 2011, the Department shall prioritize the distribution of the earmarked funds as follows: 115781
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(1) The Department shall first distribute to each educational service center the per-student amount specified in division (F) of section 3317.11 of the Revised Code for each student in its service center ADM attributable to the local school districts within the service center's territory. 115787
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(2) The Department shall distribute the remaining funds in each fiscal year to each educational service center for the students in its service center ADM attributable to each city and exempted village school district that had entered into an agreement with an educational service center for that fiscal year under section 3313.843 of the Revised Code by January 1, 1997, up to the per-student amount specified in division (F) of section 3317.11 of the Revised Code. If insufficient funds remain to pay each service center the full amount specified in division (F) of 115792
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that section for each such student, the Department shall 115801
distribute the remaining funds to each service center 115802
proportionally, on a per-student basis for each such student, 115803
unless that proportional per-student amount exceeds the amount 115804
specified in division (F)(1) of that section. In that case, the 115805
Department shall distribute the per-student amount specified in 115806
division (F)(1) of that section to each service center for each 115807
such student and shall distribute the remainder proportionally, on 115808
a per-student basis for each such student, to the multicounty 115809
service centers described in division (F)(2) of that section. 115810

(3) If the Department has paid each service center under 115811
divisions (E)(1) and (2) of this section the full amount specified 115812
in division (F) of section 3317.11 of the Revised Code for each 115813
student attributable to its local school districts and its client 115814
school districts described in division (E)(2) of this section, the 115815
Department shall distribute any remaining funds proportionally, on 115816
a per-student basis, to each service center that sponsors a 115817
community school, other than an Internet- or computer-based 115818
community school, for the students included in the service center 115819
ADM under division (C) of this section. These payments shall not 115820
exceed per student the amount specified in division (F) of section 115821
3317.11 of the Revised Code. 115822

(4) If the Department has paid each educational service 115823
center that sponsors a community school, other than an Internet- 115824
or computer-based community school, the full amount specified in 115825
division (F) of section 3317.11 of the Revised Code for each 115826
community school student included in the service center ADM under 115827
division (C) of this section, the Department shall distribute any 115828
remaining funds to each service center that is owed money under 115829
division (H) of section 3317.11 of the Revised Code for services 115830
provided to a STEM school. If insufficient funds remain to pay 115831
each service center the full amount calculated for it under 115832

division (H) of section 3317.11 of the Revised Code, the 115833
Department shall distribute the remaining funds proportionally, on 115834
a per-student basis, to each service center owed money under that 115835
division, unless that proportional per-student amount exceeds the 115836
per-student amount specified in any service center's contract 115837
entered into under section 3326.45 of the Revised Code. In that 115838
case, the Department shall distribute the lowest per-student 115839
amount specified in the service center contracts entered into 115840
under that section to each service center owed money under 115841
division (H) of section 3317.11 of the Revised Code and shall 115842
distribute the remainder proportionally, on a per-student basis, 115843
to service centers with contracts under section 3326.45 of the 115844
Revised Code that specify higher per-student amounts, but in no 115845
case shall the payments to any service center exceed the 115846
per-student amount specified in the service center's contract with 115847
the STEM school. 115848

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO 115849

For the school year commencing July 1, 2009, or the school 115850
year commencing July 1, 2010, or both, the Superintendent of 115851
Public Instruction may waive for the board of education of any 115852
school district the ratio of teachers to pupils in kindergarten 115853
through fourth grade required under paragraph (A)(3) of rule 115854
3301-35-05 of the Administrative Code if the following conditions 115855
apply: 115856

(A) The board of education requests the waiver. 115857

(B) After the Department of Education conducts an on-site 115858
evaluation of the district related to meeting the required ratio, 115859
the board of education demonstrates to the satisfaction of the 115860
Superintendent of Public Instruction that providing the facilities 115861
necessary to meet the required ratio during the district's regular 115862
school hours with pupils in attendance would impose an extreme 115863

hardship on the district. 115864

(C) The board of education provides assurances that are 115865
satisfactory to the Superintendent of Public Instruction that the 115866
board will act in good faith to meet the required ratio as soon as 115867
possible. 115868

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT 115869

(A) As used in this section: 115870

(1) The following are "participating residential treatment 115871
centers": 115872

(a) Private residential treatment facilities that have 115873
entered into a contract with the Department of Youth Services to 115874
provide services to children placed at the facility by the 115875
Department and which, in fiscal year 2010 or fiscal year 2011 or 115876
both, the Department pays through appropriation item 470401, 115877
RECLAIM Ohio; 115878

(b) Abraxas, in Shelby; 115879

(c) Paint Creek, in Bainbridge; 115880

(d) Act One, in Akron; 115881

(e) F.I.R.S.T., in Mansfield. 115882

(2) "Education program" means an elementary or secondary 115883
education program or a special education program and related 115884
services. 115885

(3) "Served child" means any child receiving an education 115886
program pursuant to division (B) of this section. 115887

(4) "School district responsible for tuition" means a city, 115888
exempted village, or local school district that, if tuition 115889
payment for a child by a school district is required under law 115890
that existed in fiscal year 1998, is the school district required 115891
to pay that tuition. 115892

(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 educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2010 and fiscal year 2011 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school

district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2010 and fiscal year 2011 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2010 and 2011, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of

the reimbursement shall be the amount appropriated for this 115956
purpose divided by the full-time equivalent number of children for 115957
whom reimbursement is to be made. 115958

(E) Funds provided to a school district, educational service 115959
center, or residential treatment facility under this section shall 115960
be used to supplement, not supplant, funds from other public 115961
sources for which the school district, service center, or 115962
residential treatment facility is entitled or eligible. 115963

(F) The Department of Education shall track the utilization 115964
of funds provided to school districts, educational service 115965
centers, and residential treatment facilities under this section 115966
and monitor the effect of the funding on the educational programs 115967
they provide in participating residential treatment facilities. 115968
The Department shall monitor the programs for educational 115969
accountability. 115970

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 115971
ASSESSMENT OF EDUCATION PROGRESS 115972

The General Assembly intends for the Superintendent of Public 115973
Instruction to provide for school district participation in the 115974
administration of the National Assessment of Education Progress in 115975
accordance with section 3301.27 of the Revised Code. Each school 115976
and school district selected for participation by the 115977
Superintendent of Public Instruction shall participate. 115978

Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION 115979
TRANSFERS FOR STUDENT ASSESSMENT 115980

In fiscal year 2010 and fiscal year 2011, if the 115981
Superintendent of Public Instruction determines that additional 115982
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 115983
of the 125th General Assembly and this act for assessments of 115984
student performance, the Superintendent of Public Instruction may 115985

recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director of Budget and Management determines that such a reallocation is required, the Director of Budget and Management may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment. If these transferred appropriations are not sufficient to fully fund the assessment requirements in fiscal year 2010 or fiscal year 2011, 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 7018) to the General Revenue Fund. Upon approval of the Controlling Board, these transferred funds are hereby appropriated for the same purpose as appropriation item 200437, Student Assessment.

Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE FISCAL STABILIZATION FUND APPROPRIATIONS

The Director of Budget and Management may transfer appropriation between appropriation items 200550, Foundation Funding, and 200551, Foundation Funding - Federal Stimulus, in each fiscal year, upon the written request of the Superintendent of Public Instruction, including transferring appropriation between fiscal year 2010 and fiscal year 2011. The Director shall report each transfer made under this section to the Controlling Board at its next regularly scheduled meeting after the transfer is made.

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 116016
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(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 116018
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(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2010 and 2011 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. 116021
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(C) In addition to any payments made under Chapter 3306. of the Revised Code, in each of fiscal years 2010 and 2011, 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 fiscal year 2009 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. 116026
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(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding. 116038
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Section 265.50.70. EARMARK ACCOUNTABILITY 116046

At the request of the Superintendent of Public Instruction, 116047
any entity that receives a budget earmark under the Department of 116048
Education shall submit annually to the chairpersons of the 116049
committees of the House of Representatives and the Senate 116050
primarily concerned with education and to the Department of 116051
Education a report that includes a description of the services 116052
supported by the funds, a description of the results achieved by 116053
those services, an analysis of the effectiveness of the program, 116054
and an opinion as to the program's applicability to other school 116055
districts. For an earmarked entity that received state funds from 116056
an earmark in the prior fiscal year, no funds shall be provided by 116057
the Department of Education to an earmarked entity for a fiscal 116058
year until its report for the prior fiscal year has been 116059
submitted. 116060

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME 116061

No community school established under Chapter 3314. of the 116062
Revised Code that was not open for operation as of May 1, 2005, 116063
shall operate from a home, as defined in section 3313.64 of the 116064
Revised Code. 116065

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL 116066

(A) As used in this section: 116067

(1) "Big eight school district" has the same meaning as in 116068
section 3314.02 of the Revised Code. 116069

(2) "Early college high school" means a high school that 116070
provides students with a personalized learning plan based on an 116071
accelerated curriculum combining high school and college-level 116072
coursework. 116073

(B) Any early college high school that is operated by a big 116074
eight school district in partnership with a private university may 116075
operate as a new start-up community school under Chapter 3314. of 116076

the Revised Code beginning in the 2007-2008 school year, if all of 116077
the following conditions are met: 116078

(1) The governing authority and sponsor of the school enter 116079
into a contract in accordance with section 3314.03 of the Revised 116080
Code and, notwithstanding division (D) of section 3314.02 of the 116081
Revised Code, both parties adopt and sign the contract by July 9, 116082
2007. 116083

(2) Notwithstanding division (A) of section 3314.016 of the 116084
Revised Code, the school's governing authority enters into a 116085
contract with the private university under which the university 116086
will be the school's operator. 116087

(3) The school provides the same educational program the 116088
school provided while part of the big eight school district. 116089

Section 265.60.10. PILOT PROGRAM FOR SCHOOL SITE VISITS 116090

Notwithstanding sections 3301.83 and 3314.39 of the Revised 116091
Code, the Department of Education shall provide a pilot program of 116092
site visits both for schools operated by school districts and for 116093
community schools instead of the site visits otherwise required 116094
under those sections. The pilot program shall contain all of the 116095
elements of section 3301.83 of the Revised Code for site visits of 116096
schools operated by school districts and all of the elements of 116097
section 3314.39 of the Revised Code for site visits of community 116098
schools. Not later than December 31, 2010, the Department shall 116099
report to the Governor and the General Assembly as to the progress 116100
of the site visits conducted under the pilot program as well as 116101
recommendations to provide for full implementation of sections 116102
3301.83 and 3314.39 of the Revised Code. 116103
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Section 265.60.20. TASK FORCE ON TEACHER COMPENSATION AND 116105
PERFORMANCE 116106

(A) There is hereby established the Task Force on Teacher Compensation and Performance. The membership of the Task Force shall consist of the Superintendent of Public Instruction, or the Superintendent's designee, who shall act as chair, and the following members appointed by the Governor:

- (1) Two persons employed as teachers in a school district;
- (2) Two persons who are retired educators;
- (3) Two persons employed as superintendents of a school district;
- (4) Two persons employed as treasurers of a school district;
- (5) Two persons employed as principals in a school district;
- (6) Two persons employed as faculty at a higher education institution;
- (7) Two persons representing Ohio philanthropic organizations;
- (8) One person representing the business community;
- (9) One person representing the general public.

The members of the Task Force shall serve without compensation.

(B) Initial appointments to the Task Force shall be completed within 90 days of the effective date of this section. The Governor shall convene the Task Force not more than 30 days after the final appointment has been made.

(C) The Task Force shall examine the existing structures and systems that support compensation and retirement benefits and develop recommendations designed to improve the connections among compensation, teaching excellence, and higher levels of student learning. The Department of Education shall provide the Task Force with data and staff assistance as requested by the Task Force.

(D) The Task Force shall provide its recommendations in a written report to the Governor, the General Assembly, the State Board of Education, the Superintendent of Public Instruction, and the Chancellor of the Board of Regents not later than December 1, 2010. Upon completion of its report, the Task Force shall cease to exist.

Section 265.60.30. USE OF VOLUNTEERS

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.60.60. EDUCATOR STANDARDS BOARD

(A) The State Board of Education shall appoint two teachers under division (A)(1)(a) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of the new secondary school teacher member shall expire July 1, 2011, and the term of office of the new elementary school teacher member shall expire July 1, 2012. Thereafter, the term of the additional secondary and elementary school teachers appointed to the Educator Standards Board shall be for two years.

(B) The State Board of Education shall appoint a school

district treasurer or business manager to the Educator Standards Board under division (A)(1)(c) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2012. Thereafter, the term of the school district treasurer or business manager appointed to the Educator Standards Board shall be for two years.

(C) The State Board of Education shall appoint a parent to the Educator Standards Board under division (A)(1)(e) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2011. Thereafter, the term of the parent representative appointed to the Educator Standards Board shall be for two years.

(D) The higher education representatives appointed by the State Board of Education to the Educator Standards Board prior to the effective date of this section under former division (A)(5) of section 3319.60 of the Revised Code shall serve for the remainder of their terms. The Chancellor of the Ohio Board of Regents shall appoint higher education representatives to the Educator Standards Board under division (A)(2) of section 3319.60 of the Revised Code, as amended by this act, as the terms of the higher education representatives appointed under former division (A)(5) of that section expire, each for a term of two years. The Chancellor also shall fill any vacancies that occur during the term of a higher education representative appointed under former division (A)(5) of that section.

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a

school district executed on or before June 1, 2009, in the case of 116197
a school district for which the formula ADM for fiscal year 2005, 116198
as reported for that fiscal year under division (A) of section 116199
3317.03 of the Revised Code, was reduced based on enrollment 116200
reports for community schools, made under section 3314.08 of the 116201
Revised Code, regarding students entitled to attend school in the 116202
district, which reduction of formula ADM resulted in a reduction 116203
of foundation funding or transitional aid funding for fiscal year 116204
2005, 2006, or 2007, no school district, except a district named 116205
in the court's judgment or the settlement agreement, shall have a 116206
legal claim for reimbursement of the amount of such reduction in 116207
foundation funding or transitional aid funding, and the state 116208
shall not have liability for reimbursement of the amount of such 116209
reduction in foundation funding or transitional aid funding. 116210

116211

(B) As used in this section: 116212

(1) "Community school" means a community school established 116213
under Chapter 3314. of the Revised Code. 116214

(2) "Entitled to attend school" means entitled to attend 116215
school in a school district under section 3313.64 or 3313.65 of 116216
the Revised Code. 116217

(3) "Foundation funding" means payments calculated for the 116218
respective fiscal year under Chapter 3317. of the Revised Code. 116219

(4) "Transitional aid funding" means payments calculated for 116220
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 116221
of the 125th General Assembly, as subsequently amended; Section 116222
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 116223
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 116224
of the 127th General Assembly. 116225

Section 265.60.80. COMMITTEE TO UPDATE STANDARDS AND

116226

CURRICULA 116227

Not later than July 15, 2009, the State Board of Education 116228
shall convene a committee of national experts, state experts, and 116229
local practitioners to provide advice and guidance in the design 116230
of the updated standards and curricula required by section 116231
3301.079 of the Revised Code, as amended by this act. 116232

Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT 116233

(A) The Superintendent of Public Instruction, in consultation 116234
with the Governor, shall create the Center for Early Childhood 116235
Development in the Department of Education comprised of staff from 116236
the Department of Education, the Department of Job and Family 116237
Services, the Department of Health, and any other state agency as 116238
determined necessary by the Superintendent. The Superintendent 116239
also shall hire a Director of the Center who shall report to the 116240
Superintendent and the Governor. The Center, under the supervision 116241
of the Director, shall research and make recommendations about the 116242
coordination of early childhood programs and services for 116243
children, beginning with prenatal care and continuing until entry 116244
into kindergarten, and the eventual transfer of the authority to 116245
implement those programs and services from other state agencies to 116246
the Department of Education. 116247

(B) The Director of the Early Childhood Cabinet, in 116248
partnership with staff from the Department of Education and 116249
advised by the Early Childhood Advisory Council, shall submit an 116250
implementation plan to the Superintendent and the Governor not 116251
later than December 31, 2009. The implementation plan shall 116252
include research and recommendations regarding all of the 116253
following: 116254

(1) The identification of programs, services, and funding 116255
sources to be transferred from other state agencies to the 116256

Department of Education;	116257
(2) A new administrative structure within the Department of Education for the purpose of implementing early childhood programs and services;	116258 116259 116260
(3) Statutory changes necessary to implement the new administrative structure within the Department of Education;	116261 116262
(4) A timeline for the transition from the current administrative structure within other state agencies to the new administrative structure within the Department of Education.	116263 116264 116265
(C) The Director of Budget and Management may seek Controlling Board approval to do any of the following to support the preparation of an implementation plan to create a new administrative structure for early childhood programs and services within the Department of Education:	116266 116267 116268 116269 116270
(1) Create new funds and non-GRF appropriation items;	116271
(2) Transfer cash between funds;	116272
(3) Transfer appropriation within the same fund used by the same state agency.	116273 116274
Any transfers of cash approved by the Controlling Board under this section are hereby appropriated.	116275 116276
Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP	116277
The Early Childhood Advisory Council shall establish an Early Childhood Financing Workgroup. The chairperson of the Early Childhood Advisory Council shall serve as chairperson of the Early Childhood Financing Workgroup. The Early Childhood Financing Workgroup shall develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and co-payment policies. Not later than	116278 116279 116280 116281 116282 116283 116284 116285

December 31, 2009, the Early Childhood Financing Workgroup shall 116286
submit its recommendations to the Governor. Upon the order of the 116287
Early Childhood Advisory Council, the Early Childhood Financing 116288
Workgroup shall cease to exist. 116289

Section 265.70.30. STUDY OF SCHOOL TIME ALLOCATION 116290

The Department of Education shall study best practices for 116291
allocating school hours, in terms of classroom instruction, 116292
competency-based evaluation, planning time, and professional 116293
development, within the learning year. As part of the study, the 116294
Department shall consult with teachers, school district 116295
superintendents, members of school district boards of education, 116296
and associations for gifted students. Not later than one year 116297
after the effective date of this section, the Department shall 116298
submit to the General Assembly, in accordance with section 101.68 116299
of the Revised Code, and the Governor a report of its findings and 116300
recommendations for allocation of hours for optimal learning in an 116301
extended learning year. 116302

Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT 116303
RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS 116304

Notwithstanding section 3311.059 of the Revised Code, no 116305
severance of the territory of a local school district from the 116306
educational service center to which it currently belongs and 116307
annexation of that district's territory to an adjacent educational 116308
service center, as otherwise authorized under that section, shall 116309
be effective for the period beginning on the effective date of 116310
this section and ending July 1, 2011. All resolutions proposing 116311
such severance and annexation approved by the State Board of 116312
Education but not effective prior to July 1, 2009, are hereby 116313
void. All resolutions proposing such severance and annexation 116314
pending on the effective date of this section are hereby void and 116315

shall not be considered by the State Board. If the board of 116316
education of a local school district with such a severance and 116317
annexation action pending or approved on the effective date of 116318
this section that is void under this section desires to have the 116319
action considered after July 1, 2011, the board shall adopt after 116320
that date a new resolution in the manner prescribed by section 116321
3311.059 of the Revised Code. No local school district shall adopt 116322
a severance and annexation resolution under that section during 116323
the period beginning on the effective date of this section and 116324
ending July 1, 2011. 116325

Section 265.70.50. (A) Not later than December 31, 2010, the 116326
Department of Education, in consultation with the Educator 116327
Standards Board, shall develop a model peer assistance and review 116328
program and shall develop recommendations to expand the use of 116329
peer assistance and review programs in school districts throughout 116330
the state. 116331

(B) In developing the model program required under this 116332
section, the Department shall review existing peer assistance and 116333
review programs in Ohio school districts and shall consult with 116334
the districts about the operation of those programs. The model 116335
program shall include the following elements: 116336

(1) Releasing experienced classroom teachers from 116337
instructional duties for up to three years to focus full-time on 116338
mentoring and evaluating new teachers and underperforming veteran 116339
teachers through classroom observations and follow-up meetings; 116340

(2) Professional development for new and underperforming 116341
teachers that is targeted at their instructional weaknesses; 116342

(3) A committee comprised of representatives of teachers and 116343
the employer to review teacher evaluations and make 116344
recommendations regarding the teachers' continued employment. 116345

(C) The recommendations required under this section shall 116346
include the following: 116347

(1) Identification of barriers to expansion of peer 116348
assistance and review programs, including financial constraints, 116349
labor-management relationships, and barriers unique to small 116350
school districts; 116351

(2) Legislative changes that would eliminate barriers to 116352
expansion of the programs; 116353

(3) Incentives to increase participation in the programs. 116354

(D) The Department shall provide copies of its model program 116355
and recommendations to the Governor, the President and Minority 116356
Leader of the Senate, the Speaker and Minority Leader of the House 116357
of Representatives, and the chairpersons and ranking minority 116358
members of the standing committees on education. The Department 116359
also shall make the model program and recommendations available to 116360
school districts and shall post them on its web site. 116361

116362

Section 265.70.60. FAMILY CHILD CARE LICENSING WORKGROUP 116363

The Early Childhood Advisory Council shall establish a Family 116364
Child Care Licensing Workgroup. The Workgroup shall develop 116365
recommendations that explore the implementation, costs, and 116366
timeline necessary for the creation of a statewide licensing 116367
system for family child care providers. Not later than December 116368
31, 2009, the Workgroup shall submit its recommendations to the 116369
Governor and the General Assembly. Upon the order of the Early 116370
Childhood Advisory Council, the Workgroup shall cease to exist. 116371

Section 265.70.70. As used in this section, "all-day 116372
kindergarten" has the same meaning as in section 3321.05 of the 116373
Revised Code. 116374

Any school district or community school established under Chapter 3314. of the Revised Code that, in fiscal year 2009, offered all-day kindergarten and charged fees or tuition for students enrolled in all-day kindergarten in accordance with section 3321.01 of the Revised Code, as it existed prior to the effective date of this section, may charge fees or tuition for students enrolled in all-day kindergarten in fiscal years 2010 and 2011, at a rate not higher than the per-student amount charged in fiscal year 2009 as specified in the sliding fee scale based on family incomes developed by the district or community school for that fiscal year. No district or community school shall charge fees or tuition for students enrolled in all-day kindergarten after fiscal year 2011.

Section 265.70.80. Notwithstanding section 3306.31 of the Revised Code, in fiscal year 2010, the Governor's Closing the Achievement Gap Initiative shall work with those districts that have a three-year overall average graduation rate of 80 per cent or less to assist them in planning for the implementation of the program in fiscal year 2011. Districts that are currently participating in the program and that continue to have a three-year overall graduation rate of 80 per cent or less are encouraged to maintain existing programs during this planning period.

Section 267.10. ELC OHIO ELECTIONS COMMISSION

General Revenue Fund				116398
GRF 051321 Operating Expenses	\$	381,578	\$ 381,578	116399
TOTAL GRF General Revenue Fund	\$	381,578	\$ 381,578	116400
General Services Fund Group				116401
4P20 051601 Ohio Elections	\$	250,000	\$ 255,000	116402
Commission Fund				116403

TOTAL GSF General Services Fund	\$	250,000	\$	255,000	116404
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	631,578	\$	636,578	116405
Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL					116407
DIRECTORS					116408
General Services Fund Group					116409
4K90 881609 Operating Expenses	\$	646,414	\$	646,562	116410
TOTAL GSF General Services					116411
Fund Group	\$	646,414	\$	646,562	116412
TOTAL ALL BUDGET FUND GROUPS	\$	646,414	\$	646,562	116413
Section 271.10. PAY EMPLOYEE BENEFITS FUNDS					116415
Accrued Leave Liability Fund Group					116416
8060 995666 Accrued Leave Fund	\$	65,200,000	\$	67,200,000	116417
8070 995667 Disability Fund	\$	27,400,000	\$	28,100,000	116418
TOTAL ALF Accrued Leave Liability					116419
Fund Group	\$	92,600,000	\$	95,300,000	116420
Agency Fund Group					116421
1240 995673 Payroll Deductions	\$	881,573,000	\$	943,283,110	116422
8080 995668 State Employee Health	\$	551,795,580	\$	600,263,430	116423
Benefit Fund					
8090 995669 Dependent Care	\$	2,969,635	\$	2,969,635	116424
Spending Account					
8100 995670 Life Insurance	\$	2,229,834	\$	2,229,834	116425
Investment Fund					
8110 995671 Parental Leave	\$	3,900,000	\$	4,000,000	116426
Benefit Fund					
8130 995672 Health Care Spending	\$	8,977,689	\$	12,000,000	116427
Account					
TOTAL AGY Agency Fund Group	\$	1,451,445,738	\$	1,564,746,009	116428
TOTAL ALL BUDGET FUND GROUPS	\$	1,544,045,738	\$	1,660,046,009	116429

ACCRUED LEAVE LIABILITY FUND 116430

The foregoing appropriation item 995666, Accrued Leave Fund, 116431
shall be used to make payments from the Accrued Leave Liability 116432
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 116433
If it is determined by the Director of Budget and Management that 116434
additional amounts are necessary, the amounts are hereby 116435
appropriated. 116436

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 116437

The foregoing appropriation item 995667, Disability Fund, 116438
shall be used to make payments from the State Employee Disability 116439
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 116440
Revised Code. If it is determined by the Director of Budget and 116441
Management that additional amounts are necessary, the amounts are 116442
hereby appropriated. 116443

PAYROLL WITHHOLDING FUND 116444

The foregoing appropriation item 995673, Payroll Deductions, 116445
shall be used to make payments from the Payroll Withholding Fund 116446
(Fund 1240). If it is determined by the Director of Budget and 116447
Management that additional appropriation amounts are necessary, 116448
the amounts are hereby appropriated. 116449

STATE EMPLOYEE HEALTH BENEFIT FUND 116450

The foregoing appropriation item 995668, State Employee 116451
Health Benefit Fund, shall be used to make payments from the State 116452
Employee Health Benefit Fund (Fund 8080) pursuant to section 116453
124.87 of the Revised Code. If it is determined by the Director of 116454
Budget and Management that additional amounts are necessary, the 116455
amounts are hereby appropriated. 116456

On June 30, 2010, or as soon as possible thereafter, the 116457
Director of Budget and Management shall transfer \$1,620,000 cash 116458
from the General Revenue Fund to the State Employee Health Benefit 116459

Fund (Fund 8080).	116460
DEPENDENT CARE SPENDING FUND	116461
The foregoing appropriation item 995669, Dependent Care	116462
Spending Account, shall be used to make payments from the	116463
Dependent Care Spending Fund (Fund 8090) to employees eligible for	116464
dependent care expenses. If it is determined by the Director of	116465
Budget and Management that additional amounts are necessary, the	116466
amounts are hereby appropriated.	116467
LIFE INSURANCE INVESTMENT FUND	116468
The foregoing appropriation item 995670, Life Insurance	116469
Investment Fund, shall be used to make payments from the Life	116470
Insurance Investment Fund (Fund 8100) for the costs and expenses	116471
of the state's life insurance benefit program pursuant to section	116472
125.212 of the Revised Code. If it is determined by the Director	116473
of Budget and Management that additional amounts are necessary,	116474
the amounts are hereby appropriated.	116475
PARENTAL LEAVE BENEFIT FUND	116476
The foregoing appropriation item 995671, Parental Leave	116477
Benefit Fund, shall be used to make payments from the Parental	116478
Leave Benefit Fund (Fund 8110) to employees eligible for parental	116479
leave benefits pursuant to section 124.137 of the Revised Code. If	116480
it is determined by the Director of Budget and Management that	116481
additional amounts are necessary, the amounts are hereby	116482
appropriated.	116483
HEALTH CARE SPENDING ACCOUNT FUND	116484
The foregoing appropriation item 995672, Health Care Spending	116485
Account, shall be used to make payments from the Health Care	116486
Spending Account Fund (Fund 8130) for payments pursuant to state	116487
employees' participation in a flexible spending account for	116488
non-reimbursed health care expenses and section 124.821 of the	116489

Revised Code. If it is determined by the Director of 116490
Administrative Services that additional appropriation amounts are 116491
necessary, the Director of Administrative Services may request 116492
that the Director of Budget and Management increase such amounts. 116493
Such amounts are hereby appropriated. 116494

At the request of the Director of Administrative Services, 116495
the Director of Budget and Management may transfer up to \$145,000 116496
from the General Revenue Fund to the Health Care Spending Account 116497
Fund during fiscal years 2010 and 2011. This cash shall be 116498
transferred as needed to provide adequate cash flow for the Health 116499
Care Spending Account Fund during fiscal year 2010 and fiscal year 116500
2011. If funds are available at the end of fiscal years 2010 and 116501
2011, the Director of Budget and Management shall transfer cash up 116502
to the amount previously transferred in the respective year, plus 116503
interest income, from the Health Care Spending Account (Fund 8130) 116504
to the General Revenue Fund. 116505

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 116506

General Revenue Fund					116507	
GRF 125321	Operating Expenses	\$	4,090,876	\$	4,090,876	116508
TOTAL GRF	General Revenue Fund	\$	4,090,876	\$	4,090,876	116509
General Services Fund Group					116510	
5720 125603	Training and	\$	105,000	\$	105,000	116511
	Publications					
TOTAL GSF	General Services					116512
Fund Group		\$	105,000	\$	105,000	116513
TOTAL ALL BUDGET FUND GROUPS		\$	4,195,876	\$	4,195,876	116514

Section 273.20. CONSOLIDATION OF SERVICES WITH STATE 116516

EMPLOYMENT RELATIONS BOARD 116517

(A) Beginning on July 1, 2009, the Chairperson of the State 116518
Employment Relations Board is the appointing authority for all 116519

employees of the State Personnel Board of Review and the State 116520
Employment Relations Board. After conferring with the Chairperson 116521
of the State Personnel Board of Review, the Chairperson of the 116522
State Employment Relations Board shall identify the employees, 116523
equipment, assets, and records of the State Personnel Board of 116524
Review to be transferred to the State Employment Relations Board. 116525
The State Employment Relations Board and the State Personnel Board 116526
of Review shall enter into an interagency agreement to transfer to 116527
the State Employment Relations Board employees, equipment, assets, 116528
and records of the State Personnel Board of Review by July 1, 116529
2009, or as soon as possible thereafter. The agreement may include 116530
provisions to transfer property and any other provisions necessary 116531
for the continued administration of program activities. The 116532
employees of the State Personnel Board of Review that the 116533
Chairperson of the State Employment Relations Board identifies for 116534
transfer, and any equipment assigned to those employees, are 116535
hereby transferred to the State Employment Relations Board. Any 116536
employees of the State Personnel Board of Review so transferred 116537
shall retain the rights specified in sections 124.321 to 124.328 116538
of the Revised Code, and any employee transferred to the State 116539
Employment Relations Board retains the employee's respective 116540
classification, but the Chairperson of the State Employment 116541
Relations Board may reassign and reclassify the employee's 116542
position and compensation as the Chairperson determines to be in 116543
the interest of efficient office administration. Pursuant to 116544
division (B)(2)(b) of section 4117.02 of the Revised Code, as 116545
amended by this act, to the extent determined necessary by the 116546
Chairperson of the State Employment Relations Board, the State 116547
Personnel Board of Review shall utilize employees of the State 116548
Employment Relations Board in the exercise of the powers and the 116549
performance of the duties of the State Personnel Board of Review. 116550

(B) Effective July 1, 2009, and pursuant to section 124.03 of 116551
the Revised Code, the State Personnel Board of Review shall 116552

exercise its duties and exist as a separate entity within the 116553
State Employment Relations Board. The costs of the State Personnel 116554
Board of Review shall be supported by the foregoing appropriation 116555
item 125321, Operating Expenses. 116556

On July 1, 2009, or as soon as possible thereafter, the 116557
Director of Budget and Management shall transfer the cash balance 116558
of the Transcript and Other Documents Fund (Fund 6360) used by the 116559
State Personnel Board of Review to the Training, Publications, and 116560
Grants Fund (Fund 5720) used by the State Employment Relations 116561
Board. Upon completion of the transfer, Fund 6360 is abolished. 116562
The Director shall cancel any existing encumbrances against 116563
appropriation item 124601, Records and Reporting Support, and 116564
re-establish them against appropriation item 125603, Training and 116565
Publications. The re-established encumbrance amounts are hereby 116566
appropriated. 116567

Any business commenced but not completed under Fund 6360 by 116568
July 1, 2009, shall be completed under Fund 5720 in the same 116569
manner, and with the same effect, as if completed with regard to 116570
Fund 6360. No validation, cure, right, privilege, remedy, 116571
obligation, or liability is lost or impaired by reason of the 116572
transfer and shall be administered with regard to Fund 5720. 116573

On and after July 1, 2009, where the Transcript and Other 116574
Documents Fund is referred to in any statute, rule, contract, 116575
grant, or other document, the reference is hereby deemed to refer 116576
to the Training, Publications, and Grants Fund. 116577

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 116578

General Services Fund Group					116579
4K90 892609 Operating Expenses	\$	1,058,881	\$	1,058,881	116580
TOTAL GSF General Services					116581
Fund Group	\$	1,058,881	\$	1,058,881	116582

TOTAL ALL BUDGET FUND GROUPS		\$	1,058,881	\$	1,058,881	116583
Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY						116585
General Services Fund Group						116586
1990 715602	Laboratory Services	\$	935,907	\$	983,929	116587
2190 715604	Central Support	\$	16,625,314	\$	17,282,762	116588
	Indirect					
4A10 715640	Operating Expenses	\$	3,731,000	\$	3,731,000	116589
TOTAL GSF General Services						116590
Fund Group		\$	21,292,221	\$	21,997,691	116591
Federal Special Revenue Fund Group						116592
3530 715612	Public Water Supply	\$	2,933,812	\$	2,941,282	116593
3540 715614	Hazardous Waste	\$	4,193,000	\$	4,193,000	116594
	Management - Federal					
3570 715619	Air Pollution Control	\$	6,282,777	\$	6,310,203	116595
	- Federal					
3620 715605	Underground Injection	\$	111,874	\$	111,874	116596
	Control - Federal					
3BU0 715684	Water Quality	\$	7,435,000	\$	6,489,000	116597
	Protection					
3C50 715688	Federal NRD	\$	100,000	\$	100,000	116598
	Settlements					
3F20 715630	Revolving Loan Fund -	\$	1,129,696	\$	907,543	116599
	Operating					
3F30 715632	Federally Supported	\$	2,159,486	\$	2,159,551	116600
	Cleanup and Response					
3F50 715641	Nonpoint Source	\$	6,880,000	\$	6,095,000	116601
	Pollution Management					
3K40 715634	DOD Monitoring and	\$	729,130	\$	732,280	116602
	Oversight					
3N40 715657	DOE Monitoring and	\$	878,578	\$	884,050	116603
	Oversight					

3T30	715669	Drinking Water State Revolving Fund	\$	2,238,848	\$	2,273,323	116604
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000	116605
TOTAL FED Federal Special Revenue							116606
Fund Group			\$	35,572,201	\$	33,697,106	116607
State Special Revenue Fund Group							116608
4J00	715638	Underground Injection Control	\$	448,579	\$	456,714	116609
4K20	715648	Clean Air - Non Title V	\$	3,456,261	\$	3,587,176	116610
4K30	715649	Solid Waste	\$	15,819,897	\$	16,317,606	116611
4K40	715650	Surface Water Protection	\$	7,965,000	\$	8,915,000	116612
4K40	715686	Environmental Lab Service	\$	2,132,000	\$	2,132,000	116613
4K50	715651	Drinking Water Protection	\$	7,487,198	\$	7,699,007	116614
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	116615
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000	116616
4R90	715658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	116617
4T30	715659	Clean Air - Title V Permit Program	\$	17,673,097	\$	18,073,104	116618
4U70	715660	Construction and Demolition Debris	\$	888,970	\$	885,554	116619
5000	715608	Immediate Removal Special Account	\$	643,903	\$	643,903	116620
5030	715621	Hazardous Waste Facility Management	\$	11,215,448	\$	11,318,132	116621
5050	715623	Hazardous Waste Cleanup	\$	13,927,338	\$	14,139,930	116622
5050	715674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	116623

5410	715670	Site Specific Cleanup	\$	34,650	\$	34,650	116624
5420	715671	Risk Management Reporting	\$	146,188	\$	146,188	116625
5920	715627	Anti Tampering Settlement	\$	6,707	\$	6,707	116626
5BC0	715617	Clean Ohio	\$	741,000	\$	741,000	116627
5BC0	715622	Local Air Pollution Control	\$	1,827,000	\$	2,035,000	116628
5BC0	715624	Surface Water	\$	13,034,000	\$	13,198,000	116629
5BC0	715667	Groundwater	\$	1,594,000	\$	1,594,000	116630
5BC0	715672	Air Pollution Control	\$	7,269,000	\$	7,607,000	116631
5BC0	715673	Drinking Water	\$	3,838,000	\$	3,838,000	116632
5BC0	715675	Hazardous Waste	\$	116,000	\$	116,000	116633
5BC0	715676	Assistance and Prevention	\$	775,000	\$	775,000	116634
5BC0	715677	Laboratory	\$	1,454,000	\$	1,454,000	116635
5BC0	715678	Corrective Actions	\$	1,180,000	\$	1,180,000	116636
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	116637
5BC0	715690	Environmental Review Appeals	\$	637,000	\$	637,000	116638
5BT0	715679	C&DD Groundwater Monitoring	\$	200,000	\$	203,800	116639
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	116640
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	116641
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	116642
5N20	715613	Dredge and Fill	\$	45,000	\$	45,000	116643
5Y30	715685	Surface Water Improvement	\$	2,000,000	\$	500,000	116644
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	116645
6600	715629	Infectious Waste Management	\$	100,000	\$	100,000	116646

6760	715642	Water Pollution Control Loan Administration	\$	4,610,529	\$	4,832,682	116647
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	116648
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	116649
6960	715643	Air Pollution Control Administration	\$	750,000	\$	750,000	116650
6990	715644	Water Pollution Control Administration	\$	750,000	\$	750,000	116651
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	116652
TOTAL SSR State Special Revenue			\$	151,024,782	\$	153,411,200	116653
Fund Group							
Clean Ohio Conservation Fund Group							116654
5S10	715607	Clean Ohio - Operating	\$	291,174	\$	291,174	116655
TOTAL CLF Clean Ohio Conservation			\$	291,174	\$	291,174	116656
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	208,180,378	\$	209,397,171	116657
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							116658
On July 1 of each fiscal year, or as soon as possible							116659
thereafter, the Director of Budget and Management shall transfer							116660
\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year							116661
2011 in cash from the General Revenue Fund to the Auto Emissions							116662
Test Fund (Fund 5BY0) for the operation and oversight of the auto							116663
emissions testing program.							116664
Effective September 30, 2009, or as soon as possible							116665
thereafter, the Director of Budget and Management shall transfer							116666
the cash balance in the Motor Vehicle Inspection and Maintenance							116667
Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division							116668
(D) of section 3704.14 of the Revised Code as amended by this act.							116669
AREAWIDE PLANNING AGENCIES							116670

The Director of Environmental Protection Agency shall award 116671
grants from appropriation item 715687, Areawide Planning Agencies, 116672
to areawide planning agencies engaged in areawide water quality 116673
management and planning activities in accordance with Section 208 116674
of the "Federal Clean Water Act," 33 U.S.C. 1288. 116675

ENVIRONMENTAL REVIEW AND APPEALS 116676

The foregoing appropriation item 715690, Environmental Review 116677
Appeals, shall be used to support the Environmental Review Appeals 116678
Commission, including the hiring of two staff attorneys. 116679

CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT 116680

On July 1, 2009, or as soon as possible thereafter, the 116681
Director of Budget and Management shall transfer \$1,323,933.19 in 116682
cash, which the Agency received from the Copperweld bankruptcy 116683
settlement, that was mistakenly deposited in the Hazardous Waste 116684
Cleanup Fund (Fund 5050) to the Environmental Protection 116685
Remediation Fund (Fund 5410). 116686

Section 281.10. ETC ETECH OHIO 116687

General Revenue Fund 116688

GRF	935401	Statehouse News	\$	219,960	\$	219,960	116689
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Bureau

GRF	935402	Ohio Government	\$	716,417	\$	716,417	116690
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Telecommunications

Services

GRF	935408	General Operations	\$	2,150,917	\$	2,164,444	116691
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GRF	935409	Technology Operations	\$	6,494,504	\$	6,502,446	116692
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GRF	935410	Content Development,	\$	4,137,306	\$	4,138,244	116693
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Acquisition, and

Distribution

GRF	935411	Technology	\$	7,063,226	\$	7,077,487	116694
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Integration and

		Professional					
		Development					
GRF	935412	Information	\$	1,387,062	\$	1,350,394	116695
		Technology					
GRF	935427	Distance Learning	\$	2,000,000	\$	0	116696
		Pilot Project					
TOTAL GRF		General Revenue Fund	\$	24,169,392	\$	22,169,392	116697
		General Services Fund Group					116698
4F30	935603	Affiliate Services	\$	450,000	\$	50,000	116699
4T20	935605	Government	\$	25,000	\$	25,000	116700
		Television/Telecommunications					
		Operating					
TOTAL GSF		General Services Fund	\$	475,000	\$	75,000	116701
		Group					
		Federal Special Revenue Fund Group					116702
3S30	935606	Enhancing Education	\$	163,000	\$	163,000	116703
		Technology					
3X80	935604	IDEA	\$	18,892	\$	0	116704
TOTAL FED		Federal Special Revenue	\$	181,892	\$	163,000	116705
		Fund Group					
		State Special Revenue Fund Group					116706
4W90	935630	Telecommunity	\$	25,000	\$	25,000	116707
4X10	935634	Distance Learning	\$	23,734	\$	24,150	116708
5D40	935640	Conference/Special	\$	1,471,396	\$	1,473,527	116709
		Purposes					
5FK0	935608	Media Services	\$	300,000	\$	300,000	116710
5GP0	935609	Interactive Distance	\$	4,500,000	\$	4,500,000	116711
		Learning Program					
5T30	935607	Gates Foundation	\$	200,000	\$	200,000	116712
		Grants					
TOTAL SSR		State Special Revenue	\$	6,520,130	\$	6,522,677	116713
		Fund Group					

TOTAL ALL BUDGET FUND GROUPS	\$	31,346,414	\$	28,930,069	116714
Section 281.20. STATEHOUSE NEWS BUREAU					116716
The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.					
					116717
					116718
					116719
OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES					116720
The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.					
					116721
					116722
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					116727
TECHNOLOGY OPERATIONS					116728
Of the foregoing appropriation item 935409, Technology Operations, \$3,000,000 in each fiscal year shall be used by eTech Ohio, in fiscal year 2010, to contract with an entity to provide the common statewide platform and online advanced placement courses to up to 5,000 public school students in Ohio and, in fiscal year 2011, to maintain the clearinghouse established under section 3333.82 of the Revised Code for online advanced placement courses. School districts that have students participating in the program shall not be charged a fee in fiscal year 2010, but may be charged a fee in fiscal year 2011 through the clearinghouse. Students participating in the program shall receive services free of charge.					
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The remainder of appropriation item 935409, Technology Operations, shall be used by eTech Ohio to pay expenses of eTech Ohio's network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall					
					116741
					116742
					116743
					116744

link all public K-12 classrooms to each other and to the Internet, 116745
and provide access to voice, video, other communication services, 116746
and data educational resources for students and teachers. 116747

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 116748

The foregoing appropriation 935410, Content Development, 116749
Acquisition, and Distribution, shall be used for the development, 116750
acquisition, and distribution of information resources by public 116751
media and radio reading services and for educational use in the 116752
classroom and online. 116753

Of the foregoing appropriation item 935410, Content 116754
Development, Acquisition, and Distribution, up to \$1,104,605 in 116755
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 116756
allocated equally among the 12 Ohio educational television 116757
stations and used with the advice and approval of eTech Ohio. 116758
Funds shall be used for the production of interactive 116759
instructional programming series with priority given to resources 116760
aligned with state academic content standards in consultation with 116761
the Ohio Department of Education and for teleconferences to 116762
support eTech Ohio. The programming shall be targeted to the needs 116763
of the poorest two hundred school districts as determined by the 116764
district's adjusted valuation per pupil as defined in former 116765
section 3317.0213 of the Revised Code as that section existed 116766
prior to June 30, 2005. 116767

Of the foregoing appropriation item 935410, Content 116768
Development, Acquisition, and Distribution, up to \$2,695,736 in 116769
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 116770
distributed by eTech Ohio to Ohio's qualified public educational 116771
television stations and educational radio stations to support 116772
their operations. The funds shall be distributed pursuant to an 116773
allocation formula used by the Ohio Educational Telecommunications 116774
Network Commission unless a substitute formula is developed by 116775
eTech Ohio in consultation with Ohio's qualified public 116776

educational television stations and educational radio stations. 116777
116778

Of the foregoing appropriation 935410, Content Development, 116779
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 116780
and up to \$337,003 in fiscal year 2011 shall be distributed by 116781
eTech Ohio to Ohio's qualified radio reading services to support 116782
their operations. The funds shall be distributed pursuant to an 116783
allocation formula used by the Ohio Educational Telecommunications 116784
Network Commission unless a substitute formula is developed by 116785
eTech Ohio in consultation with Ohio's qualified radio reading 116786
services. 116787

**Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 116788
DEVELOPMENT 116789**

The foregoing appropriation item 935411, Technology 116790
Integration and Professional Development, shall be used by eTech 116791
Ohio for the provision of staff development, hardware, software, 116792
telecommunications services, and information resources to support 116793
educational uses of technology in the classroom and at a distance 116794
and for professional development for teachers, administrators, and 116795
technology staff on the use of educational technology in 116796
qualifying public schools, including the State School for the 116797
Blind, the State School for the Deaf, and the Department of Youth 116798
Services. 116799

Of the foregoing appropriation item 935411, Technology 116800
Integration and Professional Development, up to \$2,675,641 in 116801
fiscal year 2010 and up to \$2,675,966 in fiscal year 2011, shall 116802
be used by eTech Ohio to contract with educational television to 116803
provide Ohio public schools with instructional resources and 116804
services with priority given to resources and services aligned 116805
with state academic content standards and such resources and 116806
services shall be based upon the advice and approval of eTech 116807

Ohio, based on a formula used by the Ohio SchoolNet Commission 116808
unless and until a substitute formula is developed by eTech Ohio 116809
in consultation with Ohio's educational technology agencies and 116810
noncommercial educational television stations. 116811

Section 281.35. DISTANCE LEARNING PILOT PROJECT 116812

The foregoing appropriation item 935427 shall be used by 116813
eTech Ohio to create a distance learning pilot project and to 116814
contract for the development and offering of interactive distance 116815
learning courses pursuant to section 3353.20 of the Revised Code. 116816
Any funds remaining after these purposes are completed may be used 116817
by eTech Ohio to provide funds to assist schools to which Section 116818
281.36 of this act does not apply for purchasing video 116819
conferencing telecommunications equipment and to upgrade Internet 116820
service pursuant to divisions (A)(3) to (5) of section 3353.20 of 116821
the Revised Code. 116822

Notwithstanding anything to the contrary in section 3353.20 116823
of the Revised Code, no school or school district to which Section 116824
281.36 of this act does not apply shall be entitled to the items 116825
specified in divisions (A)(3) to (5) of section 3353.20 of the 116826
Revised Code. 116827

Section 281.36. INTERACTIVE DISTANCE LEARNING PROGRAM 116828

(A) As used in this section, "Title I school" means a school 116829
that receives federal funds for services to disadvantaged students 116830
under Title 20 of the United States Code, Part A, Subchapter I, 116831
Chapter 70 (20 U.S.C. 6301 et seq.). 116832

(B) This section applies only to Title I schools. 116833

(C) Notwithstanding anything in section 3353.20 of the 116834
Revised Code to the contrary, the foregoing appropriation item 116835
935609, Interactive Distance Learning Program, shall be used by 116836
eTech Ohio to provide grants on a competitive basis to Title I 116837

schools for their participation in the interactive distance 116838
learning pilot project established under that section in the 116839
manner prescribed by this section. 116840

(1) The Commission shall issue a request for proposals for 116841
awards to be issued before or during the 2009-2010 academic year. 116842

(2) The Commission shall limit the number of grants so that 116843
each grant recipient receives an amount that is sufficient to 116844
ensure full participation in the program. The Commission shall 116845
endeavor to award grants in a manner that ensures diversity among 116846
grant recipients according to geographical regions, economic 116847
scale, and school district size. 116848

(3) In awarding grants under this section, the Commission 116849
shall give priority to the following: 116850

(a) School districts for which advanced placement or foreign 116851
language course offerings make up less than one per cent of the 116852
district's total course offerings; 116853

(b) Schools and school districts that without additional 116854
assistance lack the necessary connectivity to offer interactive 116855
distance learning courses; 116856

(c) Schools and school districts that demonstrate commitment 116857
to appropriately supporting distance learning offerings, as 116858
determined satisfactory by the Commission, including but not 116859
limited to: 116860

(i) Enrolling a minimum number of students to participate in 116861
the distance learning classes; 116862

(ii) Committing the necessary personnel to facilitate and 116863
assist students with distance learning classes; 116864

(iii) Committing the necessary personnel capable of operating 116865
distance learning equipment. 116866

(d) Schools and school districts that without additional 116867

assistance lack the necessary equipment to offer interactive 116868
distance learning courses; 116869

(e) School districts that demonstrate that the course 116870
offerings will take place during the regular school day. 116871

(D) In implementing this section, the Commission shall do all 116872
of the following: 116873

(1) Solicit all Title I schools to participate in the 116874
program; 116875

(2) Require twenty-five per cent of any grant award to be 116876
used for professional development. This professional development 116877
shall include at least one component of training in the classroom. 116878
It also shall include any training conducted by the Commission 116879
that the Commission deems necessary to participate in the program. 116880

(3) Contract for the development and offering of interactive 116881
distance learning courses. The Commission shall withhold an equal 116882
proportion of each grantee's award to pay for any cost associated 116883
with the development and offering of the courses offered by the 116884
program. 116885

(4) Require each Title I school submitting proposals to 116886
specify the amount, if any, needed to purchase video conferencing 116887
telecommunications equipment and connectivity devices and the cost 116888
of upgrading the school. 116889

(5) Require each Title I school submitting proposals to 116890
specify the amount needed to upgrade its Internet service, if the 116891
school currently has a connection slower than 1.544 Mbits per 116892
second; 116893

(6) Assist schools in arranging for the purchase and 116894
installation of telecommunications equipment and connectivity 116895
devices; 116896

(7) Retain five per cent of the appropriated funds to 116897

administer and oversee the operation of the program. 116898

(E) In the development of, administration of, oversight of, 116899
and award of funds for the program, the Commission shall not be 116900
obligated for more than the amount appropriated in this Section 116901
and Section 281.37 of this act. 116902

Section 281.37. TRANSFER OF CASH FROM THE TECHNOLOGY LITERACY 116903
TRANSFER FUND (FUND 3S20) 116904

On July 1 of each fiscal year, or as soon as possible 116905
thereafter, the Director of Budget and Management shall transfer 116906
\$4,500,000 cash from the Technology Literacy Transfer Fund (Fund 116907
3S20) used by the Department of Education to the Interactive 116908
Distance Learning Program Fund (Fund 5GP0), which is hereby 116909
created, used by eTech Ohio, to provide grants under Section 116910
281.36 of this act. 116911

Section 281.40. TELECOMMUNITY 116912

The foregoing appropriation item 935630, Telecommunity, shall 116913
be distributed by eTech Ohio on a grant basis to eligible school 116914
districts to establish "distance learning" through interactive 116915
video technologies in the school district. Per agreements with 116916
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 116917
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 116918
Telephone Company, Orwell Telephone Company, Sprint North Central 116919
Telephone, VERIZON, and Western Reserve Telephone Company, school 116920
districts are eligible for funds if they are within one of the 116921
listed telephone company service areas. Funds to administer the 116922
program shall be expended by eTech Ohio up to the amount specified 116923
in the agreements with the listed telephone companies. 116924

116925

Within thirty days after the effective date of this section, 116926
the Director of Budget and Management shall transfer to Fund 4W90 116927

in the State Special Revenue Fund Group any investment earnings 116928
from moneys paid by any telephone company as part of any 116929
settlement agreement between the listed companies and the Public 116930
Utilities Commission in fiscal years 1996 and beyond. 116931

DISTANCE LEARNING 116932

The foregoing appropriation item 935634, Distance Learning, 116933
shall be distributed by eTech Ohio on a grant basis to eligible 116934
school districts to establish "distance learning" in the school 116935
district. Per an agreement with Ameritech, school districts are 116936
eligible for funds if they are within an Ameritech service area. 116937
Funds to administer the program shall be expended by eTech Ohio up 116938
to the amount specified in the agreement with Ameritech. 116939

Within thirty days after the effective date of this section, 116940
the Director of Budget and Management shall transfer to Fund 4X10 116941
in the State Special Revenue Fund Group any investment earnings 116942
from moneys paid by any telephone company as part of a settlement 116943
agreement between the company and the Public Utilities Commission 116944
in fiscal year 1995. 116945

GATES FOUNDATION GRANTS 116946

The foregoing appropriation item 935607, Gates Foundation 116947
Grants, shall be used by eTech Ohio to provide professional 116948
development to school district principals, superintendents, and 116949
other administrative staff on the use of education technology. 116950

Section 283.10. ETH OHIO ETHICS COMMISSION 116951

General Revenue Fund 116952

GRF 146321	Operating Expenses	\$	1,682,020	\$	1,682,120	116953
TOTAL GRF	General Revenue Fund	\$	1,682,020	\$	1,682,120	116954

General Services Fund Group 116955

4M60 146601	Operating Expenses	\$	544,543	\$	588,943	116956
TOTAL GSF	General Services					116957

Fund Group	\$	544,543	\$	588,943	116958
TOTAL ALL BUDGET FUND GROUPS	\$	2,226,563	\$	2,271,063	116959

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 116961

General Revenue Fund 116962

GRF 723403 Junior Fair Subsidy	\$	360,000	\$	360,000	116963
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TOTAL GRF General Revenue Fund	\$	360,000	\$	360,000	116964
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State Special Revenue Fund Group 116965

4N20 723602 Ohio State Fair	\$	520,000	\$	520,000	116966
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Harness Racing

5060 723601 Operating Expenses	\$	13,505,000	\$	13,505,000	116967
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TOTAL SSR State Special Revenue					116968
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Fund Group	\$	14,025,000	\$	14,025,000	116969
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TOTAL ALL BUDGET FUND GROUPS	\$	14,385,000	\$	14,385,000	116970
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STATE FAIR RESERVE 116971

The General Manager of the Expositions Commission may submit 116972

a request to the Director of Budget and Management to use 116973

available amounts in the State Fair Reserve Fund (Fund 6400) if 116974

the following conditions apply: 116975

(A) Admissions receipts for the 2009 or 2010 Ohio State Fair 116976

are less than \$1,982,000 because of inclement weather or 116977

extraordinary circumstances; 116978

(B) The Ohio Expositions Commission declares a state of 116979

fiscal exigency; and 116980

(C) The request contains a plan describing how the 116981

Expositions Commission will eliminate the cash shortage causing 116982

the request. 116983

The amount approved by the Director of Budget and Management 116984

is hereby appropriated. 116985

Section 287.10. GOV OFFICE OF THE GOVERNOR 116986

General Revenue Fund					116987	
GRF 040321	Operating Expenses	\$	2,971,945	\$	2,971,945	116988
GRF 040403	Federal Relations	\$	201,201	\$	201,201	116989
TOTAL GRF	General Revenue Fund	\$	3,173,146	\$	3,173,146	116990
General Services Fund Group					116991	
5AK0 040607	Federal Relations	\$	365,149	\$	365,149	116992
TOTAL GSF	General Services Fund	\$	365,149	\$	365,149	116993
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	3,538,295	\$	3,538,295	116994
FEDERAL RELATIONS					116995	
A portion of the foregoing appropriation items 040403,					116996	
Federal Relations, and 040607, Federal Relations, may be used to					116997	
support Ohio's membership in national or regional associations.					116998	
The Office of the Governor may charge any state agency of the					116999	
executive branch using an intrastate transfer voucher such amounts					117000	
necessary to defray the costs incurred for the conduct of federal					117001	
relations associated with issues that can be attributed to the					117002	
agency. Amounts collected shall be deposited in the Federal					117003	
Relations Fund (Fund 5AK0).					117004	
Section 289.10. DOH DEPARTMENT OF HEALTH					117005	
General Revenue Fund					117006	
GRF 440407	Animal Borne Disease	\$	600,000	\$	642,291	117007
	and Prevention					
GRF 440412	Cancer Incidence	\$	874,234	\$	874,234	117008
	Surveillance System					
GRF 440413	Local Health	\$	3,301,921	\$	3,301,921	117009
	Department Support					
GRF 440416	Mothers and Children	\$	7,690,449	\$	7,690,449	117010
	Safety Net Services					
GRF 440418	Immunizations	\$	7,739,432	\$	7,839,432	117011

GRF 440431	Free Clinics Safety Net Services	\$	624,751	\$	624,751	117012
GRF 440437	Healthy Ohio	\$	2,569,998	\$	2,569,998	117013
GRF 440438	Breast and Cervical Cancer Screening	\$	2,500,000	\$	2,500,000	117014
GRF 440444	AIDS Prevention and Treatment	\$	6,442,314	\$	6,442,314	117015
GRF 440446	Infectious Disease Protection and Surveillance	\$	1,415,883	\$	1,415,883	117016
GRF 440451	Public Health Laboratory	\$	3,099,138	\$	3,099,138	117017
GRF 440452	Child and Family Health Services Match	\$	921,615	\$	921,615	117018
GRF 440453	Health Care Quality Assurance	\$	10,402,795	\$	10,402,795	117019
GRF 440454	Local Environmental Health	\$	1,155,219	\$	1,155,219	117020
GRF 440459	Help Me Grow	\$	36,500,000	\$	36,500,000	117021
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	117022
GRF 440467	Access to Dental Care	\$	772,120	\$	772,120	117023
GRF 440468	Chronic Disease and Injury Prevention	\$	792,363	\$	792,363	117024
GRF 440469	Health - Federal Stimulus	\$	2,680,035	\$	2,463,903	117025
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	117026
GRF 440507	Targeted Health Care Services Over 21	\$	1,493,449	\$	1,493,449	117027
GRF 440511	Uncompensated Care/Emergency Medical Assistance	\$	589,738	\$	663,579	117028

GRF 440514	Katz Cord Blood Foundation	\$	100,000	\$	100,000	117029
GRF 440515	Poison Control Centers	\$	150,000	\$	150,000	117030
TOTAL GRF	General Revenue Fund	\$	103,864,593	\$	103,864,593	117031
	State Highway Safety Fund Group					117032
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	117033
TOTAL HSF	State Highway Safety Fund Group	\$		\$		117034
		\$	233,894	\$	233,894	117035
	General Services Fund Group					117036
1420 440646	Agency Health Services	\$	9,876,043	\$	10,334,250	117037
2110 440613	Central Support Indirect Costs	\$	31,411,719	\$	31,902,600	117038
4730 440622	Lab Operating Expenses	\$	5,323,860	\$	5,396,471	117039
6830 440633	Employee Assistance Program	\$	1,330,947	\$	1,353,323	117040
6980 440634	Nurse Aide Training	\$	170,000	\$	170,000	117041
TOTAL GSF	General Services Fund Group	\$	48,112,569	\$	49,156,644	117042
	Federal Special Revenue Fund Group					117044
3200 440601	Maternal Child Health Block Grant	\$	29,056,772	\$	29,068,886	117045
3870 440602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	117046
3890 440604	Women, Infants, and Children	\$	298,672,689	\$	308,672,689	117047
3910 440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242	117048
3920 440618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	117049
TOTAL FED	Federal Special Revenue Fund Group	\$	498,225,492	\$	509,172,691	117050
						117051

State Special Revenue Fund Group				117052
4700	440647	Fee Supported Programs	\$ 25,905,140 \$	25,905,140 117053
4710	440619	Certificate of Need	\$ 989,000 \$	1,021,753 117054
4770	440627	Medically Handicapped Children Audit	\$ 3,693,016 \$	3,693,016 117055
4D60	440608	Genetics Services	\$ 3,317,000 \$	3,317,000 117056
4F90	440610	Sickle Cell Disease Control	\$ 1,035,344 \$	1,035,344 117057
4G00	440636	Heirloom Birth Certificate	\$ 5,000 \$	5,000 117058
4G00	440637	Birth Certificate Surcharge	\$ 5,000 \$	5,000 117059
4L30	440609	Miscellaneous Expenses	\$ 746,468 \$	746,468 117060
4P40	440628	Ohio Physician Loan Repayment	\$ 476,870 \$	476,870 117061
4V60	440641	Save Our Sight	\$ 2,938,649 \$	3,115,938 117062
5B50	440616	Quality, Monitoring, and Inspection	\$ 1,005,699 \$	1,015,053 117063
5C00	440615	Alcohol Testing and Permit	\$ 1,455,405 \$	1,455,405 117064
5CJ0	440654	Sewage Treatment System Innovation	\$ 250,000 \$	250,000 117065
5CN0	440645	Choose Life	\$ 75,000 \$	75,000 117066
5D60	440620	Second Chance Trust	\$ 1,054,951 \$	1,054,951 117067
5ED0	440651	Smoke Free Indoor Air	\$ 189,500 \$	190,452 117068
5G40	440639	Adoption Services	\$ 20,000 \$	20,000 117069
5L10	440623	Nursing Facility Technical Assistance Program	\$ 698,595 \$	698,595 117070
5Z70	440624	Ohio Dentist Loan Repayment	\$ 140,000 \$	140,000 117071

6100	440626	Radiation Emergency Response	\$	887,445	\$	920,372	117072
6660	440607	Medically Handicapped Children - County Assessments	\$	17,320,687	\$	17,320,687	117073
TOTAL SSR State Special Revenue							117074
Fund Group			\$	62,208,769	\$	62,462,044	117075
Holding Account Redistribution Fund Group							117076
R014	440631	Vital Statistics	\$	70,000	\$	70,000	117077
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	117078
TOTAL 090 Holding Account Redistribution Fund Group							117079
			\$	90,000	\$	90,000	117080
Tobacco Master Settlement Agreement Fund Group							117081
5BX0	440656	Tobacco Use Prevention	\$	6,000,000	\$	6,000,000	117082
TOTAL TSF Tobacco Master Settlement Agreement Fund Group							117083
			\$	6,000,000	\$	6,000,000	117084
TOTAL ALL BUDGET FUND GROUPS							117085
			\$	718,735,317	\$	730,979,866	117085

Section 289.20. HEALTHY OHIO 117087

Of the foregoing appropriation item 440437, Healthy Ohio, 117088
 \$250,000 in each fiscal year, shall be allocated to the Activate 117089
 Ohio - Diabetes Education, Support, and Self-Management Program. 117090

MOTHERS AND CHILDREN SAFETY NET SERVICES 117091

Of the foregoing appropriation item 440416, Mothers and 117092
 Children Safety Net Services, the following amounts shall be 117093
 allocated in each fiscal year: \$15,000 to the Jewish Family 117094
 Services in Dayton, of which \$5,000 shall be used for children's 117095
 health and nutrition programs; \$10,000 to the Jewish Community 117096
 Center in Akron, of which \$5,000 shall be used for children's 117097

health and nutrition programs; \$10,000 to the Jewish Community 117098
Services in Sylvania, of which \$5,000 shall be used for children's 117099
health and nutrition programs; \$7,500 to the Jewish Community 117100
Center in Youngstown, of which \$5,000 shall be used for children's 117101
health and nutrition programs; \$4,500 to the Jewish Community 117102
Center in Canton, of which \$2,000 shall be used for children's 117103
health and nutrition programs; \$16,667 to the Yassenoff Jewish 117104
Community Center for children's health and nutrition camp 117105
programs; \$16,666 to the Jewish Community Center in Cleveland for 117106
children's health and nutrition camp programs; \$15,000 to the 117107
Jewish Family Services in Cleveland for interpreters for 117108
healthcare; \$16,667 to the Jewish Community Center in Cincinnati 117109
for children's health and nutrition camp programs; \$15,000 to the 117110
Jewish Family Services in Cincinnati for interpreters for 117111
healthcare; \$15,000 to the Jewish Family Services in Columbus for 117112
interpreters for healthcare; and \$10,000 to the Wexner Heritage 117113
Village for interpreters for healthcare. 117114

HIV/AIDS PREVENTION/TREATMENT 117115

The foregoing appropriation item 440444, AIDS Prevention and 117116
Treatment, shall be used to assist persons with HIV/AIDS in 117117
acquiring HIV-related medications and to administer educational 117118
prevention initiatives. 117119

INFECTIOUS DISEASE PREVENTION 117120

The foregoing appropriation item 440446, Infectious Disease 117121
Protection and Surveillance, shall be used for coordination and 117122
management of prevention program operations and the purchase of 117123
drugs for sexually transmitted diseases. 117124

HELP ME GROW 117125

The foregoing appropriation item 440459, Help Me Grow, shall 117126
be used by the Department of Health to distribute subsidies to 117127
counties to implement the Help Me Grow Program. Appropriation item 117128

440459, Help Me Grow, may be used in conjunction with Early 117129
Intervention funding from the Department of Mental Retardation and 117130
Developmental Disabilities, and in conjunction with other early 117131
childhood funds and services to promote the optimal development of 117132
young children. The Department of Health shall enter into an 117133
interagency agreement with the Department of Education, Department 117134
of Mental Retardation and Developmental Disabilities, Department 117135
of Job and Family Services, and Department of Mental Health to 117136
ensure that all early childhood programs and initiatives are 117137
coordinated and school linked. 117138

The foregoing appropriation item 440459, Help Me Grow, shall 117139
also be used for the Autism Diagnosis Education Pilot Program. 117140

Of the foregoing appropriation item 440459, Help Me Grow, 117141
\$300,000 in each fiscal year shall be allocated to The Ohio State 117142
University College of Dentistry's Dental Bus Program. 117143

DEPARTMENT OF HEALTH - FEDERAL STIMULUS 117144

Upon the request of the Director of Health, the Director of 117145
Budget and Management may transfer appropriation from 117146
appropriation item 440469, Health - Federal Stimulus, to the 117147
following appropriation items: \$300,000 in fiscal year 2010 and 117148
\$257,709 in fiscal year 2011 to appropriation item 440407, Animal 117149
Borne Disease and Prevention; \$50,000 in each fiscal year to 117150
appropriation item 440412, Cancer Incidence Surveillance System; 117151
\$106,194 in each fiscal year to appropriation item 440413, Local 117152
Health Department Support; \$800,000 in fiscal year 2010 and 117153
\$700,000 in fiscal year 2011 to appropriation item 440418, 117154
Immunizations; \$200,000 in each fiscal year to appropriation item 117155
440431, Free Clinics Safety Net Services; \$200,000 in each fiscal 117156
year to appropriation item 440446, Infectious Disease Protection 117157
and Surveillance; \$100,000 in each fiscal year to appropriation 117158
item 440454, Local Environmental Health; \$50,000 in each fiscal 117159
year to appropriation item 440465, Federally Qualified Health 117160

Centers; \$100,000 in each fiscal year to appropriation item 117161
440468, Chronic Disease and Injury Prevention; and \$773,841 in 117162
fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation 117163
item 440511, Uncompensated Care/Emergency Medical Assistance. 117164

TARGETED HEALTH CARE SERVICES OVER 21 117165

The foregoing appropriation item 440507, Targeted Health Care 117166
Services Over 21, shall be used to administer the Cystic Fibrosis 117167
Program and to implement the Hemophilia Insurance Premium Payment 117168
Program. 117169

The foregoing appropriation item 440507, Targeted Health Care 117170
Services Over 21, shall also be used to provide essential 117171
medications and to pay the copayments for drugs approved by the 117172
Department of Health and covered by Medicare Part D that are 117173
dispensed to Bureau for Children with Medical Handicaps (BCMH) 117174
participants for the Cystic Fibrosis Program. 117175

These funds also may be used, to the extent that funding is 117176
available, to provide up to 18 in-patient hospital days for 117177
participants in the Cystic Fibrosis Program. 117178

The Department shall expend all of these funds. 117179

GENETICS SERVICES 117180

The foregoing appropriation item 440608, Genetics Services 117181
(Fund 4D60), shall be used by the Department of Health to 117182
administer programs authorized by sections 3701.501 and 3701.502 117183
of the Revised Code. None of these funds shall be used to counsel 117184
or refer for abortion, except in the case of a medical emergency. 117185

MEDICALLY HANDICAPPED CHILDREN AUDIT 117186

The Medically Handicapped Children Audit Fund (Fund 4770) 117187
shall receive revenue from audits of hospitals and recoveries from 117188
third-party payers. Moneys may be expended for payment of audit 117189
settlements and for costs directly related to obtaining recoveries 117190

from third-party payers and for encouraging Medically Handicapped 117191
Children's Program recipients to apply for third-party benefits. 117192
Moneys also may be expended for payments for diagnostic and 117193
treatment services on behalf of medically handicapped children, as 117194
defined in division (A) of section 3701.022 of the Revised Code, 117195
and Ohio residents who are twenty-one or more years of age and who 117196
are suffering from cystic fibrosis or hemophilia. Moneys may also 117197
be expended for administrative expenses incurred in operating the 117198
Medically Handicapped Children's Program. 117199

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 117200
PERMIT FUND 117201

The Director of Budget and Management, pursuant to a plan 117202
submitted by the Department of Health, or as otherwise determined 117203
by the Director of Budget and Management, shall set a schedule to 117204
transfer cash from the Liquor Control Fund (Fund 7043) to the 117205
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating 117206
needs of the Alcohol Testing and Permit Program. 117207

The Director of Budget and Management may transfer to the 117208
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor 117209
Control Fund (Fund 7043) created in section 4301.12 of the Revised 117210
Code such amounts at such times as determined by the transfer 117211
schedule. 117212

DENTIST LOAN REPAYMENT ADVISORY BOARD 117213

As specified in the amendments made by this act to section 117214
3702.92 of the Revised Code, the Governor, Speaker of the House of 117215
Representatives, and President of the Senate shall each appoint 117216
one additional member to the Dentist Loan Repayment Advisory 117217
Board. The appointments shall be made not later than sixty days 117218
after the effective date of section 3702.92 of the Revised Code. 117219
The terms of office of the additional members shall end on January 117220
27, 2011, except that a legislative member ceases to be a member 117221

of the Board on ceasing to be a member of the General Assembly. 117222
Vacancies occurring prior to January 27, 2011, shall be filled in 117223
the manner prescribed for original appointments under this 117224
section. 117225

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 117226

The foregoing appropriation item 440607, Medically 117227
Handicapped Children - County Assessments (Fund 6660), shall be 117228
used to make payments under division (E) of section 3701.023 of 117229
the Revised Code. 117230

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE 117231
SUPPORTED PROGRAMS FUND 117232

On July 1, 2009, or as soon as possible thereafter, the 117233
Director of Health shall certify to the Director of Budget and 117234
Management the amount of cash to be transferred from the Sewage 117235
Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund 117236
(Fund 4700) to meet the needs of the Sewage Program. The Director 117237
of Budget and Management may transfer the amount certified. The 117238
amount certified is hereby appropriated. 117239

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 117240

On July 1, 2009, or as soon as possible thereafter, the 117241
Director of Budget and Management may transfer, cash from the 117242
Resident Protection Fund (Fund 4E30), which is used by the Ohio 117243
Department of Job and Family Services, to the Nursing Facility 117244
Technical Assistance Program Fund (Fund 5L10), which is used by 117245
the Ohio Department of Health, to be used under section 3721.026 117246
of the Revised Code. The transfers shall equal \$698,595 in each 117247
fiscal year. 117248

Section 289.30. DISEASE AND CANCER COMMISSION 117249

(A) There is hereby established in the Department of Health 117250
the Disease and Cancer Commission. The Commission shall be 117251

composed of individuals selected by the Director of Health who are 117252
both of the following: 117253

(1) Representatives of boards of health of city health 117254
districts or general health districts, or the authorities having 117255
the duties of a board of health under section 3709.05 of the 117256
Revised Code; 117257

(2) Located in an area in which the Director of Health 117258
determines there is a high prevalence of one of the following: 117259

(a) Colorectal cancer; 117260

(b) Prostate cancer; 117261

(c) Sickle cell anemia; 117262

(d) Triple negative breast cancer. 117263

(B) The Governor shall designate from among the Commission 117264
members an individual to serve as the chairperson of the 117265
Commission who shall establish the meeting time and locations for 117266
the Commission. 117267

(C) The Commission shall study colorectal cancer, prostate 117268
cancer, sickle cell anemia, and triple negative breast cancer in 117269
areas of the state in which the Director determines such 117270
conditions are prevalent. Not later than June 30, 2011, the 117271
Commission shall submit a report to the Governor, Speaker and 117272
Minority Leader of the House of Representatives, and President and 117273
Minority Leader of the Senate describing its findings on the 117274
prevalence of colorectal cancer, prostate cancer, sickle cell 117275
anemia, and triple negative breast cancer in the areas included in 117276
the study. The report shall include policy recommendations to 117277
combat the prevalence of these conditions in such areas. 117278

(D) The Commission shall cease to exist on submission of the 117279
report under division (C) of this section. 117280

Section 289.40. FUNDING FOR IMMUNIZATIONS 117281

To the extent permitted under state and federal law, the 117282
Department of Health shall use state general revenue funds and 117283
federal funds appropriated for the purchase of vaccinations to 117284
provide immunizations to children and adults in Ohio. 117285

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 117286

Agency Fund Group 117287
4610 372601 Operating Expenses \$ 40,000 \$ 40,000 117288
TOTAL AGY Agency Fund Group \$ 40,000 \$ 40,000 117289
TOTAL ALL BUDGET FUND GROUPS \$ 40,000 \$ 40,000 117290

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 117292

General Revenue Fund 117293
GRF 148100 Personal Services \$ 328,353 \$ 328,353 117294
GRF 148200 Maintenance \$ 50,000 \$ 50,000 117295
GRF 148402 Community Projects \$ 129,264 \$ 129,264 117296
TOTAL GRF General Revenue Fund \$ 507,617 \$ 507,617 117297
General Services Fund Group 117298
6010 148602 Gifts and \$ 10,000 \$ 10,000 117299
Miscellaneous
TOTAL GSF General Services 117300
Fund Group \$ 10,000 \$ 10,000 117301
TOTAL ALL BUDGET FUND GROUPS \$ 517,617 \$ 517,617 117302

Section 295.10. OHS OHIO HISTORICAL SOCIETY 117304

General Revenue Fund 117305
GRF 360501 Education and \$ 3,291,754 \$ 3,291,754 117306
Collections
GRF 360502 Site and Museum \$ 6,165,927 \$ 6,165,927 117307
Operations

GRF	360504	Ohio Preservation Office	\$	326,066	\$	326,066	117308
GRF	360505	National Afro-American Museum	\$	592,568	\$	592,568	117309
GRF	360506	Hayes Presidential Center	\$	401,490	\$	401,490	117310
GRF	360508	State Historical Grants	\$	700,600	\$	700,600	117311
GRF	360509	Outreach and Partnership	\$	703,638	\$	703,638	117312
TOTAL GRF	General Revenue Fund		\$	12,182,043	\$	12,182,043	117313
TOTAL ALL BUDGET FUND GROUPS			\$	12,182,043	\$	12,182,043	117314

SUBSIDY APPROPRIATION 117315

Upon approval by the Director of Budget and Management, the 117316
foregoing appropriation items shall be released to the Ohio 117317
Historical Society in quarterly amounts that in total do not 117318
exceed the annual appropriations. The funds and fiscal records of 117319
the society for fiscal year 2010 and fiscal year 2011 shall be 117320
examined by independent certified public accountants approved by 117321
the Auditor of State, and a copy of the audited financial 117322
statements shall be filed with the Office of Budget and 117323
Management. The society shall prepare and submit to the Office of 117324
Budget and Management the following: 117325

(A) An estimated operating budget for each fiscal year of the 117326
biennium. The operating budget shall be submitted at or near the 117327
beginning of each calendar year. 117328

(B) Financial reports, indicating actual receipts and 117329
expenditures for the fiscal year to date. These reports shall be 117330
filed at least semiannually during the fiscal biennium. 117331

The foregoing appropriations shall be considered to be the 117332
contractual consideration provided by the state to support the 117333
state's offer to contract with the Ohio Historical Society under 117334

section 149.30 of the Revised Code.	117335
STATE ARCHIVES	117336
Of the foregoing appropriation item 360501, Education and Collections, \$910,459 in each fiscal year shall be used for the State Archives, Library, and Artifact Collections Program.	117337 117338 117339
HAYES PRESIDENTIAL CENTER	117340
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.	117341 117342 117343 117344 117345 117346 117347
Section 295.20. STATE HISTORICAL GRANTS	117348
Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Cincinnati Museum Center.	117349 117350 117351
Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES	117352
General Revenue Fund	117353
GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093	117354
TOTAL GRF General Revenue Fund \$ 18,517,093 \$ 18,517,093	117355
General Services Fund Group	117356
1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664	117357
4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849	117358
TOTAL GSF General Services Fund Group \$ 1,471,513 \$ 1,471,513	117359 117360
TOTAL ALL BUDGET FUND GROUPS \$ 19,988,606 \$ 19,988,606	117361
OPERATING EXPENSES	117362

On July 1, 2009, or as soon as possible thereafter, the Clerk of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2009 to be reappropriated to fiscal year 2010. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2010.

On July 1, 2010, or as soon as possible thereafter, the Clerk of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2010 to be reappropriated to fiscal year 2011. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2011.

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY

Agency Fund Group				117378	
5AZ0997601 Housing Finance Agency	\$	10,186,713	\$	10,386,426	117379
Personal Services					
TOTAL AGY Agency Fund Group	\$	10,186,713	\$	10,386,426	117380
TOTAL ALL BUDGET FUND GROUPS	\$	10,186,713	\$	10,386,426	117381

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund				117384	
GRF 965321 Operating Expenses	\$	1,164,218	\$	1,164,218	117385
TOTAL GRF General Revenue Fund	\$	1,164,218	\$	1,164,218	117386
General Services Fund Group				117387	
5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000	117388
General for ODOT					
5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000	117389
General for BWC/OIC					
TOTAL GSF General Services Fund	\$	825,000	\$	825,000	117390

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,989,218 \$ 1,989,218 117391

Section 307.10. INS DEPARTMENT OF INSURANCE 117393

General Revenue Fund 117394

GRF 820607 State Coverage \$ 10,000,000 \$ 10,000,000 117395

Initiative

TOTAL GRF General Revenue Fund \$ 10,000,000 \$ 10,000,000 117396

Federal Special Revenue Fund Group 117397

3CX0 820608 State Coverage \$ 50,000,000 \$ 100,000,000 117398

Initiative - Federal

3U50 820602 OSHIIP Operating \$ 1,770,000 \$ 1,790,000 117399

Grant

TOTAL FED Federal Special 117400

Revenue Fund Group \$ 51,770,000 \$ 101,790,000 117401

State Special Revenue Fund Group 117402

5540 820601 Operating Expenses - \$ 200,000 \$ 200,000 117403

OSHIIP

5540 820606 Operating Expenses \$ 23,105,028 \$ 23,108,297 117404

5540 820609 State Coverage \$ 479,575 \$ 479,575 117405

Initiative

Administration

5550 820605 Examination \$ 9,275,768 \$ 9,294,668 117406

TOTAL SSR State Special Revenue 117407

Fund Group \$ 33,060,371 \$ 33,082,540 117408

TOTAL ALL BUDGET FUND GROUPS \$ 94,830,371 \$ 144,872,540 117409

STATE COVERAGE INITIATIVE 117410

Of the foregoing appropriation item 820607, State Coverage 117411

Initiative, up to \$7,000,000 in each fiscal year shall be used to 117412

support health information technology strategies. The remainder of 117413

the appropriation shall be used to support the implementation of 117414

strategies recommended by the Health Care Coverage and Quality 117415

Council established in section 3923.90 of the Revised Code. In 117416
addition to health information technology, strategies may include 117417
implementation of patient-centered medical homes, improved 117418
consumer information, and payment reform. Up to \$3,000,000 in each 117419
fiscal year may be used by the Superintendent of Insurance to 117420
transfer cash from the General Revenue Fund to another fund in the 117421
state treasury. The transfer shall be made using an intrastate 117422
transfer voucher. 117423

An amount equal to the unexpended, unencumbered portion of 117424
the foregoing appropriation item 820607, State Coverage 117425
Initiative, at the end of fiscal year 2010 is hereby 117426
reappropriated for the same purpose for fiscal year 2011. 117427

MARKET CONDUCT EXAMINATION 117428

When conducting a market conduct examination of any insurer 117429
doing business in this state, the Superintendent of Insurance may 117430
assess the costs of the examination against the insurer. The 117431
superintendent may enter into consent agreements to impose 117432
administrative assessments or fines for conduct discovered that 117433
may be violations of statutes or rules administered by the 117434
superintendent. All costs, assessments, or fines collected shall 117435
be deposited to the credit of the Department of Insurance 117436
Operating Fund (Fund 5540). 117437

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 117438

The Director of Budget and Management, at the request of the 117439
Superintendent of Insurance, may transfer funds from the 117440
Department of Insurance Operating Fund (Fund 5540), established by 117441
section 3901.021 of the Revised Code, to the Superintendent's 117442
Examination Fund (Fund 5550), established by section 3901.071 of 117443
the Revised Code, only for expenses incurred in examining domestic 117444
fraternal benefit societies as required by section 3921.28 of the 117445
Revised Code. 117446

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND				117447	
Not later than the thirty-first day of July each fiscal year,				117448	
the Director of Budget and Management shall transfer \$5,000,000				117449	
from the Department of Insurance Operating Fund (Fund 5540) to the				117450	
General Revenue Fund.				117451	
HEALTH INSURANCE COVERAGE OF AUTISM SPECTRUM DISORDERS				117452	
Of the foregoing appropriation item 820606, Operating				117453	
Expenses, up to \$20,000 in fiscal year 2010 shall be used by the				117454	
Department of Insurance to conduct a study on insurance rates if				117455	
health insurers are required to provide coverage for specified				117456	
services for individuals diagnosed with an autism spectrum				117457	
disorder. Not later than January 31, 2010, the study shall be				117458	
completed and copies of the study shall be provided to the				117459	
Governor, the Speaker of the House of the Representatives, the				117460	
President of the Senate, and the minority leaders in the House of				117461	
Representatives and the Senate, the Director of Budget and				117462	
Management, the Superintendent of Insurance, and the Director of				117463	
Job and Family Services.				117464	
On July 1, 2009, or as soon as possible thereafter, the				117465	
Director of Budget and Management shall transfer \$20,000 cash from				117466	
the General Revenue Fund to the Department of Insurance Operating				117467	
Fund (Fund 5540).				117468	
Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				117469	
General Revenue Fund				117470	
GRF 600321 Support Services				117471	
State	\$	52,432,042	\$	52,817,104	117472
Federal	\$	9,252,713	\$	9,320,665	117473
Support Services Total	\$	61,684,755	\$	62,137,769	117474
GRF 600410 TANF State	\$	190,932,468	\$	203,183,335	117475
GRF 600413 Child Care	\$	88,415,688	\$	93,105,300	117476

	Match/Maintenance of Effort				
GRF 600416	Computer Projects				117477
	State	\$	92,734,743	\$	93,242,343 117478
	Federal	\$	10,303,860	\$	10,360,260 117479
	Computer Projects Total	\$	103,038,603	\$	103,602,603 117480
GRF 600417	Medicaid Provider Audits	\$	1,484,001	\$	1,497,886 117481
GRF 600420	Child Support Administration	\$	9,169,234	\$	9,231,310 117482
GRF 600421	Office of Family Stability	\$	4,653,955	\$	4,720,001 117483
GRF 600423	Office of Children and Families	\$	6,494,545	\$	6,580,782 117484
GRF 600425	Office of Ohio Health Plans				117485
	State	\$	14,688,390	\$	11,452,327 117486
	Federal	\$	15,287,916	\$	11,919,769 117487
	Office of Ohio Health Plans Total	\$	29,976,306	\$	23,372,096 117488
GRF 600502	Administration - Local	\$	23,582,308	\$	23,150,288 117489
GRF 600511	Disability Financial Assistance	\$	36,037,712	\$	38,684,457 117490
GRF 600521	Entitlement Administration - Local	\$	107,026,181	\$	100,893,286 117491
GRF 600523	Children and Families Services	\$	75,709,378	\$	75,709,378 117492
GRF 600525	Health Care/Medicaid				117493
	State	\$	2,493,379,157	\$	3,539,256,149 117494
	Federal	\$	6,372,697,855	\$	7,407,374,830 117495
	Health Care Total	\$	8,866,077,012	\$	10,946,630,979 117496
GRF 600526	Medicare Part D	\$	271,746,617	\$	287,194,790 117497
GRF 600528	Adoption Services				117498

	State	\$	38,722,700	\$	41,060,302	117499
	Federal	\$	49,792,948	\$	47,455,346	117500
	Adoption Services Total	\$	88,515,648	\$	88,515,648	117501
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	50,000,000	\$	50,000,000	117502
GRF 600534	Adult Protective Services	\$	522,040	\$	511,453	117503
GRF 600535	Early Care and Education	\$	173,000,000	\$	173,000,000	117504
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000	117505
GRF 600540	Second Harvest Food Banks	\$	3,500,000	\$	3,500,000	117506
GRF 600541	Kinship Permanency Incentive Program	\$	5,000,000	\$	5,000,000	117507
GRF 600661	Child Care - Federal Stimulus	\$	8,915,224	\$	13,459,664	117508
TOTAL GRF General Revenue Fund						117509
	State	\$	3,754,146,383	\$	4,833,250,155	117510
	Federal	\$	6,457,335,292	\$	7,486,430,870	117511
	GRF Total	\$	10,211,481,675	\$	12,319,681,025	117512
General Services Fund Group						117513
4A80 600658	Child Support Collections	\$	26,000,000	\$	26,000,000	117514
4R40 600665	BCII Services/Fees	\$	36,974	\$	36,974	117515
5BG0 600653	Managed Care Assessment	\$	168,914,857	\$	0	117516
5C90 600671	Medicaid Program Support	\$	69,876,838	\$	68,313,238	117517
5DL0 600639	Medicaid Revenue and Collections	\$	99,916,750	\$	63,600,000	117518
5DM0 600633	Administration & Operating	\$	19,853,583	\$	19,928,733	117519

5FX0	600638	Medicaid Payment Withholding	\$ 26,000,000	\$ 26,000,000	117520
5N10	600677	County Technologies	\$ 1,000,000	\$ 1,000,000	117521
5P50	600692	Health Care Services	\$ 84,052,802	\$ 226,469,478	117522
6130	600645	Training Activities	\$ 110,000	\$ 110,000	117523
TOTAL GSF General Services					117524
Fund Group			\$ 495,761,804	\$ 431,458,423	117525
Federal Special Revenue Fund Group					117526
3270	600606	Child Welfare	\$ 33,972,321	\$ 33,984,200	117527
3310	600686	Federal Operating	\$ 60,672,731	\$ 56,569,912	117528
3840	600610	Food Assistance and State Administration	\$ 159,109,776	\$ 159,109,427	117529
3850	600614	Refugee Services	\$ 10,497,024	\$ 11,265,511	117530
3950	600616	Special Activities/Child and Family Services	\$ 3,113,200	\$ 2,813,200	117531
3960	600620	Social Services Block Grant	\$ 120,000,000	\$ 120,000,000	117532
3970	600626	Child Support	\$ 305,830,981	\$ 305,832,341	117533
3980	600627	Adoption Maintenance/ Administration	\$ 355,345,646	\$ 352,184,668	117534
3A20	600641	Emergency Food Distribution	\$ 9,953,222	\$ 4,970,000	117535
3AW0	600675	Faith Based Initiatives	\$ 544,140	\$ 544,140	117536
3D30	600648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	117537
3F00	600623	Health Care Federal	\$3,208,537,567	\$ 2,429,425,188	117538
3F00	600650	Hospital Care Assurance Match	\$ 362,092,785	\$ 367,826,196	117539
3G50	600655	Interagency Reimbursement	\$1,703,777,044	\$ 1,666,905,912	117540
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779	117541

3N00	600628	IV-E Foster Care Maintenance	\$ 169,324,768	\$ 161,644,455	117542
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	117543
3V00	600688	Workforce Investment Act	\$ 326,923,124	\$ 327,145,616	117544
3V40	600678	Federal Unemployment Programs	\$ 167,478,790	\$ 136,982,528	117545
3V40	600679	Unemployment Compensation Review Commission - Federal	\$ 3,487,473	\$ 3,487,473	117546
3V60	600689	TANF Block Grant	\$ 755,528,435	\$ 760,614,433	117547
TOTAL FED Federal Special Revenue Fund Group					117548 117549
State Special Revenue Fund Group					117550
1980	600647	Children's Trust Fund	\$ 5,881,011	\$ 5,881,011	117551
4A90	600607	Unemployment Compensation Administration Fund	\$ 27,134,851	\$ 37,772,416	117552
4A90	600694	Unemployment Compensation Review Commission	\$ 2,357,197	\$ 2,431,133	117553
4E30	600605	Nursing Home Assessments	\$ 4,759,914	\$ 4,759,914	117554
4E70	600604	Child and Family Services Collections	\$ 300,000	\$ 300,000	117555
4F10	600609	Foundation Grants/Child & Family Services	\$ 250,000	\$ 250,000	117556
4J50	600613	Nursing Facility Bed Assessments	\$ 36,713,984	\$ 36,713,984	117557
4J50	600618	Residential State Supplement Payments	\$ 15,700,000	\$ 15,700,000	117558

4K10	600621	ICF/MR Bed Assessments	\$	28,261,826	\$	29,482,434	117559
4R30	600687	Banking Fees	\$	700,000	\$	700,000	117560
4Z10	600625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	117561
5AJ0	600631	Money Follows the Person	\$	6,286,485	\$	6,195,163	117562
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000	117563
5DP0	600634	Adoption Assistance Loan	\$	500,000		500,000	117564
5ES0	600630	Food Assistance	\$	500,000	\$	500,000	117565
5F20	600667	Building Consolidation	\$	250,000	\$	250,000	117566
5F30	600668	Building Consolidation	\$	1,000,000	\$	1,000,000	117567
5GC0	600640	GOFBCI/Family Stability	\$	70,000	\$	70,000	117568
5GF0	600656	Medicaid - Hospital	\$	338,505,284	\$	370,861,816	117569
5Q90	600619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	117570
5R20	600608	Medicaid-Nursing Facilities	\$	329,947,751	\$	341,125,000	117571
5S30	600629	MR/DD Medicaid Administration and Oversight	\$	2,070,707	\$	5,493,954	117572
5U30	600654	Health Care Services Administration	\$	12,017,389	\$	14,393,903	117573
5U60	600663	Children and Family Support	\$	4,719,470	\$	4,719,470	117574
6510	600649	Hospital Care Assurance Program Fund	\$	220,612,051	\$	218,164,239	117575
TOTAL SSR State Special Revenue							117576
Fund Group			\$	1,106,663,918	\$	1,165,390,435	117577
Agency Fund Group							117578
1920	600646	Support Intercept - Federal	\$	130,000,000	\$	130,000,000	117579
5830	600642	Support Intercept -	\$	16,000,000	\$	16,000,000	117580

	State				
5B60	600601	Food Assistance	\$ 2,000,000	\$ 2,000,000	117581
		Intercept			
TOTAL	AGY	Agency Fund Group	\$ 148,000,000	\$ 148,000,000	117582
		Holding Account Redistribution Fund Group			117583
R012	600643	Refunds and Audit	\$ 3,600,000	\$ 3,600,000	117584
		Settlements			
R013	600644	Forgery Collections	\$ 10,000	\$ 10,000	117585
TOTAL	090	Holding Account	\$ 3,610,000	\$ 3,610,000	117586
		Redistribution Fund Group			
TOTAL	ALL	BUDGET FUND GROUPS	\$19,966,143,778	\$21,213,882,436	117587

Section 309.20. SUPPORT SERVICES 117589

Section 309.20.10. AGENCY FUND GROUP 117590

The Agency Fund Group and Holding Account Redistribution Fund 117591
 Group shall be used to hold revenues until the appropriate fund is 117592
 determined or until the revenues are directed to the appropriate 117593
 governmental agency other than the Department of Job and Family 117594
 Services. If receipts credited to the Support Intercept - Federal 117595
 Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 117596
 the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 117597
 Settlements Fund (Fund R012), or the Forgery Collections Fund 117598
 (Fund R013) exceed the amounts appropriated from the fund, the 117599
 Director of Job and Family Services may request the Director of 117600
 Budget and Management to authorize expenditures from the fund in 117601
 excess of the amounts appropriated. Upon the approval of the 117602
 Director of Budget and Management, the additional amounts are 117603
 hereby appropriated. 117604

Section 309.30. MEDICAID 117605

Section 309.30.10. HEALTH CARE/MEDICAID 117606

The foregoing appropriation item 600525, Health 117607
Care/Medicaid, shall not be limited by section 131.33 of the 117608
Revised Code. 117609

Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO 117610
ICF/MR RESIDENTS 117611

Of the foregoing appropriation item 600525, Health 117612
Care/Medicaid, \$30,000 in each fiscal year shall be used to 117613
reimburse medical suppliers of oxygen services in accordance with 117614
section 5111.236 of the Revised Code. 117615

Section 309.30.15. CHILDREN'S HOSPITALS 117616

(A) As used in this section: 117617

(1) "Children's hospital" means a hospital that primarily 117618
serves patients eighteen years of age and younger and is excluded 117619
from Medicare prospective payment in accordance with 42 C.F.R. 117620
412.23(d). 117621

(2) "Medicaid inpatient cost-to-charge ratio" means the 117622
historic Medicaid inpatient cost-to-charge ratio applicable to a 117623
hospital as described in rules adopted by the Director of Job and 117624
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 117625
Administrative Code. 117626

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 117627
the Administrative Code and except as provided in division (C) of 117628
this section, the Director of Job and Family Services shall pay a 117629
children's hospital that meets the criteria in paragraphs (E)(1) 117630
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 117631
cost outlier claim made in fiscal years 2010 and 2011, an amount 117632
that is the product of the hospital's allowable charges and the 117633
hospital's Medicaid inpatient cost-to-charge ratio. 117634

(C) The Director of Job and Family Services shall cease 117635

paying a children's hospital for a cost outlier claim under the methodology in division (B) of this section and revert to paying the hospital for such a claim according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code, as applicable, when the difference between the total amount the Director has paid according to the methodology in division (B) of this section for such claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code for such claims, as the applicable paragraph existed on June 30, 2009, exceeds the sum of the state funds and corresponding federal match earmarked in division (F) of this section.

(D) The Director of Job and Family Services shall make supplemental Medicaid payments to hospitals for inpatient services under a program modeled after the program the Department of Job and Family Services was required to create for fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th General Assembly if the difference between the total amount the Director has paid according to the methodology in division (B) of this section for cost outlier claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code for such claims, as the applicable paragraph existed on June 30, 2009, does not require the expenditure of all state and federal funds earmarked in division (F) of this section for the applicable fiscal year. The program may be the same as the program the Director used for making the payments to hospitals for fiscal years 2008 and 2009 under Section 309.30.13 of Am. Sub. H.B. 119 of the 127th General Assembly.

(E) The Director of Job and Family Services shall not adopt, amend, or rescind any rules that would result in decreasing the

amount paid to children's hospitals under division (B) of this 117668
section for cost outlier claims. 117669

(F) Of the foregoing appropriation item, 600537, Children's 117670
Hospital, up to \$6 million (state share) in each fiscal year plus 117671
the corresponding federal match, if available, shall be used by 117672
the Department to pay the amounts described in division (B) of 117673
this section. 117674

Section 309.30.20. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 117675
SYSTEM FOR NURSING FACILITIES 117676

(A) As used in this section: 117677

"Franchise permit fee," "Medicaid days," "nursing facility," 117678
and "provider" have the same meanings as in section 5111.20 of the 117679
Revised Code. 117680

"Nursing facility services" means nursing facility services 117681
covered by the Medicaid program that a nursing facility provides 117682
to a resident of the nursing facility who is a Medicaid recipient 117683
eligible for Medicaid-covered nursing facility services. 117684

(B) Except as otherwise provided by this section, the 117685
provider of a nursing facility that has a valid Medicaid provider 117686
agreement on June 30, 2009, and a valid Medicaid provider 117687
agreement during fiscal year 2010 shall be paid, for nursing 117688
facility services the nursing facility provides during fiscal year 117689
2010, the rate calculated for the nursing facility under sections 117690
5111.20 to 5111.33 of the Revised Code with the following 117691
adjustments: 117692

(1) The nursing facility's rate for capital costs shall be 117693
the greater of the following: 117694

(a) The sum calculated under division (B)(2) of section 117695
5111.25 of the Revised Code for the nursing facility; 117696

(b) The median rate for capital costs for the nursing 117697

facilities in the nursing facility's peer group as determined 117698
under division (D) of section 5111.25 of the Revised Code, 117699
adjusted as follows: 117700

(i) Increase the rate so determined by two per cent; 117701

(ii) Increase the rate determined under division (B)(1)(b)(i) 117702
of this section by two per cent; 117703

(iii) Increase the rate determined under division 117704
(B)(1)(b)(ii) of this section by one per cent. 117705

(2) The cost per case mix-unit calculated under section 117706
5111.231 of the Revised Code, the rate for ancillary and support 117707
costs calculated under section 5111.24 of the Revised Code, and 117708
the rate for tax costs calculated under section 5111.242 of the 117709
Revised Code shall each be adjusted as follows: 117710

(a) Increase the cost and rates so calculated by two per 117711
cent; 117712

(b) Increase the cost and rates determined under division 117713
(B)(2)(a) of this section by two per cent; 117714

(c) Increase the cost and rates determined under division 117715
(B)(2)(b) of this section by one per cent. 117716

(3) The mean payment used in the calculation of the quality 117717
incentive payment made under section 5111.244 of the Revised Code 117718
shall be, weighted by Medicaid days, three dollars and three cents 117719
per Medicaid day. 117720

(4) The rate, after the adjustments under divisions (B)(1), 117721
(2), and (3) of this section are made, shall be further increased 117722
by three dollars per Medicaid day. 117723

(C) If the rate determined for a nursing facility under 117724
division (B) of this section for nursing facility services 117725
provided during fiscal year 2010 is more than the rate the 117726
provider is paid for nursing facility services the nursing 117727

facility provides on June 30, 2009, the Department of Job and 117728
Family Services shall reduce the nursing facility's fiscal year 117729
2010 rate by one-half of the difference between the rate 117730
determined for the nursing facility under division (B) of this 117731
section and the nursing facility's rate for June 30, 2009. If the 117732
rate determined for a nursing facility under division (B) of this 117733
section for nursing facility services provided during fiscal year 117734
2010 is less than the rate the provider is paid for nursing 117735
facility services the nursing facility provides on June 30, 2009, 117736
the Department shall increase the nursing facility's fiscal year 117737
2010 rate by five-sixths of the difference between the rate 117738
determined for the nursing facility under division (B) of this 117739
section and the nursing facility's rate for June 30, 2009. 117740

(D) After the adjustments under divisions (B) and (C) of this 117741
section are made to a nursing facility's fiscal year 2010 rate, 117742
the Department of Job and Family Services shall increase the 117743
nursing facility's fiscal year 2010 rate by five dollars per 117744
Medicaid day if the nursing facility has more than two hundred 117745
fifty beds certified for the Medicaid program. 117746

(E) If the United States Centers for Medicare and Medicaid 117747
Services requires that the franchise permit fee be reduced or 117748
eliminated, the Department of Job and Family Services shall reduce 117749
the amount it pays providers of nursing facility services under 117750
this section as necessary to reflect the loss to the state of the 117751
revenue and federal financial participation generated from the 117752
franchise permit fee. 117753

(F) The Department of Job and Family Services shall follow 117754
this section in determining the rate to be paid to the provider of 117755
a nursing facility that has a valid Medicaid provider agreement on 117756
June 30, 2009, and a valid Medicaid provider agreement during 117757
fiscal year 2010 notwithstanding anything to the contrary in 117758
sections 5111.20 to 5111.33 of the Revised Code. 117759

Section 309.30.30. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT	117760
SYSTEM FOR NURSING FACILITIES	117761
(A) As used in this section:	117762
"Franchise permit fee," "Medicaid days," "nursing facility,"	117763
and "provider" have the same meanings as in section 5111.20 of the	117764
Revised Code.	117765
"Nursing facility services" means nursing facility services	117766
covered by the Medicaid program that a nursing facility provides	117767
to a resident of the nursing facility who is a Medicaid recipient	117768
eligible for Medicaid-covered nursing facility services.	117769
(B) Except as otherwise provided by this section, the	117770
provider of a nursing facility that has a valid Medicaid provider	117771
agreement on June 30, 2010, and a valid Medicaid provider	117772
agreement during fiscal year 2011 shall be paid, for nursing	117773
facility services the nursing facility provides during fiscal year	117774
2011, the rate calculated for the nursing facility under sections	117775
5111.20 to 5111.33 of the Revised Code with the following	117776
adjustments:	117777
(1) The nursing facility's rate for capital costs shall be	117778
the greater of the following:	117779
(a) The sum calculated under division (B)(2) of section	117780
5111.25 of the Revised Code for the nursing facility;	117781
(b) The median rate for capital costs for the nursing	117782
facilities in the nursing facility's peer group as determined	117783
under division (D) of section 5111.25 of the Revised Code,	117784
adjusted as follows:	117785
(i) Increase the rate so determined by two per cent;	117786
(ii) Increase the rate determined under division (B)(1)(b)(i)	117787
of this section by two per cent;	117788

(iii) Increase the rate determined under division	117789
(B)(1)(b)(ii) of this section by one per cent.	117790
(2) The cost per case mix-unit calculated under section	117791
5111.231 of the Revised Code, the rate for ancillary and support	117792
costs calculated under section 5111.24 of the Revised Code, and	117793
the rate for tax costs calculated under section 5111.242 of the	117794
Revised Code shall each be adjusted as follows:	117795
(a) Increase the cost and rates so calculated by two per	117796
cent;	117797
(b) Increase the cost and rates determined under division	117798
(B)(2)(a) of this section by two per cent;	117799
(c) Increase the cost and rates determined under division	117800
(B)(2)(b) of this section by one per cent.	117801
(3) The mean payment used in the calculation of the quality	117802
incentive payment made under section 5111.244 of the Revised Code	117803
shall be, weighted by Medicaid days, three dollars and three cents	117804
per Medicaid day.	117805
(4) The rate, after the adjustments under divisions (B)(1),	117806
(2), and (3) of this section are made, shall be further increased	117807
by five dollars and thirty-five cents per Medicaid day.	117808
(C) If the rate determined for a nursing facility under	117809
division (B) of this section for nursing facility services	117810
provided during fiscal year 2011 is less than the rate the	117811
provider is paid for nursing facility services the nursing	117812
facility provides on June 30, 2009, the Department of Job and	117813
Family Services shall increase the nursing facility's fiscal year	117814
2011 rate by two-thirds of the difference between the rate	117815
determined for the nursing facility under division (B) of this	117816
section and the nursing facility's rate for June 30, 2009.	117817
(D) After the adjustments under divisions (B) and (C) of this	117818

section are made to a nursing facility's fiscal year 2011 rate, 117819
the Department of Job and Family Services shall increase the 117820
nursing facility's fiscal year 2011 rate by five dollars per 117821
Medicaid day if the nursing facility has more than two hundred 117822
fifty beds certified for the Medicaid program. 117823

(E) If the United States Centers for Medicare and Medicaid 117824
Services requires that the franchise permit fee be reduced or 117825
eliminated, the Department of Job and Family Services shall reduce 117826
the amount it pays providers of nursing facility services under 117827
this section as necessary to reflect the loss to the state of the 117828
revenue and federal financial participation generated from the 117829
franchise permit fee. 117830

(F) The Department of Job and Family Services shall follow 117831
this section in determining the rate to be paid to the provider of 117832
a nursing facility that has a valid Medicaid provider agreement on 117833
June 30, 2010, and a valid Medicaid provider agreement during 117834
fiscal year 2011 notwithstanding anything to the contrary in 117835
sections 5111.20 to 5111.33 of the Revised Code. 117836

Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 117837
SYSTEM FOR ICFs/MR 117838

(A) As used in this section: 117839

"Change of operator," "entering operator," and "exiting 117840
operator" have the same meanings as in section 5111.65 of the 117841
Revised Code. 117842

"Franchise permit fee" and "provider" have the same meanings 117843
as in section 5111.20 of the Revised Code. 117844

"ICF/MR" means an intermediate care facility for the mentally 117845
retarded as defined in section 5111.20 of the Revised Code. 117846

"ICF/MR services" means services covered by the Medicaid 117847
program that an ICF/MR provides to a Medicaid recipient eligible 117848

for the services. 117849

"Medicaid days" means all days during which a resident who is 117850
a Medicaid recipient occupies a bed in an ICF/MR that is included 117851
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 117852
hospital leave days for which payment is made under section 117853
5111.33 of the Revised Code are considered Medicaid days 117854
proportionate to the percentage of the ICF/MR's per resident per 117855
day rate paid for those days. 117856

"Per diem rate" means the per diem rate calculated pursuant 117857
to sections 5111.20 to 5111.33 of the Revised Code. 117858

(B) This section applies to providers of ICFs/MR to which 117859
either of the following applies: 117860

(1) The provider has a valid Medicaid provider agreement for 117861
the ICF/MR on June 30, 2009, and a valid Medicaid provider 117862
agreement for the ICF/MR during fiscal year 2010. 117863

(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider 117864
agreement for the ICF/MR on June 30, 2009, and the entering 117865
operator has a valid Medicaid provider agreement for the ICF/MR 117866
during fiscal year 2010. 117867
117868

(C) Except as otherwise provided by this section, the 117869
provider of an ICF/MR to which this section applies shall be paid, 117870
for ICF/MR services the ICF/MR provides during fiscal year 2010, 117871
the rate calculated for the ICF/MR under sections 5111.20 to 117872
5111.33 of the Revised Code. 117873

(D) If the mean total per diem rate for all ICFs/MR in this 117874
state for fiscal year 2010, weighted by May 2009 Medicaid days and 117875
calculated as of July 1, 2009, exceeds \$277.25, the Department 117876
shall reduce the total per diem rate for each ICF/MR to which this 117877
section applies by a percentage that is equal to the percentage by 117878
which the mean total per diem rate exceeds \$277.25. 117879

(E) The rate of an ICF/MR set pursuant to this section shall 117880
not be subject to any adjustments authorized by sections 5111.20 117881
to 5111.33 of the Revised Code, or any rule authorized by those 117882
sections, during the remainder of fiscal year 2010. 117883

(F) If the United States Centers for Medicare and Medicaid 117884
Services requires that the franchise permit fee be reduced or 117885
eliminated, the Department of Job and Family Services shall reduce 117886
the amount it pays providers of ICF/MR services under this section 117887
as necessary to reflect the loss to the state of the revenue and 117888
federal financial participation generated from the franchise 117889
permit fee. 117890

(G) The Department of Job and Family Services shall follow 117891
this section in determining the rate to be paid providers of 117892
ICF/MR services subject to this section notwithstanding anything 117893
to the contrary in sections 5111.20 to 5111.33 of the Revised 117894
Code. 117895

(H) Not later than September 30, 2009, the Director of Job 117896
and Family Services shall submit an amendment to the state 117897
Medicaid plan to the United States Secretary of Health and Human 117898
Services as necessary to implement this section. On receipt of the 117899
United States Secretary's approval of the amendment to the state 117900
Medicaid plan, the Director shall implement this section 117901
retroactive to the later of the effective date of the state 117902
Medicaid plan amendment or July 1, 2009. 117903

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 117904
SYSTEM FOR ICFs/MR 117905

(A) As used in this section: 117906

"Change of operator," "entering operator," and "exiting 117907
operator" have the same meanings as in section 5111.65 of the 117908
Revised Code. 117909

"Franchise permit fee" and "provider" have the same meanings 117910
as in section 5111.20 of the Revised Code. 117911

"ICF/MR" means an intermediate care facility for the mentally 117912
retarded as defined in section 5111.20 of the Revised Code. 117913

"ICF/MR services" means services covered by the Medicaid 117914
program that an ICF/MR provides to a Medicaid recipient eligible 117915
for the services. 117916

"Medicaid days" means all days during which a resident who is 117917
a Medicaid recipient occupies a bed in an ICF/MR that is included 117918
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 117919
hospital leave days for which payment is made under section 117920
5111.33 of the Revised Code are considered Medicaid days 117921
proportionate to the percentage of the ICF/MR's per resident per 117922
day rate paid for those days. 117923

"Per diem rate" means the per diem rate calculated pursuant 117924
to sections 5111.20 to 5111.33 of the Revised Code. 117925

(B) This section applies to providers of ICFs/MR to which 117926
either of the following applies: 117927

(1) The provider has a valid Medicaid provider agreement for 117928
the ICF/MR on June 30, 2010, and a valid Medicaid provider 117929
agreement for the ICF/MR during fiscal year 2011. 117930

(2) The ICF/MR undergoes a change of operator effective July 117931
1, 2010, the exiting operator has a valid Medicaid provider 117932
agreement for the ICF/MR on June 30, 2010, and the entering 117933
operator has a valid Medicaid provider agreement for the ICF/MR 117934
during fiscal year 2011. 117935

(C) Except as otherwise provided by this section, the 117936
provider of an ICF/MR to which this section applies shall be paid, 117937
for ICF/MR services the ICF/MR provides during fiscal year 2011, 117938
the rate calculated for the ICF/MR under sections 5111.20 to 117939

5111.33 of the Revised Code. 117940

(D) If the mean total per diem rate for all ICFs/MR in this 117941
state for fiscal year 2011, weighted by May 2010 Medicaid days and 117942
calculated as of July 1, 2010, exceeds \$277.25, the Department 117943
shall reduce the total per diem rate for each ICF/MR to which this 117944
section applies by a percentage that is equal to the percentage by 117945
which the mean total per diem rate exceeds \$277.25. 117946

(E) The rate of an ICF/MR set pursuant to this section shall 117947
not be subject to any adjustments authorized by sections 5111.20 117948
to 5111.33 of the Revised Code, or any rule authorized by those 117949
sections, during the remainder of fiscal year 2011. 117950

(F) If the United States Centers for Medicare and Medicaid 117951
Services requires that the franchise permit fee be reduced or 117952
eliminated, the Department of Job and Family Services shall reduce 117953
the amount it pays providers of ICF/MR services under this section 117954
as necessary to reflect the loss to the state of the revenue and 117955
federal financial participation generated from the franchise 117956
permit fee. 117957

(G) The Department of Job and Family Services shall follow 117958
this section in determining the rate to be paid providers of 117959
ICF/MR services subject to this section notwithstanding anything 117960
to the contrary in sections 5111.20 to 5111.33 of the Revised 117961
Code. 117962

(H) Not later than September 30, 2010, the Director of Job 117963
and Family Services shall submit an amendment to the state 117964
Medicaid plan to the United States Secretary of Health and Human 117965
Services as necessary to implement this section. On receipt of the 117966
United States Secretary's approval of the amendment to the state 117967
Medicaid plan, the Director shall implement this section 117968
retroactive to the later of the effective date of the state 117969
Medicaid plan amendment or July 1, 2010. 117970

Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL	117971
(A) There is hereby created the ICF/MR Reimbursement Study Council consisting of all of the following members:	117972 117973
(1) The Director of Job and Family Services;	117974
(2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services;	117975 117976
(3) The Director of Mental Retardation and Developmental Disabilities;	117977 117978
(4) One representative of Medicaid recipients residing in intermediate care facilities for the mentally retarded, appointed by the Governor;	117979 117980 117981
(5) Two representatives of each of the following organizations, appointed by their respective governing bodies:	117982 117983
(a) The Ohio Provider Resource Association;	117984
(b) The Ohio Health Care Association.	117985
Initial appointments of members described in divisions (A)(4) and (5) of this section shall be made not later than thirty days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Members described in those divisions shall serve at the pleasure of the official or governing body making the appointment of the member.	117986 117987 117988 117989 117990 117991
The Director of Job and Family Services shall serve as chairperson of the council. Members of the council shall serve without compensation, except to the extent that serving on the council is part of their regular duties of employment.	117992 117993 117994 117995
(B) The council shall review the system established by sections 5111.20 to 5111.33 of the Revised Code for reimbursing intermediate care facilities for the mentally retarded under the Medicaid program. Not later than July 1, 2010, the council shall	117996 117997 117998 117999

issue a report of its activities, findings, and recommendations to 118000
the Governor, the Speaker of the House of Representatives, and the 118001
President of the Senate. 118002

(C) In its consideration of the system for reimbursing 118003
intermediate care facilities for the mentally retarded under 118004
division (B) of this section, the council shall use the following 118005
principles: 118006

(1) The system should appropriately account for differences 118007
in acuity and service needs among individuals in institutional 118008
care facilities for the mentally retarded. 118009

(2) The system should support and encourage quality services, 118010
including both of the following elements: 118011

(a) A high level of coverage of direct care costs; 118012

(b) Pay for performance mechanisms. 118013

(3) The system should reflect appropriate recognition that 118014
virtually all individuals served in intermediate care facilities 118015
for the mentally retarded are Medicaid recipients. 118016

(4) The system should encourage cost-effective service 118017
delivery. 118018

(5) The system should encourage innovation in service 118019
delivery. 118020

(6) The system should encourage appropriate maintenance, 118021
improvement, and replacement of facilities. 118022

(D) The council shall cease to exist on the submission of a 118023
report under division (B) of this section. 118024

Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL 118025
INPATIENT AND OUTPATIENT SERVICES 118026

The Director of Job and Family Services shall amend rules 118027
adopted under section 5111.02 of the Revised Code as necessary to 118028

increase, for the period beginning January 1, 2010, and ending 118029
June 30, 2011, the Medicaid reimbursement rates for 118030
Medicaid-covered hospital inpatient services and hospital 118031
outpatient services to rates that result in an amount that is five 118032
per cent higher than the amount resulting from the rates in effect 118033
on December 31, 2009. 118034

Section 309.30.75. INCREASE IN MEDICAID RATES FOR COMMUNITY 118035
BEHAVIORAL HEALTH SERVICES 118036

(A) As used in this section, "community behavioral health 118037
services" means both of the following: 118038

(1) Community mental health services certified by the 118039
Director of Mental Health under section 5119.611 of the Revised 118040
Code; 118041

(2) Services provided by an alcohol and drug addiction 118042
program certified by the Department of Alcohol and Drug Addiction 118043
Services under section 3793.06 of the Revised Code. 118044

(B) The Director of Job and Family Services shall amend rules 118045
adopted under section 5111.02 of the Revised Code as necessary to 118046
do the following: 118047

(1) Increase, for fiscal year 2010, the Medicaid 118048
reimbursement rate ceilings for Medicaid-covered community 118049
behavioral health services to rate ceilings that result in an 118050
amount that is one-half of one per cent higher than the amount 118051
resulting from the rate ceilings in effect on June 30, 2009; 118052

(2) Increase, for fiscal year 2011, the Medicaid 118053
reimbursement rate ceilings for Medicaid-covered community 118054
behavioral health services to rate ceilings that result in an 118055
amount that is one-half of one per cent higher than the amount 118056
resulting from the rate ceilings in effect on June 30, 2010. 118057

Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER 118058

The Department of Aging may transfer cash from the foregoing 118059
appropriation item 490412, Residential State Supplement, and the 118060
PASSPORT/Residential State Supplement Fund (Fund 4J40), to the 118061
Home and Community-Based Services for the Aged Fund (Fund 4J50), 118062
used by the Department of Job and Family Services to make benefit 118063
payments to Residential State Supplement recipients. The transfer 118064
shall be made using an intrastate transfer voucher. 118065

Section 309.30.90. MONEY FOLLOWS THE PERSON 118066

The Director of Budget and Management may seek Controlling 118067
Board approval to do any of the following in support of any home 118068
and community-based services Medicaid waiver component: 118069

(A) Create new funds and appropriation items associated with 118070
a unified long-term care budget; 118071

(B) Transfer cash between funds used by affected agencies; 118072

(C) Transfer appropriation between appropriation items within 118073
a fund and used by the same state agency. 118074

Any transfers of cash approved by the Controlling Board under 118075
this section are hereby appropriated. 118076

Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED 118077
REIMBURSEMENT FUND 118078

The Money Follows the Person Enhanced Reimbursement Fund is 118079
hereby created in the state treasury. This is a continuation of 118080
the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 118081
127th General Assembly. The federal payments made to the state 118082
under subsection (e) of section 6071 of the "Deficit Reduction Act 118083
of 2005," Pub. L. No. 109-171, shall be deposited into the fund. 118084
The Department of Job and Family Services shall use money 118085

deposited into the fund for system reform activities related to 118086
the Money Follows the Person demonstration project. 118087

Section 309.31.20. MEDICARE PART D 118088

The foregoing appropriation item 600526, Medicare Part D, may 118089
be used by the Department of Job and Family Services for the 118090
implementation and operation of the Medicare Part D requirements 118091
contained in the "Medicare Prescription Drug, Improvement, and 118092
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 118093
the request of the Department of Job and Family Services, the 118094
Director of Budget and Management may transfer the state share of 118095
appropriations between appropriation item 600525, Health 118096
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 118097
the state share of appropriation item 600525, Health 118098
Care/Medicaid, is adjusted, the Director of Budget and Management 118099
shall adjust the federal share accordingly. 118100

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND 118101
IDENTIFICATION OF OVERPAYMENTS 118102

Notwithstanding any limitations in sections 3721.51 and 118103
3721.56 of the Revised Code, in each fiscal year, cash from the 118104
Home and Community-Based Services for the Aged Fund (Fund 4J50), 118105
in excess of the amounts needed for the transfers to the 118106
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 118107
Department of Aging, may be used by the Department of Job and 118108
Family Services for the following purposes: (A) up to \$3,000,000 118109
in each fiscal year to fund the state share of audits or limited 118110
reviews of Medicaid providers; and (B) up to \$450,000 in each 118111
fiscal year to provide one-time transitional benefits under the 118112
Ohio Access Success Project that the Director of Job and Family 118113
Services may establish under section 5111.97 of the Revised Code. 118114
118115

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF AGING	118116 118117
The Department of Job and Family Services shall transfer \$33,263,984 cash in each fiscal year from the Home and Community-Based Services for the Aged Fund (Fund 4J50) to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments. The transfer shall be made using an intrastate transfer voucher.	118118 118119 118120 118121 118122 118123 118124 118125
Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS	118126
(A) At least quarterly, the Director of Job and Family Services shall certify to the Director of Budget and Management both of the following:	118127 118128 118129
(1) The amount of offsets withheld under section 3721.541 of the Revised Code from payments made from the General Revenue Fund.	118130 118131
(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund.	118132 118133
(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following:	118134 118135
(1) The Home and Community Based Services for the Aged Fund (Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 5R20), in accordance with sections 3721.56 and 3721.561 of the Revised Code;	118136 118137 118138 118139
(2) The ICF/MR Bed Assessments Fund (Fund 4K10).	118140
(C) Amounts transferred pursuant to this section are hereby appropriated.	118141 118142
Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF	118143

MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 118144

The Department of Job and Family Services shall transfer 118145
\$12,000,000 cash in each fiscal year from the ICF/MR Bed 118146
Assessments Fund (Fund 4K10) to the Home and Community-Based 118147
Services Fund (Fund 4K80), used by the Department of Mental 118148
Retardation and Developmental Disabilities. The transfer may occur 118149
on a quarterly basis or on a schedule developed and agreed to by 118150
both departments. The transfer shall be made using an intrastate 118151
transfer voucher. 118152

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 118153

Notwithstanding any limitations contained in sections 5112.31 118154
and 5112.37 of the Revised Code, in each fiscal year, cash from 118155
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the 118156
amounts needed for transfers to the Home and Community-Based 118157
Services Fund (Fund 4K80), used by the Department of Mental 118158
Retardation and Developmental Disabilities, may be used by the 118159
Department of Job and Family Services to cover costs of care 118160
provided to participants in a waiver with an ICF/MR level of care 118161
requirement administered by the Department of Job and Family 118162
Services. 118163

Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 118164

The foregoing appropriation item 600650, Hospital Care 118165
Assurance Match, shall be used by the Department of Job and Family 118166
Services solely for distributing funds to hospitals under section 118167
5112.08 of the Revised Code. 118168

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 118169

Of the amount received by the Department of Job and Family 118170
Services during fiscal year 2010 and fiscal year 2011 from the 118171
first installment of assessments paid under section 5112.06 of the 118172

Revised Code and intergovernmental transfers made under section 118173
5112.07 of the Revised Code, the Director of Job and Family 118174
Services shall deposit \$350,000 in each fiscal year into the state 118175
treasury to the credit of the Health Care Services Administration 118176
Fund (Fund 5U30). 118177

Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 118178

The foregoing appropriation item 600671, Medicaid Program 118179
Support, shall be used by the Department of Job and Family 118180
Services to pay for Medicaid services and contracts. The 118181
Department may also deposit to Fund 5C90 revenues received from 118182
other state agencies for Medicaid services under the terms of 118183
interagency agreements between the Department and other state 118184
agencies, and all funds the Department recovers because the 118185
benefits a person received under the Disability Medical Assistance 118186
Program established in section 5115.10 of the Revised Code were 118187
determined to be covered by the Medicaid Program established under 118188
Chapter 5111. of the Revised Code. 118189

Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE 118190
DEPARTMENT OF MENTAL HEALTH 118191

The Department of Job and Family Services shall transfer cash 118192
from the Medicaid Program Support Fund (Fund 5C90), to the 118193
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 118194
Department of Mental Health, in accordance with an interagency 118195
agreement that delegates authority from the Department of Job and 118196
Family Services to the Department of Mental Health to administer 118197
specified Medicaid services. The transfer shall be made using an 118198
intrastate transfer voucher. 118199

Section 309.32.30. PRESCRIPTION DRUG REBATE FUND 118200

The foregoing appropriation item 600692, Health Care 118201

Services, shall be used by the Department of Job and Family 118202
Services to pay for Medicaid services and contracts. 118203

Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS' 118204
ADMINISTRATIVE COSTS 118205

As used in this section, "community behavioral health boards" 118206
means boards of alcohol, drug addiction, and mental health 118207
services, community mental health boards, and alcohol and drug 118208
addiction services boards. 118209

The Director of Job and Family Services shall seek federal 118210
approval to establish a system under which community behavioral 118211
health boards obtain federal financial participation for the 118212
allowable administrative activities the boards perform in the 118213
administration of the Medicaid program. The Director shall 118214
implement the system on receipt of federal approval. The Director 118215
shall work with the Directors of Alcohol and Drug Addiction 118216
Services and Mental Health and representatives of community 118217
behavioral health boards when implementing this section. 118218

Section 309.32.60. MEDICAID NONEMERGENCY MEDICAL 118219
TRANSPORTATION MANAGEMENT PILOT PROGRAM 118220

(A) The Department of Job and Family Services shall establish 118221
a Medicaid nonemergency medical transportation management pilot 118222
program. The pilot program shall be operated for two years. 118223

(B) A county department of job and family services serving a 118224
county with a population greater than four hundred thousand 118225
persons may participate in the pilot program. A county department 118226
participating in the pilot program shall identify which groups of 118227
Medicaid recipients residing in the county shall be required to 118228
participate in the pilot program. The county department shall also 118229
contract with one or more medical transportation management 118230
organizations to have the organizations manage nonemergency 118231

medical transportation services provided under the Medicaid 118232
program to the groups required to participate in the pilot 118233
program. To be eligible to contract with a county department, a 118234
medical transportation management organization must have 118235
experience in coordinating nonemergency medical transportation 118236
services. 118237

(C) A medical transportation management organization that 118238
contracts with a county department shall report monthly to the 118239
county department. Each report shall contain all of the following 118240
information: 118241

(1) A description of the transportation services provided to 118242
Medicaid recipients participating in the pilot program, including 118243
details on the varying modes of transportation used in providing 118244
the services and the frequency at which the services were 118245
provided; 118246

(2) The number of times nonemergency medical transportation 118247
providers failed to arrive for an appointment to transport a 118248
participant in the pilot program; 118249

(3) The number of times nonemergency medical transportation 118250
providers were late for an appointment to transport a participant 118251
in the pilot program and the lengths of the delays; 118252

(4) The cost of the nonemergency medical transportation 118253
services provided to participants in the pilot program; 118254

(5) Other indicators of the quality of nonemergency 118255
transportation services provided to participants in the pilot 118256
program that the county department requests to be included in the 118257
reports. 118258

(D) On conclusion of the pilot program, the Department, with 118259
assistance from each county department that participated in the 118260
pilot program, shall submit a report regarding the pilot program 118261
to the Governor, and in accordance with section 101.68 of the 118262

Revised Code, the General Assembly. The report shall specify the amount of savings, if any, the Medicaid program realized as a result of the pilot program.

Section 309.40. FAMILY STABILITY

Section 309.40.10. FOOD STAMPS TRANSFER

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Food Stamp Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

Section 309.40.20. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS

The foregoing appropriation item 600540, Second Harvest Food Banks, shall be used to provide funds to the Ohio Association of Second Harvest Food Banks to purchase and distribute food products.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, in addition to funds designated for the Ohio Association of Second Harvest Food Banks in this section, in fiscal years 2010 and 2011, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Second Harvest Food Banks in an amount equal to the

assistance provided in state fiscal year 2009. 118291

Section 309.40.35. ECONOMIC AND COMMUNITY DEVELOPMENT 118292
INSTITUTE 118293

Of the foregoing appropriation item 600410, TANF State, up to 118294
\$325,000 in each fiscal year shall be provided to the Economic and 118295
Community Development Institute for matching funds provided to 118296
TANF eligible individuals through an individual development 118297
accounts program. 118298

Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 118299

The foregoing appropriation item 600658, Child Support 118300
Collections, shall be used by the Department of Job and Family 118301
Services to meet the TANF maintenance of effort requirements of 42 118302
U.S.C. 609(a)(7). When the state is assured that it will meet the 118303
maintenance of effort requirement, the Department of Job and 118304
Family Services may use funds from appropriation item 600658, 118305
Child Support Collections, to support public assistance 118306
activities. 118307

Section 309.40.60. EARLY LEARNING INITIATIVE 118308

(A) As used in this section: 118309

(1) "Title IV-A services" means benefits and services that 118310
are allowable under Title IV-A of the "Social Security Act," as 118311
specified in 42 U.S.C. 604(a), except that they shall not be 118312
benefits and services included in the term "assistance" as defined 118313
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 118314
excluded from the definition of the term "assistance" under 45 118315
C.F.R. 260.31(b). 118316

(2) "Eligible child" means a child who is at least three 118317
years of age but not of compulsory school age or enrolled in 118318
kindergarten, is eligible for Title IV-A services, and whose 118319

family income at the time of application does not exceed two 118320
hundred per cent of the federal poverty guidelines. 118321

(3) "Early learning program" means a program for eligible 118322
children that provides Title IV-A services, according to the 118323
purposes listed in 45 C.F.R. 260.20(c), that are early learning 118324
services, as defined by pursuant to division (D)(1) of this 118325
section. 118326

(4) "Early learning provider" means an entity that operates 118327
an early learning program. 118328

(5) "Early learning agency" means an early learning provider 118329
or an entity that has entered into an agreement with an early 118330
learning provider requiring the early learning provider to operate 118331
an early learning program on behalf of the entity. 118332

(6) "Federal poverty line" has the same meaning as in section 118333
5104.01 of the Revised Code. 118334

(7) "Of compulsory school age" has the same meaning as in 118335
section 3321.01 of the Revised Code. 118336

(B) The Early Learning Initiative is hereby established. The 118337
Department of Education and the Department of Job and Family 118338
Services shall administer the Initiative in accordance with 118339
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 118340
shall provide early learning services to eligible children. Early 118341
learning services may be provided on a full-day basis, a part-day 118342
basis, or both a full-day and part-day basis. 118343

(C) The Department of Job and Family Services shall do both 118344
of the following: 118345

(1) Reimburse early learning agencies for services provided 118346
to eligible children according to the terms of the contract and 118347
the rules adopted under division (C)(2) of this section; 118348

(2) In consultation with the Department of Education, adopt 118349

rules in accordance with Chapter 119. of the Revised Code to 118350
implement the Early Learning Initiative. The rules shall include 118351
all of the following: 118352

(a) Provisions regarding the establishment of co-payments for 118353
families of eligible children whose family income is more than one 118354
hundred per cent of the federal poverty guidelines but equal to or 118355
less than the maximum amount of family income authorized for an 118356
eligible child as defined in division (A)(2) of this section; 118357

(b) An exemption from co-payment requirements for families 118358
whose family income is equal to or less than one hundred per cent 118359
of the federal poverty guideline; 118360

(c) A definition of "enrollment" for the purpose of 118361
compensating early learning agencies; 118362

(d) Provisions that establish compensation rates for early 118363
learning agencies based on the enrollment of eligible children; 118364

(e) Provisions for the completion of criminal record checks 118365
for employees of early learning agencies and early learning 118366
providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of 118367
the Revised Code are considered applicable to these employees; 118368

(f) Provisions for the timeline of eligibility determination; 118369

(g) A requirement that early learning programs licensed by 118370
the Department of Education under sections 3301.52 to 3301.59 of 118371
the Revised Code participate in the quality-rating program 118372
established under section 5104.30 of the Revised Code. 118373

(D) The Department of Education shall do all of the 118374
following: 118375

(1) Define the early learning services that will be provided 118376
to eligible children through the Early Learning Initiative; 118377

(2) In consultation with the Department of Job and Family 118378
Services, develop an application form and criteria for the 118379

selection of early learning agencies. The criteria shall require 118380
an early learning agency, or each early learning provider with 118381
which the agency has entered into an agreement for the operation 118382
of an early learning program on the agency's behalf, to be 118383
licensed by the Department of Education under sections 3301.52 to 118384
3301.59 of the Revised Code or by the Department of Job and Family 118385
Services under Chapter 5104. of the Revised Code; 118386

(3) Establish early learning program guidelines for school 118387
readiness to assess the operation of early learning programs. 118388

(E) Any entity that seeks to be an early learning agency 118389
shall apply to the Department of Education by a deadline 118390
established by the Department. The Department of Education shall 118391
select entities that meet the criteria established under division 118392
(D)(2) of this section to be early learning agencies. Upon 118393
selection of an entity to be an early learning agency, the 118394
Department of Education shall designate the number of eligible 118395
children the agency may enroll. The Department of Education shall 118396
notify the Department of Job and Family Services of the number so 118397
designated. 118398

(F) The Department of Education and the Department of Job and 118399
Family Services shall enter into a contract with each early 118400
learning agency selected under division (E) of this section. The 118401
requirements of section 127.16 of the Revised Code do not apply to 118402
contracts entered into under this section. The contract shall 118403
outline the terms and conditions applicable to the provision of 118404
Title IV-A services for eligible children and shall include at 118405
least the following: 118406

(1) The respective duties of the early learning agency, the 118407
Department of Education, and the Department of Job and Family 118408
Services; 118409

(2) Requirements applicable to the allowable use of and 118410

accountability for compensation paid under the contract;	118411
(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;	118412 118413 118414 118415
(4) The compensation schedule payable under the contract;	118416
(5) Audit requirements;	118417
(6) Provisions for suspending, modifying, or terminating the contract.	118418 118419
(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.	118420 118421 118422 118423 118424 118425 118426 118427
(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency.	118428 118429 118430 118431 118432 118433
(I) Each early learning program shall do all of the following:	118434 118435
(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	118436 118437
(2) Align curriculum to the early learning content standards;	118438
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	118439 118440

(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;

(5) Document and report child progress;

(6) Meet and report compliance with the early learning program guidelines for school success;

(7) Participate in early language and literacy classroom observation evaluation studies.

(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.

(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.

(L) Notwithstanding section 126.07 of the Revised Code:

(1) Any fiscal year 2010 contract executed prior to July 1, 2009, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(2) Any fiscal year 2010 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning

services on June 30, 2009, shall be deemed to be effective as of 118471
July 1, 2009, upon the issuance of a state purchase order, even if 118472
the purchase order is approved at some later date. 118473

(3) Any fiscal year 2011 contract executed prior to July 1, 118474
2010, between the Departments of Job and Family Services and 118475
Education and an early learning agency that was not an early 118476
learning agency as of June 30, 2010, shall be deemed to be 118477
effective as of July 1, 2010, upon issuance of a state purchase 118478
order, even if the purchase order is approved at some later date. 118479

(4) Any fiscal year 2011 contract executed between the 118480
Departments of Job and Family Services and Education and an early 118481
learning agency that had a valid contract for early learning 118482
services on June 30, 2010, shall be deemed to be effective as of 118483
July 1, 2010, upon the issuance of a state purchase order, even if 118484
the purchase order is approved at some later date. 118485

(M) The Departments of Job and Family Services and Education 118486
shall contract for up to 12,000 enrollment slots for eligible 118487
children in each fiscal year through the Early Learning 118488
Initiative. 118489

(N) Eligible expenditures for the Early Learning Initiative 118490
shall be claimed each fiscal year to help meet the state's TANF 118491
maintenance of effort requirement. The Superintendent of Public 118492
Instruction and the Director of Job and Family Services shall 118493
enter into an interagency agreement to carry out the requirements 118494
under this division, which shall include developing reporting 118495
guidelines for these expenditures. 118496

Section 309.45. CHILD WELFARE 118497

Section 309.45.10. ALTERNATIVE RESPONSE 118498

The Department of Job and Family Services shall develop, 118499
implement, oversee, and evaluate a pilot program based on an 118500

"Alternative Response" approach to reports of child abuse, 118501
neglect, and dependency. The pilot program shall be implemented in 118502
not more than ten counties that are selected by the Department and 118503
that agree to participate in the pilot program. The pilot program 118504
shall last eighteen months, not including time expended in 118505
preparation for the implementation of the pilot program and any 118506
post-pilot program evaluation activity. After the eighteen-month 118507
period, the ten sites may continue to administer the Alternative 118508
Response approach uninterrupted, unless the Department determines 118509
otherwise. 118510

The Department shall assure that the Alternative Response 118511
pilot program is independently evaluated with respect to outcomes 118512
for children and families, costs, worker satisfaction, and any 118513
other criteria the Department determines will be useful in the 118514
consideration of statewide implementation of an Alternative 118515
Response approach to child protection. The measure associated with 118516
the eighteen-month pilot program shall, for the purposes of the 118517
evaluation, be compared with those same measures in the pilot 118518
counties during the eighteen-month period immediately preceding 118519
the beginning of the pilot program period. If the independent 118520
evaluation of the pilot program recommends statewide 118521
implementation of an Alternative Response approach to child 118522
protection, the Department may expand the Alternative Response 118523
approach statewide through a schedule determined by the 118524
Department. Until that time, the Department may adopt rules in 118525
accordance with section 111.15 of the Revised Code, as if they 118526
were internal management rules, as necessary to carry out the 118527
purposes of this section. 118528

Section 309.45.15. INDEPENDENT LIVING SERVICES 118529

Of the foregoing appropriation item 600523, Children and 118530
Families Services, up to \$1,500,000 in each fiscal year shall be 118531

used to provide independent living services to foster youth and 118532
former foster youth between 16 and 21 years of age. 118533

Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND 118534
PROTECTIVE SERVICES 118535

(A) The foregoing appropriation item 600533, Child, Family, 118536
and Adult Community & Protective Services, shall be distributed to 118537
each county department of job and family services using the 118538
formula the Department of Job and Family Services uses when 118539
distributing Title XX funds to county departments of job and 118540
family services under section 5101.46 of the Revised Code. County 118541
departments shall use the funds distributed to them under this 118542
section as follows, in accordance with the written plan of 118543
cooperation entered into under section 307.983 of the Revised 118544
Code: 118545

(1) To assist individuals achieve or maintain 118546
self-sufficiency, including by reducing or preventing dependency 118547
among individuals with family income not exceeding two hundred per 118548
cent of the federal poverty guidelines; 118549

(2) Subject to division (B) of this section, to respond to 118550
reports of abuse, neglect, or exploitation of children and adults, 118551
including through the alternative approach pilot program developed 118552
under Section 309.40.40 of this act; 118553

(3) To provide outreach and referral services regarding home 118554
and community-based services to individuals at risk of placement 118555
in a group home or institution, regardless of the individuals' 118556
family income and without need for a written application; 118557

(4) To provide outreach, referral, application assistance, 118558
and other services to assist individuals receive assistance, 118559
benefits, or services under Medicaid; Title IV-A programs, as 118560
defined in section 5101.80 of the Revised Code; the Supplemental 118561

Nutrition Assistance Program; and other public assistance programs. 118562
118563

(B) Protective services may be provided to a child or adult 118564
as part of a response, under division (A)(2) of this section, to a 118565
report of abuse, neglect, or exploitation without regard to a 118566
child or adult's family income and without need for a written 118567
application. The protective services may be provided if the case 118568
record documents circumstances of actual or potential abuse, 118569
neglect, or exploitation. 118570

Section 309.45.40. CHILDREN'S HUNGER ALLIANCE 118571

Of the foregoing appropriation item 600535, Early Care and 118572
Education, up to \$1,500,000 in each fiscal year shall be provided 118573
to the Children's Hunger Alliance for Child Nutrition Program 118574
outreach efforts. The Departments of Job and Family Services and 118575
Education shall enter into a grant agreement with the Children's 118576
Hunger Alliance and agree upon annual reporting requirements, 118577
including statements of planned uses of state funds, expected 118578
performance outcomes, and an evaluation of success in achieving 118579
those outcomes. As soon as possible after entering into a grant 118580
agreement at the beginning of each fiscal year, the Department of 118581
Job and Family Services may advance grant funds to the grantee 118582
under section 5101.10 of the Revised Code. 118583

Section 309.45.50. SUMMER AND AFTER-SCHOOL PROGRAMS 118584

Of the foregoing appropriation item 600535, Early Care and 118585
Education, up to \$9,000,000 in each fiscal year shall be provided 118586
to the Ohio Child Care Resource and Referral Association for the 118587
distribution of funds for summer and after-school programs for 118588
TANF eligible youth served through community-based organizations, 118589
faith-based organizations, and schools to provide academic support 118590
not available during the regular school day, nutrition, 118591

transportation, youth development activities, drug and violence 118592
prevention, counseling, technology education, and character 118593
education. 118594

Of the foregoing appropriation item 600535, Early Care and 118595
Education, up to \$1,000,000 in each fiscal year shall be provided 118596
to the Ohio Alliance of Boys and Girls Clubs to provide 118597
after-school programs that protect at-risk children and enable 118598
youth to become responsible adults. The Ohio Alliance of Boys and 118599
Girls Clubs shall provide nutritional meals, snacks, and 118600
educational, youth development, and career development services to 118601
TANF-eligible children participating in programs and activities 118602
operated by eligible Boys and Girls Clubs. 118603

Section 309.45.70. KINSHIP PERMANENCY INCENTIVE PROGRAM 118604

The foregoing appropriation item 600541, Kinship Permanency 118605
Incentive Program, shall be used to support the Kinship Permanency 118606
Incentive Program created under section 5101.802 of the Revised 118607
Code. 118608

Section 309.45.80. REIMBURSEMENT CEILING FOR PROVIDERS OF 118609
PUBLICLY FUNDED CHILD CARE 118610

For the purposes of rules adopted under division (E) of 118611
section 5104.30 of the Revised Code, the Director of Job and 118612
Family Services shall set the reimbursement ceiling for providers 118613
of publicly funded child care for the fiscal years of 2010 and 118614
2011 at the fifty-first percentile of the results of the child 118615
care market rate survey commissioned by the Department of Job and 118616
Family Services in 2008. 118617

Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS 118618

(A) As used in this section: 118619

(1) "Income maintenance funds" means funds the Department of 118620

Job and Family Services allocates to a county to meet matching 118621
fund requirements or reimburse a county for administrative 118622
expenditures incurred in the administration of the Disability 118623
Financial Assistance Program, Disability Medical Assistance 118624
Program, Medicaid Program, or Supplemental Nutrition Assistance 118625
Program. 118626

(2) "TANF funds" means funds the Department of Job and Family 118627
Services allocates to a county for Title IV-A programs, as defined 118628
in section 5101.80 of the Revised Code. 118629

(3) "TANF Title XX transfer funds" means funds the Department 118630
of Job and Family Services allocates to a county for purposes of 118631
section 5101.461 of the Revised Code. 118632

(4) "Title XX social services funds" means funds the 118633
Department of Job and Family Services allocates to a county 118634
department of job and family services for purposes of section 118635
5101.46 of the Revised Code. 118636

(B) If a county informs the Department of Job and Family 118637
Services that the county will not use the entire amount of the 118638
income maintenance funds, TANF funds, TANF Title XX transfer 118639
funds, or Title XX social services funds allocated to the county 118640
for fiscal year 2010 or fiscal year 2011, the Department shall 118641
reallocate the portion of the funds the county will not use to 118642
other counties for the remainder of the fiscal year in which the 118643
funds are reallocated or the next fiscal year. In reallocating the 118644
funds, the Department shall do both of the following: 118645

(1) For each of the funds separately, rank each county by the 118646
percentage reduction in allocations of the funds from the fiscal 118647
year preceding the fiscal year in which the reallocation is made 118648
to the fiscal year in which the reallocation is made, with the 118649
county that has the greatest reduction percentage placed at the 118650
top of the ranking; 118651

(2) Reallocate each of the funds separately to counties in 118652
the order in which counties are ranked under division (B)(1) of 118653
this section in a manner that provides, to the extent funds are 118654
available for reallocation, for each county to be, as a result of 118655
the reallocation, allocated the same amount of the funds that the 118656
county was allocated the previous fiscal year, other than the 118657
counties that inform the Department they will not use the full 118658
amount of their allocation of the funds. 118659

Section 309.50. UNEMPLOYMENT COMPENSATION 118660

Section 309.50.10. EMPLOYER SURCHARGE 118661

The surcharge and the interest on the surcharge amounts due 118662
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 118663
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118664
118th General Assembly, and section 4141.251 of the Revised Code 118665
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 118666
General Assembly, again shall be assessed and collected by, 118667
accounted for, and made available to the Department of Job and 118668
Family Services in the same manner as set forth in section 118669
4141.251 of the Revised Code as it existed prior to its repeal by 118670
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 118671
repeal of the surcharge for calendar years after 1990, pursuant to 118672
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 118673
received by the Director on or after July 1, 2001, shall be 118674
deposited into the Unemployment Compensation Special 118675
Administrative Fund (Fund 4A90) established pursuant to section 118676
4141.11 of the Revised Code. 118677

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS 118678

All unexpended funds remaining at the end of fiscal year 2009 118679
that were appropriated and made available to the state under 118680
section 903(d) of the Social Security Act, as amended, in the 118681

foregoing appropriation item 600678, Federal Unemployment Programs 118682
(Fund 3V40), are hereby appropriated to the Department of Job and 118683
Family Services. Upon the request of the Director of Job and 118684
Family Services, the Director of Budget and Management may 118685
increase the appropriation for fiscal year 2010 by the amount 118686
remaining unspent from the fiscal year 2009 appropriation and may 118687
increase the appropriation for fiscal year 2011 by the amount 118688
remaining unspent from the fiscal year 2010 appropriation. The 118689
appropriation shall be used under the direction of the Department 118690
of Job and Family Services to pay for administrative activities 118691
for the Unemployment Insurance Program, employment services, and 118692
other allowable expenditures under section 903(d) of the Social 118693
Security Act, as amended. 118694

The amounts obligated pursuant to this section shall not 118695
exceed at any time the amount by which the aggregate of the 118696
amounts transferred to the account of the state under section 118697
903(d) of the Social Security Act, as amended, exceeds the 118698
aggregate of the amounts obligated for administration and paid out 118699
for benefits and required by law to be charged against the amounts 118700
transferred to the account of the state. 118701

Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 118702
ADVISORY COUNCIL MEMBERS 118703

The intent of the General Assembly in the amendments made in 118704
this act to section 145.012 is to provide that service as a member 118705
of the Unemployment Compensation Advisory Council on or after the 118706
effective date of this section shall not be service as a public 118707
employee for purposes of Chapter 145. of the Revised Code. The 118708
amendments are not intended to prohibit the use of such service 118709
for calculation of benefits under Chapter 145. of the Revised Code 118710
for service prior to the effective date of this section. 118711
118712

Section 309.60. WORKFORCE DEVELOPMENT	118713
Section 309.60.10. NURSE ASSISTANT TRAINING PROGRAMS	118714
Of the foregoing appropriation item 600688, Workforce	118715
Investment Act, up to \$1,000,000 in each fiscal year shall be used	118716
to reimburse nurse assistant training programs that service	118717
TANF-eligible individuals. Any amount of this earmark that remains	118718
unspent at the end of fiscal year 2010 is hereby reappropriated in	118719
fiscal year 2011 for the same purpose. The opportunity for	118720
reimbursement for the purposes for which this earmark is intended	118721
expires June 30, 2011.	118722
Section 309.60.20. NURSING FACULTY FELLOWSHIP GRANTS	118723
Of the foregoing appropriation item 600688, Workforce	118724
Investment Act, up to \$700,000 in each fiscal year shall be used	118725
to support the Nursing Faculty Fellowship Grant Program	118726
administered by the Ohio Board of Regents. Any amount of this	118727
earmark that remains unspent at the end of fiscal year 2010 is	118728
hereby reappropriated in fiscal year 2011 for the same purpose.	118729
Section 309.60.30. SKILL-BASED EDUCATION AND ASSISTANCE	118730
Of the foregoing appropriation item 600688, Workforce	118731
Investment Act (Fund 3V00), up to \$2,000,000 in fiscal year 2010	118732
shall be provided to programs that provide skill-based education	118733
and assistance to individuals eligible for Ohio Works First. Any	118734
amount of this earmark that remains unspent at the end of fiscal	118735
year 2010 is hereby reappropriated in fiscal year 2011 for the	118736
same purpose.	118737
Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW	118738
General Revenue Fund	118739

GRF 029321	Operating Expenses	\$	483,520	\$	483,520	118740
TOTAL GRF	General Revenue Fund	\$	483,520	\$	483,520	118741
TOTAL ALL BUDGET FUND GROUPS		\$	483,520	\$	483,520	118742

OPERATING 118743

The Chief Administrative Officer of the House of 118744
Representatives and the Clerk of the Senate shall determine, by 118745
mutual agreement, which of them shall act as fiscal agent for the 118746
Joint Committee on Agency Rule Review. Members of the Committee 118747
shall be paid in accordance with section 101.35 of the Revised 118748
Code. 118749

OPERATING EXPENSES 118750

On July 1, 2009, or as soon as possible thereafter, the 118751
Executive Director of the Joint Committee on Agency Rule Review 118752
may certify to the Director of Budget and Management the amount of 118753
the unexpended, unencumbered balance of the foregoing 118754
appropriation item 029321, Operating Expenses, at the end of 118755
fiscal year 2009 to be reappropriated to fiscal year 2010. The 118756
amount certified is hereby reappropriated to the same 118757
appropriation item for fiscal year 2010. 118758

On July 1, 2010, or as soon as possible thereafter, the 118759
Executive Director of the Joint Committee on Agency Rule Review 118760
may certify to the Director of Budget and Management the amount of 118761
the unexpended, unencumbered balance of the foregoing 118762
appropriation item 029321, Operating Expenses, at the end of 118763
fiscal year 2010 to be reappropriated to fiscal year 2011. The 118764
amount certified is hereby reappropriated to the same 118765
appropriation item for fiscal year 2011. 118766

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 118767

General Revenue Fund 118768

GRF 018321	Operating Expenses	\$	1,034,281	\$	1,065,281	118769
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TOTAL GRF General Revenue Fund	\$	1,034,281	\$	1,065,281	118770
General Services Fund Group					118771
4030 018601 Ohio Jury	\$	350,000	\$	350,000	118772
Instructions					
TOTAL GSF General Services Fund	\$	350,000	\$	350,000	118773
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,384,281	\$	1,415,281	118774
STATE COUNCIL OF UNIFORM STATE LAWS					118775
Notwithstanding section 105.26 of the Revised Code, of the					118776
foregoing appropriation item 018321, Operating Expenses, up to					118777
\$97,000 in fiscal year 2010 and up to \$101,000 in fiscal year 2011					118778
may be used to pay the expenses of the State Council of Uniform					118779
State Laws, including membership dues to the National Conference					118780
of Commissioners on Uniform State Laws, and other expenses under					118781
sections 105.25 and 105.26 of the Revised Code.					118782
OHIO JURY INSTRUCTIONS FUND					118783
The Ohio Jury Instructions Fund (Fund 4030) shall consist of					118784
grants, royalties, dues, conference fees, bequests, devises, and					118785
other gifts received for the purpose of supporting costs incurred					118786
by the Judicial Conference of Ohio in dispensing educational and					118787
informational data to the state's judicial system. Fund 4030 shall					118788
be used by the Judicial Conference of Ohio to pay expenses					118789
incurred in dispensing educational and informational data to the					118790
state's judicial system. All moneys accruing to Fund 4030 in					118791
excess of \$350,000 in fiscal year 2010 and in excess of \$350,000					118792
in fiscal year 2011 are hereby appropriated for the purposes					118793
authorized.					118794
No money in Fund 4030 shall be transferred to any other fund					118795
by the Director of Budget and Management or the Controlling Board.					118796
Section 313.10. JSC THE JUDICIARY/SUPREME COURT					118797

General Revenue Fund				118798
GRF	005321	Operating Expenses -	\$ 133,144,970 \$ 133,144,970	118799
		Judiciary/Supreme		
		Court		
GRF	005401	State Criminal	\$ 336,770 \$ 336,770	118800
		Sentencing Council		
GRF	005406	Law-Related Education	\$ 236,172 \$ 236,172	118801
GRF	005409	Ohio Courts	\$ 4,850,000 \$ 4,850,000	118802
		Technology Initiative		
GRF	005502	Legal Education	\$ 350,000 \$ 350,000	118803
		Opportunity		
TOTAL GRF	General Revenue Fund		\$ 138,917,912 \$ 138,917,912	118804
General Services Fund Group				118805
6720	005601	Continuing Judicial	\$ 300,000 \$ 300,000	118806
		Education		
TOTAL GSF	General Services Fund		\$ 300,000 \$ 300,000	118807
Group				
Federal Special Revenue Fund Group				118808
3J00	005603	Federal Grants	\$ 2,137,866 \$ 1,917,081	118809
TOTAL FED	Federal Special Revenue		\$ 2,137,866 \$ 1,917,081	118810
Fund Group				
State Special Revenue Fund Group				118811
4C80	005605	Attorney Services	\$ 3,704,659 \$ 3,704,659	118812
5T80	005609	Grants and Awards	\$ 50,000 \$ 50,000	118813
6A80	005606	Supreme Court	\$ 1,284,142 \$ 1,284,142	118814
		Admissions		
TOTAL SSR	State Special Revenue		\$ 5,038,801 \$ 5,038,801	118815
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 146,394,579 \$ 146,173,794	118816
LAW-RELATED EDUCATION				118817
The foregoing appropriation item 005406, Law-Related				118818

Education, shall be distributed directly to the Ohio Center for 118819
Law-Related Education for the purposes of providing continuing 118820
citizenship education activities to primary and secondary 118821
students, expanding delinquency prevention programs, increasing 118822
activities for at-risk youth, and accessing additional public and 118823
private money for new programs. 118824

OHIO COURTS TECHNOLOGY INITIATIVE 118825

The foregoing appropriation item 005409, Ohio Courts 118826
Technology Initiative, shall be used to fund an initiative by the 118827
Supreme Court to facilitate the exchange of information and 118828
warehousing of data by and between Ohio courts and other justice 118829
system partners through the creation of an Ohio Courts Network, 118830
the delivery of technology services to courts throughout the 118831
state, including the provision of hardware, software, and the 118832
development and implementation of educational and training 118833
programs for judges and court personnel, and operation of the 118834
Commission on Technology and the Courts by the Supreme Court for 118835
the promulgation of statewide rules, policies, and uniform 118836
standards, and to aid in the orderly adoption and comprehensive 118837
use of technology in Ohio courts. 118838

LEGAL EDUCATION OPPORTUNITY 118839

The foregoing appropriation item 005502 shall be used to fund 118840
activities undertaken at the direction of the Chief Justice of the 118841
Supreme Court for purposes of introducing minority, low-income, 118842
and educationally disadvantaged Ohio students to the legal system 118843
and providing educational opportunities to those same students who 118844
are preparing for college and interested in the pursuit of a legal 118845
career. The foregoing appropriation item 005502 may be used by the 118846
Supreme Court, in cooperation with other entities, to establish 118847
and provide programs, courses, and activities consistent with the 118848
purposes set forth in this paragraph and to pay the associated 118849
administrative costs. 118850

CONTINUING JUDICIAL EDUCATION 118851

The Continuing Judicial Education Fund (Fund 6720) shall 118852
consist of fees paid by judges and court personnel for attending 118853
continuing education courses and other gifts and grants received 118854
for the purpose of continuing judicial education. The foregoing 118855
appropriation item 005601, Continuing Judicial Education, shall be 118856
used to pay expenses for continuing education courses for judges 118857
and court personnel. If it is determined by the Administrative 118858
Director of the Supreme Court that additional appropriations are 118859
necessary, the amounts are hereby appropriated. 118860

No money in Fund 6720 shall be transferred to any other fund 118861
by the Director of Budget and Management or the Controlling Board. 118862
Interest earned on moneys in Fund 6720 shall be credited to the 118863
fund. 118864

FEDERAL GRANTS 118865

The Federal Grants Fund (Fund 3J00) shall consist of grants 118866
and other moneys awarded to the Supreme Court (The Judiciary) by 118867
the United States Government or other entities that receive the 118868
moneys directly from the United States Government and distribute 118869
those moneys to the Supreme Court (The Judiciary). The foregoing 118870
appropriation item 005603, Federal Grants, shall be used in a 118871
manner consistent with the purpose of the grant or award. If it is 118872
determined by the Administrative Director of the Supreme Court 118873
that additional appropriations are necessary, the amounts are 118874
hereby appropriated. 118875

No money in Fund 3J00 shall be transferred to any other fund 118876
by the Director of Budget and Management or the Controlling Board. 118877
However, interest earned on moneys in Fund 3J00 shall be credited 118878
or transferred to the General Revenue Fund. 118879

ATTORNEY SERVICES 118880

The Attorney Services Fund (Fund 4C80), formerly known as the 118881

Attorney Registration Fund, shall consist of moneys received by 118882
the Supreme Court (The Judiciary) pursuant to the Rules for the 118883
Government of the Bar of Ohio. In addition to funding other 118884
activities considered appropriate by the Supreme Court, the 118885
foregoing appropriation item 005605, Attorney Services, may be 118886
used to compensate employees and to fund appropriate activities of 118887
the following offices established by the Supreme Court: the Office 118888
of Disciplinary Counsel, the Board of Commissioners on Grievances 118889
and Discipline, the Clients' Security Fund, and the Attorney 118890
Services Division. If it is determined by the Administrative 118891
Director of the Supreme Court that additional appropriations are 118892
necessary, the amounts are hereby appropriated. 118893

No moneys in Fund 4C80 shall be transferred to any other fund 118894
by the Director of Budget and Management or the Controlling Board. 118895
Interest earned on moneys in Fund 4C80 shall be credited to the 118896
fund. 118897

GRANTS AND AWARDS 118898

The Grants and Awards Fund (Fund 5T80) shall consist of 118899
grants and other moneys awarded to the Supreme Court (The 118900
Judiciary) by the State Justice Institute, the Division of 118901
Criminal Justice Services, or other entities. The foregoing 118902
appropriation item 005609, Grants and Awards, shall be used in a 118903
manner consistent with the purpose of the grant or award. If it is 118904
determined by the Administrative Director of the Supreme Court 118905
that additional appropriations are necessary, the amounts are 118906
hereby appropriated. 118907

No moneys in Fund 5T80 shall be transferred to any other fund 118908
by the Director of Budget and Management or the Controlling Board. 118909
However, interest earned on moneys in Fund 5T80 shall be credited 118910
or transferred to the General Revenue Fund. 118911

SUPREME COURT ADMISSIONS 118912

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in Fund 6A80 shall be credited to the fund.

Section 313.20. SUPREME COURT FILING FEE

The General Assembly hereby respectfully requests the Supreme Court to modify Rule XV of the Rules of Practice of the Supreme Court of Ohio pursuant to its authority under the Ohio Constitution to make that Rule consistent with the amendments made by this act to section 2503.17 of the Revised Code.

Section 315.10. LEC LAKE ERIE COMMISSION

State Special Revenue Fund Group					118934	
4C00 780601	Lake Erie Protection	\$	450,000	\$	450,000	118935
	Fund					
5D80 780602	Lake Erie Resources	\$	380,000	\$	383,000	118936
	Fund					
TOTAL SSR State Special Revenue						118937
Fund Group		\$	830,000	\$	833,000	118938
TOTAL ALL BUDGET FUND GROUPS		\$	830,000	\$	833,000	118939

Section 317.10. LRS LEGAL RIGHTS SERVICE				118941
General Revenue Fund				118942
GRF	054321	Support Services	\$ 142,614 \$	142,614 118943
GRF	054401	Ombudsman	\$ 209,698 \$	209,698 118944
TOTAL GRF General Revenue Fund				\$ 352,312 \$ 352,312 118945
General Services Fund Group				118946
5M00	054610	Settlements	\$ 81,352 \$	81,352 118947
TOTAL GSF General Services Fund Group				\$ 81,352 \$ 81,352 118949
Federal Special Revenue Fund Group				118950
3050	054602	Protection and Advocacy - Developmentally Disabled	\$ 1,500,000 \$	1,500,000 118951
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$ 135,000 \$	135,000 118952
3B80	054603	Protection and Advocacy - Mentally Ill	\$ 1,100,000 \$	1,100,000 118953
3CA0	054615	Work Incentives Planning and Assistance	\$ 355,000 \$	355,000 118954
3N30	054606	Protection and Advocacy - Individual Rights	\$ 570,000 \$	570,000 118955
3N90	054607	Assistive Technology	\$ 160,000 \$	160,000 118956
3R90	054604	Family Support Collaborative	\$ 12,500 \$	0 118957
3R90	054616	Developmental Disability	\$ 130,000 \$	130,000 118958

	Publications				
3T20 054609	Client Assistance	\$	435,000	\$	435,000 118959
	Program				
3X10 054611	Protection and	\$	235,000	\$	235,000 118960
	Advocacy -				
	Beneficiaries of				
	Social Security				
3Z60 054612	Protection and	\$	70,000	\$	70,000 118961
	Advocacy - Traumatic				
	Brain Injury				
TOTAL FED	Federal Special Revenue				118962
Fund Group		\$	4,702,500	\$	4,690,000 118963
	State Special Revenue Fund Group				118964
5AE0 054614	Grants and Contracts	\$	100,000	\$	100,000 118965
TOTAL SSR	State Special Revenue	\$	100,000	\$	100,000 118966
Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	5,236,164	\$	5,223,664 118967
	Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION				118969
	STUDY				118970
	(A) The Legal Rights Service Commission shall conduct a study				118971
	concerning a potential transition from a public entity to a				118972
	nonprofit organization effective July 1, 2011. The study shall				118973
	include an analysis of all of the following:				118974
	(1) The feasibility of a transition to a nonprofit				118975
	organization;				118976
	(2) The potential effects on service delivery, including				118977
	client service and access to required resources, and any other				118978
	service delivery advantages or disadvantages that might result				118979
	from the transition to a nonprofit organization;				118980
	(3) Potential organizational effects, including cost savings				118981
	and non-state funding sources, and any other organizational				118982

advantages or disadvantages that might result from the transition 118983
to a nonprofit organization; 118984

(4) The approximate amount of time necessary to achieve a 118985
transition to nonprofit status. 118986

(B) The Legal Rights Service Commission shall develop a 118987
process plan by which a transition to a nonprofit organization 118988
could be implemented not later than July 1, 2011. 118989

(C) Not later than six months after the effective date of 118990
this section, a written report of the results of the study and a 118991
copy of the process plan shall be submitted to the Governor, the 118992
Speaker and the Minority Leader of the House of Representatives, 118993
and the President and the Minority Leader of the Senate. 118994

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 118995

General Revenue Fund 118996

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	118997
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	118998
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General Services Fund Group 118999

4G70 028601	Joint Legislative	\$	100,000	\$	100,000	119000
	Ethics Committee					

TOTAL GSF	General Services Fund	\$	100,000	\$	100,000	119001
	Group					

TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	119002
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Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 119003

General Revenue Fund 119004

GRF 035321	Operating Expenses	\$	15,117,700	\$	15,117,700	119005
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GRF 035402	Legislative Interns	\$	1,022,120	\$	1,022,120	119006
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GRF 035404	Legislative Office of	\$	500,000	\$	500,000	119007
	Education Oversight					

GRF	035405	Correctional Institution Inspection Committee	\$	438,900	\$	438,900	119008
GRF	035407	Legislative Task Force on Redistricting	\$	750,000	\$	750,000	119009
GRF	035409	National Associations	\$	460,560	\$	460,560	119010
GRF	035410	Legislative Information Systems	\$	3,661,250	\$	3,661,250	119011
TOTAL GRF	General Revenue Fund		\$	21,950,530	\$	21,950,530	119012
General Services Fund Group							119013
4100	035601	Sale of Publications	\$	25,250	\$	25,250	119014
4F60	035603	Legislative Budget Services	\$	154,025	\$	154,025	119015
5EF0	035607	House and Senate Telephone Usage	\$	30,000	\$	30,000	119016
TOTAL GSF	General Services Fund Group		\$	209,275	\$	209,275	119018
TOTAL ALL BUDGET FUND GROUPS			\$	22,159,805	\$	22,159,805	119019
Section 323.10. LIB STATE LIBRARY BOARD							119021
General Revenue Fund							119022
GRF	350321	Operating Expenses	\$	5,477,369	\$	5,477,369	119023
GRF	350401	Ohioana Rental Payments	\$	128,560	\$	128,560	119024
GRF	350502	Regional Library Systems	\$	832,099	\$	832,099	119025
TOTAL GRF	General Revenue Fund		\$	6,438,028	\$	6,438,028	119026
General Services Fund Group							119027
1390	350602	Intra-Agency Service Charges	\$	9,000	\$	9,000	119028
4590	350603	Library Service	\$	2,895,592	\$	3,039,342	119029

		Charges				
4S40	350604	Ohio Public Library	\$	5,702,150	\$	5,702,150 119030
		Information Network				
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194 119031
5GG0	350606	Gates Foundation	\$	500,000	\$	0 119032
		Grants				
TOTAL GSF General Services						119033
Fund Group			\$	10,380,936	\$	10,024,686 119034
Federal Special Revenue Fund Group						119035
3130	350601	LSTA Federal	\$	5,543,747	\$	5,543,747 119036
TOTAL FED Federal Special Revenue						119037
Fund Group			\$	5,543,747	\$	5,543,747 119038
TOTAL ALL BUDGET FUND GROUPS			\$	22,362,711	\$	22,006,461 119039
OHIOANA RENTAL PAYMENTS						119040
The foregoing appropriation item 350401, Ohioana Rental						119041
Payments, shall be used to pay the rental expenses of the Martha						119042
Kinney Cooper Ohioana Library Association under section 3375.61 of						119043
the Revised Code.						119044
REGIONAL LIBRARY SYSTEMS						119045
The foregoing appropriation item 350502, Regional Library						119046
Systems, shall be used to support regional library systems						119047
eligible for funding under sections 3375.83 and 3375.90 of the						119048
Revised Code.						119049
OHIO PUBLIC LIBRARY INFORMATION NETWORK						119050
(A) The foregoing appropriation item 350604, Ohio Public						119051
Library Information Network, shall be used for an information						119052
telecommunications network linking public libraries in the state						119053
and such others as may participate in the Ohio Public Library						119054
Information Network (OPLIN).						119055
The Ohio Public Library Information Network Board of Trustees						119056
created under section 3375.65 of the Revised Code may make						119057

decisions regarding use of the foregoing appropriation item 119058
350604, Ohio Public Library Information Network. 119059

(B) Of the foregoing appropriation item 350604, Ohio Public 119060
Library Information Network, up to \$81,000 in each fiscal year 119061
shall be used to help local libraries use filters to screen out 119062
obscene and illegal internet materials. 119063

The OPLIN Board shall research and assist or advise local 119064
libraries with regard to emerging technologies and methods that 119065
may be effective means to control access to obscene and illegal 119066
materials. The OPLIN Executive Director shall provide biannual 119067
written reports to the Governor, the Speaker and Minority Leader 119068
of the House of Representatives, and the President and Minority 119069
Leader of the Senate on any steps being taken by OPLIN and public 119070
libraries in the state to limit and control such improper usage as 119071
well as information on technological, legal, and law enforcement 119072
trends nationally and internationally affecting this area of 119073
public access and service. 119074

(C) The Ohio Public Library Information Network, INFOhio, and 119075
OhioLINK shall, to the extent feasible, coordinate and cooperate 119076
in their purchase or other acquisition of the use of electronic 119077
databases for their respective users and shall contribute funds in 119078
an equitable manner to such effort. 119079

LIBRARY FOR THE BLIND 119080

The foregoing appropriation item 350605, Library for the 119081
Blind, shall be used for the statewide Talking Book Program to 119082
assist the blind and disabled. 119083

TRANSFER TO OPLIN TECHNOLOGY FUND 119084

Notwithstanding sections 5747.03 and 5747.47 of the Revised 119085
Code and any other provision of law to the contrary, in accordance 119086
with a schedule established by the Director of Budget and 119087
Management, the Director of Budget and Management shall transfer 119088

\$3,702,150 cash in each fiscal year from the Public Library Fund 119089
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 119090

TRANSFER TO LIBRARY FOR THE BLIND FUND 119091

Notwithstanding sections 5747.03 and 5747.47 of the Revised 119092
Code and any other provision of law to the contrary, in accordance 119093
with a schedule established by the Director of Budget and 119094
Management, the Director of Budget and Management shall transfer 119095
\$1,274,194 cash in each fiscal year from the Public Library Fund 119096
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 119097

Section 325.10. LCO LIQUOR CONTROL COMMISSION 119098

Liquor Control Fund Group 119099

7043 970321	Operating Expenses	\$	772,524	\$	797,524	119100
TOTAL LCF Liquor Control Fund Group						119101
TOTAL ALL BUDGET FUND GROUPS						119102

Section 327.10. LOT STATE LOTTERY COMMISSION 119104

State Lottery Fund Group 119105

2310 950604	Charitable Gaming	\$	2,378,000	\$	2,378,000	119106
Oversight						
7044 950100	Personal Services	\$	31,487,285	\$	31,237,206	119107
7044 950200	Maintenance	\$	14,578,155	\$	14,652,155	119108
7044 950300	Equipment	\$	4,058,420	\$	3,603,920	119109
7044 950402	Advertising Contracts	\$	23,548,000	\$	23,548,000	119110
7044 950403	Gaming Contracts	\$	47,978,749	\$	48,756,010	119111
7044 950500	Problem Gambling	\$	350,000	\$	350,000	119112
Subsidy						
7044 950601	Direct Prize Payments	\$	124,426,168	\$	124,884,039	119113
8710 950602	Annuity Prizes	\$	89,935,565	\$	89,415,976	119114
TOTAL SLF State Lottery Fund						119115
Group						119116
TOTAL ALL BUDGET FUND GROUPS						119117

OPERATING EXPENSES 119118

Notwithstanding sections 127.14 and 131.35 of the Revised 119119
Code, the Controlling Board may, at the request of the State 119120
Lottery Commission, authorize expenditures from the State Lottery 119121
Fund in excess of the amounts appropriated, up to a maximum of 15 119122
per cent of anticipated total revenue accruing from the sale of 119123
lottery tickets. Upon the approval of the Controlling Board, the 119124
additional amounts are hereby appropriated. 119125

DIRECT PRIZE PAYMENTS 119126

Any amounts, in addition to the amounts appropriated in 119127
appropriation item 950601, Direct Prize Payments, that the 119128
Director of the State Lottery Commission determines to be 119129
necessary to fund prizes, bonuses, and commissions are hereby 119130
appropriated. 119131

ANNUITY PRIZES 119132

Upon request of the State Lottery Commission, the Director of 119133
Budget and Management may transfer cash from the State Lottery 119134
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 119135
an amount sufficient to fund deferred prizes. The Treasurer of 119136
State, from time to time, shall credit the Deferred Prizes Trust 119137
Fund (Fund 8710) the pro rata share of interest earned by the 119138
Treasurer of State on invested balances. 119139

Any amounts, in addition to the amounts appropriated in 119140
appropriation item 950602, Annuity Prizes, that the Director of 119141
the State Lottery Commission determines to be necessary to fund 119142
deferred prizes and interest earnings are hereby appropriated. 119143

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 119144

The Director of Budget and Management shall transfer an 119145
amount greater than or equal to \$705,000,000 in fiscal year 2010 119146
and \$711,000,000 in fiscal year 2011 from the State Lottery Fund 119147

to the Lottery Profits Education Fund (Fund 7017). Transfers from 119148
the State Lottery Fund to the Lottery Profits Education Fund shall 119149
represent the estimated net income from operations for the 119150
Commission in fiscal year 2010 and fiscal year 2011. Transfers by 119151
the Director of Budget and Management to the Lottery Profits 119152
Education Fund shall be administered as the statutes direct. 119153

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 119154

General Services Fund Group 119155
4K90 996609 Operating Expenses \$ 434,671 \$ 434,671 119156
TOTAL GSF General Services 119157
Fund Group \$ 434,671 \$ 434,671 119158
TOTAL ALL BUDGET FUND GROUPS \$ 434,671 \$ 434,671 119159

Section 331.10. MED STATE MEDICAL BOARD 119161

General Services Fund Group 119162
5C60 883609 Operating Expenses \$ 8,341,545 \$ 8,341,545 119163
TOTAL GSF General Services 119164
Fund Group \$ 8,341,545 \$ 8,341,545 119165
TOTAL ALL BUDGET FUND GROUPS \$ 8,341,545 \$ 8,341,545 119166

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 119168

General Services Fund Group 119169
4K90 915604 Operating Expenses \$ 473,450 \$ 473,450 119170
TOTAL GSF General Services 119171
Fund Group \$ 473,450 \$ 473,450 119172
TOTAL ALL BUDGET FUND GROUPS \$ 473,450 \$ 473,450 119173

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH 119175

General Revenue Fund 119176
GRF 332401 Forensic Services \$ 3,904,972 \$ 3,904,972 119177
GRF 333321 Central \$ 19,204,000 \$ 17,204,000 119178

		Administration				
GRF	333402	Resident Trainees	\$	637,460	\$	637,460 119179
GRF	333403	Pre-Admission	\$	650,135	\$	650,135 119180
		Screening Expenses				
GRF	333415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300 119181
GRF	333416	Research Program	\$	701,086	\$	701,086 119182
		Evaluation				
GRF	334408	Community and Hospital Mental Health Services	\$	383,724,688	\$	383,724,688 119183
GRF	334506	Court Costs	\$	781,322	\$	781,322 119184
GRF	335404	Behavioral Health Services-Children	\$	8,460,800	\$	8,460,800 119185
GRF	335405	Family & Children First	\$	2,322,000	\$	2,322,000 119186
GRF	335419	Community Medication Subsidy	\$	9,959,798	\$	9,959,798 119187
GRF	335505	Local Mental Health Systems of Care	\$	85,510,483	\$	65,567,856 119188
GRF	335636	Local Mental Health Subsidy - Federal Stimulus	\$	0	\$	27,697,699 119189
TOTAL GRF		General Revenue Fund	\$	537,483,544	\$	543,972,116 119190
		General Services Fund Group				119191
1490	333609	Central Office Operating	\$	1,350,000	\$	1,350,000 119192
1490	334609	Hospital - Operating Expenses	\$	28,700,000	\$	29,200,000 119193
1500	334620	Special Education	\$	150,000	\$	150,000 119194
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000 119195
1510	336601	Office of Support Services	\$	159,279,140	\$	170,258,490 119196

TOTAL GSF General Services Fund	\$	189,729,140	\$	201,208,490	119197
Group					
Federal Special Revenue Fund Group					119198
3240 333605 Medicaid/Medicare	\$	154,500	\$	154,500	119199
3A60 333608 Community and	\$	140,000	\$	140,000	119200
Hospital Services					
3A70 333612 Social Services Block	\$	25,000	\$	25,000	119201
Grant					
3A80 333613 Federal Grant -	\$	4,888,105	\$	4,888,105	119202
Administration					
3A90 333614 Mental Health Block	\$	748,470	\$	748,470	119203
Grant -					
Administration					
3B10 333635 Community Medicaid	\$	13,691,682	\$	13,691,682	119204
Expansion					
3240 334605 Medicaid/Medicare	\$	25,200,000	\$	30,200,000	119205
3A60 334608 Federal Miscellaneous	\$	586,224	\$	586,224	119206
3A80 334613 Federal Letter of	\$	200,000	\$	200,000	119207
Credit					
3B00 334617 Elementary/Secondary	\$	182,334	\$	182,334	119208
Education Act					
3A60 335608 Federal Miscellaneous	\$	2,178,699	\$	2,178,699	119209
3A70 335612 Social Services Block	\$	8,632,288	\$	8,632,288	119210
Grant					
3A80 335613 Federal Grant -	\$	2,595,040	\$	2,595,040	119211
Community Mental					
Health Board Subsidy					
3A90 335614 Mental Health Block	\$	14,220,930	\$	14,220,930	119212
Grant					
3B10 335635 Community Medicaid	\$	362,770,242	\$	345,067,320	119213
Expansion					
TOTAL FED Federal Special Revenue	\$	436,213,514	\$	423,510,592	119214
Fund Group					

State Special Revenue Fund Group					119215	
2320 333621	Family and Children	\$	725,000	\$	725,000	119216
	First Administration					
4850 333632	Mental Health	\$	134,233	\$	134,233	119217
	Operating					
4X50 333607	Behavioral Health	\$	3,000,624	\$	3,000,624	119218
	Medicaid Services					
5V20 333611	Non-Federal	\$	560,000	\$	560,000	119219
	Miscellaneous					
4850 334632	Mental Health	\$	2,400,000	\$	2,400,000	119220
	Operating					
6920 334636	Community Mental	\$	80,000	\$	80,000	119221
	Health Board Risk					
	Fund					
5AU0 335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	119222
5CH0 335622	Residential Support	\$	1,500,000	\$	1,500,000	119223
	Service					
6320 335616	Community Capital	\$	700,000	\$	700,000	119224
	Replacement					
TOTAL SSR State Special Revenue		\$	15,789,857	\$	15,789,857	119225
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,179,216,055	\$	1,184,481,055	119226

Section 335.10.10. FORENSIC SERVICES 119228

The foregoing appropriation item 332401, Forensic Services, 119229
shall be used to provide psychiatric services to courts of common 119230
pleas. The appropriation shall be allocated through community 119231
mental health boards to certified community agencies and shall be 119232
distributed according to the criteria delineated in rule 119233
5122:32-01 of the Administrative Code. These community forensic 119234
funds may also be used to provide forensic training to community 119235
mental health boards and to forensic psychiatry residency programs 119236
in hospitals operated by the Department of Mental Health and to 119237

provide evaluations of patients of forensic status in facilities 119238
operated by the Department of Mental Health prior to conditional 119239
release to the community. 119240

In addition, appropriation item 332401, Forensic Services, 119241
may be used to support projects involving mental health or 119242
substance abuse, to assist courts and law enforcement to identify 119243
and develop appropriate alternative services to incarceration for 119244
nonviolent mentally ill offenders, and to provide specialized 119245
re-entry services to offenders leaving prisons and jails. Funds 119246
may also be used to provide forensic monitoring and tracking in 119247
addition to community programs serving persons of forensic status 119248
on conditional release or probation. 119249

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 119250

The foregoing appropriation item 333402, Resident Trainees, 119251
shall be used to fund training agreements entered into by the 119252
Director of Mental Health for the development of curricula and the 119253
provision of training programs to support public mental health 119254
services. 119255

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 119256

The foregoing appropriation item 333403, Pre-Admission 119257
Screening Expenses, shall be used to ensure that uniform statewide 119258
methods for pre-admission screening are in place for persons who 119259
have severe mental illness and are referred for long-term Medicaid 119260
certified nursing facility placement. Pre-admission screening 119261
includes the following activities: pre-admission assessment, 119262
consideration of continued stay requests, discharge planning and 119263
referral, and adjudication of appeals and grievance procedures. 119264
119265

Section 335.20.30. LEASE-RENTAL PAYMENTS 119266

The foregoing appropriation item 333415, Lease-Rental Payments, shall be used to meet all payments during the period from July 1, 2009, to June 30, 2011, by the Department of Mental Health under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 119274

The Department of Mental Health shall administer specified Medicaid services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND 119282

The foregoing appropriation item 334636, Community Mental Health Board Risk Fund, shall be used to make payments under section 5119.62 of the Revised Code.

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 119286

The foregoing appropriation item 335404, Behavioral Health Services-Children, shall be used to provide behavioral health services for children and their families. At least \$1,000,000 in each fiscal year shall be used to provide behavioral health treatment services for children under the age of seven and their families. Behavioral health services include mental health and alcohol and other drug treatment services and other necessary supports.

The foregoing appropriation item 335404, Behavioral Health 119295

Services-Children, shall be distributed to boards of alcohol, drug 119296
addiction, and mental health services, including community mental 119297
health boards and alcohol and drug addiction boards, based upon a 119298
distribution formula approved by the Director of Mental Health, 119299
except that the amount earmarked for children under the age of 119300
seven shall be distributed to the local boards based on 119301
community-need as determined by the Director of Mental Health. 119302
These moneys shall be used in accordance with the board's 119303
applicable plan or plans developed under sections 340.03 and 119304
340.033 of the Revised Code and in collaboration with the local 119305
family and children first council. Collaboration with the local 119306
council shall be conducted through a process defined by a system 119307
of care guidance as approved by the Ohio Family and Children First 119308
Cabinet Council. 119309

Section 335.40.15. FAMILY AND CHILDREN FIRST 119310

(A) As used in this section: 119311

(1) "At-risk individual" means an individual at great risk of 119312
not being able to access available health and social services due 119313
to barriers such as poverty, inadequate transportation, culture, 119314
and priorities of basic survival. 119315

(2) "Care coordination agency" means a person or government 119316
entity that assists at-risk individuals access available health 119317
and social services the at-risk individuals need. 119318

(3) "Regional care coordination hub" means each of the 119319
following: 119320

(a) Toledo/Lucas County CareNet; 119321

(b) Health Care Access Now in Cincinnati; 119322

(c) Community Health Access Project in Richland County. 119323

(B) Of the foregoing appropriation item 335405, Family & 119324
Children First, \$130,000 in each fiscal year shall be provided to 119325

Toledo/Lucas County CareNet; \$130,000 in each fiscal year shall be 119326
provided to Health Care Access Now in Cincinnati; and, \$130,000 in 119327
each fiscal year shall be provided to the Community Health Access 119328
Project in Richland County. Each regional care coordination hub 119329
shall use the money to do all of the following: 119330

(1) Help a care coordination agency that volunteers to work 119331
with the regional care coordination hub do both of the following: 119332

(a) Identify at-risk individuals; 119333

(b) Eliminate duplicate care coordination services provided 119334
to at-risk individuals the hub helps the care coordination agency 119335
identify. 119336

(2) Collect the following information from a care 119337
coordination agency for each at-risk individual the hub helps the 119338
agency identify: 119339

(a) Whether the agency succeeded in enrolling the at-risk 119340
individual in the agency's care coordination services; 119341

(b) The duplicate care coordination services for the at-risk 119342
individual that were eliminated; 119343

(c) The health and social services the at-risk individual 119344
needs; 119345

(d) The barriers the at-risk individual has to accessing the 119346
health and social services the individual needs; 119347

(e) Whether the agency succeeded in helping the at-risk 119348
individual access the health and social services the individual 119349
needs; 119350

(f) The outcomes of the health and social services the at 119351
risk individual accessed. 119352

(3) Compile the information collected under division (B)(2) 119353
of this section and provide it to the regional care coordination 119354
hub's governing board and the Ohio Children and Family First 119355

Cabinet Council. 119356

(C) Of the foregoing appropriation item 335405, Family & 119357
Children First, \$124,000 in each fiscal year shall be used by the 119358
Ohio Family and Children First Cabinet Council to provide support 119359
services to the three regional care coordination hubs, to 119360
facilitate the delivery of information from the regional care 119361
coordination hubs to the Ohio Family and Children First Cabinet 119362
Council, and to help improve care coordination services based on 119363
information from the regional care coordination hubs. 119364

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 119365

The foregoing appropriation item 335419, Community Medication 119366
Subsidy, shall be used to provide subsidized support for 119367
psychotropic medication needs of indigent citizens in the 119368
community to reduce unnecessary hospitalization because of lack of 119369
medication and to provide subsidized support for methadone costs. 119370

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 119371

Of the foregoing appropriation item 335505, Local Mental 119372
Health Systems of Care, \$669,912 in fiscal year 2010 and 119373
\$1,261,286 in fiscal year 2011 shall be provided to alcohol, drug 119374
addiction, and mental health services boards and community mental 119375
health boards to pay the nonfederal share of the one-half of one 119376
per cent increase in the Medicaid reimbursement rate ceilings for 119377
Medicaid-covered community behavioral health services provided for 119378
under the section of this act titled "INCREASE IN MEDICAID RATES 119379
FOR COMMUNITY BEHAVIORAL HEALTH SERVICES." 119380

The remainder of foregoing appropriation item 335505, Local 119381
Mental Health Systems of Care, shall be used for mental health 119382
services provided by community mental health boards in accordance 119383
with a community mental health plan submitted under section 340.03 119384
of the Revised Code and as approved by the Department of Mental 119385

Health.						119386	
Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND						119387	
DEVELOPMENTAL DISABILITIES						119388	
General Revenue Fund						119389	
GRF	320321	Central	\$	5,485,500	\$	5,485,500	119390
Administration							
GRF	320412	Protective Services	\$	2,558,619	\$	2,558,619	119391
GRF	320415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	119392
GRF	322413	Residential and	\$	5,854,555	\$	5,854,555	119393
Support Services							
GRF	322416	Medicaid Waiver -	\$	76,940,156	\$	96,995,649	119394
State Match							
GRF	322451	Family Support	\$	6,616,953	\$	6,616,953	119395
Services							
GRF	322501	County Boards	\$	82,093,807	\$	49,338,483	119396
Subsidies							
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	119397
GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819	119398
GRF	322646	MR/DD Subsidy -	\$	0	\$	23,185,824	119399
Federal Stimulus							
GRF	322647	ICF/MR Franchise Fee	\$	5,600,000	\$	7,500,000	119400
- Developmental							
Centers							
GRF	323321	Developmental Center	\$	72,874,333	\$	80,147,778	119401
and Residential							
Facilities Operation							
Expenses							
TOTAL GRF	General Revenue Fund		\$	330,492,542	\$	350,885,480	119402
General Services Fund Group						119403	
4880	322603	Provider Audit	\$	10,000	\$	10,000	119404
Refunds							

1520	323609	Developmental Center and Residential Operating Services	\$	2,500,000	\$	2,600,000	119405
TOTAL GSF General Services Fund Group			\$	2,510,000	\$	2,610,000	119406
Federal Special Revenue Fund Group							119407
3A50	320613	DD Council	\$	2,891,473	\$	2,963,760	119408
3250	322612	Community Social Service Programs	\$	10,494,451	\$	10,494,451	119409
3G60	322639	Medicaid Waiver - Federal	\$	759,888,829	\$	745,540,748	119410
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502	119411
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	167,503,941	\$	162,857,712	119412
TOTAL FED Federal Special Revenue Fund Group			\$	969,244,674	\$	951,206,173	119413
State Special Revenue Fund Group							119414
5GE0	320606	Operating and Services	\$	3,760,504	\$	7,521,008	119415
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	119416
4K80	322604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	119417
5CT0	322632	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	119418
5DJ0	322625	Targeted Case Management Match	\$	14,881,985	\$	13,716,454	119419
5DJ0	322626	Targeted Case Management Services	\$	29,926,640	\$	31,123,705	119420
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000	119421

		Facilities				
5E00	322627	Program Fees	\$	700,000	\$	700,000 119422
5H00	322619	Medicaid Repayment	\$	150,000	\$	150,000 119423
5Z10	322624	County Board Waiver	\$	158,648,995	\$	169,754,424 119424
		Match				
4890	323632	Developmental Center	\$	15,395,774	\$	15,395,684 119425
		Direct Care Support				
5S20	590622	Medicaid	\$	17,585,557	\$	18,214,835 119426
		Administration &				
		Oversight				
TOTAL SSR	State Special Revenue		\$	254,949,455	\$	270,476,110 119427
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	1,557,196,671	\$	1,575,177,763 119428

Section 337.20.10. LEASE-RENTAL PAYMENTS 119430

The foregoing appropriation item 320415, Lease-Rental 119431
 Payments, shall be used to meet all payments at the time they are 119432
 required to be made during the period from July 1, 2009, to June 119433
 30, 2011, by the Department of Mental Retardation and 119434
 Developmental Disabilities under leases and agreements made under 119435
 section 154.20 of the Revised Code. These appropriations are the 119436
 source of funds pledged for bond service charges or obligations 119437
 issued pursuant to Chapter 154. of the Revised Code. 119438

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 119439

The Department of Mental Retardation and Developmental 119440
 Disabilities may designate a portion of appropriation item 322413, 119441
 Residential and Support Services, for Sermak Class Services used 119442
 to implement the requirements of the agreement settling the 119443
 consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United 119444
 States District Court for the Southern District of Ohio, Eastern 119445
 Division. 119446

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 119447
119448

The foregoing appropriation item 322413, Residential Support Services, may be used for residential and support service programs, developed by the Department of Mental Retardation and Developmental Disabilities, that enable persons with mental retardation and developmental disabilities to live in the community. 119449
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Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 119455

Except as otherwise provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 322416, Medicaid Waiver - State Match, shall be used include the following: 119456
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(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 119460
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(B) To pay the nonfederal share of the cost of one or more new intermediate care facilities for the mentally retarded certified beds, if the Director of Mental Retardation and Developmental Disabilities is required by this act to transfer to the Director of Job and Family Services funds to pay such nonfederal share. 119463
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Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-BASED WAIVER SERVICES 119469
119470

Not later than December 31, 2009, the Director of Mental Retardation and Developmental Disabilities shall submit a plan to the Director of Job and Family Services with recommendations for actions to be taken addressing the fiscal sustainability of home and community-based services as defined in section 5123.01 of the 119471
119472
119473
119474
119475

Revised Code. The plan may include recommendations for all of the following: 119476
119477

(A) Changing the ranges in the amount the Medicaid program will pay per individual for the home and community-based services; 119478
119479

(B) Establishing one or more maximum amounts that the Medicaid program will pay per individual for the home and community-based services; 119480
119481
119482

(C) Modifying the methodology used in establishing payment rates for providers, including the methodology's component that reflects wages and benefits for persons providing direct care and the component that reflects training and direct supervision of those persons. 119483
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Section 337.30.45. GOLDEN KEY CENTER FOR EXCEPTIONAL CHILDREN 119488

Of the foregoing appropriation item 322451, Family Support Services, \$25,000 in each fiscal year shall be provided to the Golden Key Center for Exceptional Children for operational support. 119489
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Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 119493

Except as otherwise provided in the section of this act titled "Nonfederal Share of New ICF/MR Beds," the Director of Mental Retardation and Developmental Disabilities, in consultation with the county boards of mental retardation and developmental disabilities, shall develop a formula for allocating the foregoing appropriation item 322501, County Boards Subsidies, to each board. The Department shall distribute this subsidy to county boards in quarterly installments. 119494
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Except as otherwise provided in section 5126.0511 of the Revised Code, county boards shall use the subsidy for early childhood services and adult services provided under section 119502
119503
119504

5126.05 of the Revised Code, service and support administration 119505
provided under section 5126.15 of the Revised Code, and supported 119506
living as defined in section 5126.01 of the Revised Code. 119507

Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 119508

As used in this section, "home and community-based services" 119509
has the same meaning as in section 5123.01 of the Revised Code. 119510

The Director of Mental Retardation and Developmental 119511
Disabilities shall establish a methodology to be used in state 119512
fiscal years 2010 and 2011 to estimate the quarterly amount each 119513
county board of mental retardation and developmental disabilities 119514
is to pay of the nonfederal share of home and community-based 119515
services that section 5126.0510 of the Revised Code requires 119516
county boards to pay. Each quarter, the Director shall submit to a 119517
county board written notice of the amount the county board is to 119518
pay for that quarter. The notice shall specify when the payment is 119519
due. 119520

If a county board fails to make the full payment by the time 119521
it is due, the Director of Mental Retardation and Developmental 119522
Disabilities may withhold the amount the county board fails to pay 119523
from one or more of the state subsidies that the Department of 119524
Mental Retardation and Developmental Disabilities would otherwise 119525
provide to the county board. Each quarter, the Director may use 119526
one or more of the following appropriation items to transfer cash 119527
from the General Revenue Fund to the County Board Waiver Match 119528
Fund (Fund 5Z10) equal to the amount the county board failed to 119529
pay: 119530

(A) Appropriation item 322413, Residential and Support 119531
Services; 119532

(B) Appropriation item 322451, Family Support Services; 119533

(C) Appropriation item 322501, County Boards Subsidies; 119534

(D) Appropriation item 322503, Tax Equity. 119535

Transfers shall be made using an intrastate transfer voucher. 119536

Section 337.30.70. TAX EQUITY 119537

Notwithstanding section 5126.18 of the Revised Code, if the 119538
Director of Mental Retardation and Developmental Disabilities 119539
determines that there is sufficient appropriation available, the 119540
foregoing appropriation item 322503, Tax Equity, shall be used to 119541
pay each county board of mental retardation and developmental 119542
disabilities an amount that is equal to the amount the board 119543
received for fiscal year 2009. If the Director determines that 119544
there is not sufficient appropriation available for this purpose, 119545
the Department shall pay to each county board an amount that is 119546
proportionate to the amount the board received for fiscal year 119547
2009. Proportionality shall be determined by dividing the total 119548
tax equity payments distributed to county boards for fiscal year 119549
2009 by the tax equity payment a county board received for fiscal 119550
year 2009. 119551

Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80) 119552

The foregoing appropriation item 322604, Medicaid Waiver - 119553
State Match (Fund 4K80), shall be used as state matching funds for 119554
home and community-based waivers. 119555

Section 337.30.85. ICF/MR CONVERSION 119556

(A) As used in this section, "home and community-based 119557
services" has the same meaning as in section 5123.01 of the 119558
Revised Code. 119559

(B) For each quarter of the biennium, the Director of Mental 119560
Retardation and Developmental Disabilities shall certify to the 119561
Director of Budget and Management the estimated amount needed to 119562
fund the provision of home and community-based services made 119563

available by the slots sought under section 5111.877 of the 119564
Revised Code. On receipt of certification, the Director of Budget 119565
and Management shall transfer the estimated amount in cash from 119566
the General Revenue Fund to the Home and Community-Based 119567
Services/Mental Retardation Fund (Fund 4K80), used by the 119568
Department of Mental Retardation and Developmental Disabilities. 119569
Upon completion of the transfer, appropriation item 600525, Health 119570
Care/Medicaid, is hereby reduced by the amount transferred under 119571
this section plus the corresponding federal share. The amount 119572
transferred to Fund 4K80 is hereby appropriated to appropriation 119573
item 322604, Medicaid Waiver - State Match. 119574

(C) If receipts credited to the Medicaid Waiver Fund (Fund 119575
3G60) exceed the amounts appropriated from the fund, the Director 119576
of Mental Retardation and Developmental Disabilities may request 119577
the Director of Budget and Management to authorize expenditures 119578
from the fund in excess of the amounts appropriated. Upon the 119579
approval of the Director of Budget and Management, the additional 119580
amounts are hereby appropriated. 119581

(D) If receipts credited to the Interagency Reimbursement 119582
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 119583
the Director of Job and Family Services may request the Director 119584
of Budget and Management to authorize expenditures from the fund 119585
in excess of the amounts appropriated. Upon approval of the 119586
Director of Budget and Management, the additional amounts are 119587
hereby appropriated. 119588

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 119589

County boards of mental retardation and developmental 119590
disabilities shall pay the nonfederal portion of targeted case 119591
management costs to the Department of Mental Retardation and 119592
Developmental Disabilities. The Director of Mental Retardation and 119593
Developmental Disabilities shall withhold any amount owed to the 119594

Department from subsequent payments from any appropriation item or 119595
money otherwise due to a nonpaying county. 119596

The Directors of Mental Retardation and Developmental 119597
Disabilities and Job and Family Services may enter into an 119598
interagency agreement under which the Department of Mental 119599
Retardation and Developmental Disabilities shall transfer cash to 119600
the Department of Job and Family Services equal to the nonfederal 119601
portion of the cost of targeted case management services paid by 119602
county boards and the Department of Job and Family Services shall 119603
pay the total cost of targeted case management claims. The 119604
transfer shall be made using an intrastate transfer voucher. 119605

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 119606

On July 1, 2009, or as soon as possible thereafter, the 119607
Director of Mental Retardation and Developmental Disabilities 119608
shall request that the Director of Budget and Management transfer 119609
the cash balance in the Conference/Training Fund (Fund 4B50) to 119610
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 119611
Fund 4B50 is abolished. The Director of Mental Retardation and 119612
Developmental Disabilities shall cancel any existing encumbrances 119613
against appropriation item 320640, Training and Service 119614
Development, and re-establish them against appropriation item 119615
322627, Program Fees. The re-established encumbrances are hereby 119616
appropriated. 119617

Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES 119618

Developmental centers of the Department of Mental Retardation 119619
and Developmental Disabilities may provide services to persons 119620
with mental retardation or developmental disabilities living in 119621
the community or to providers of services to these persons. The 119622
Department may develop a method for recovery of all costs 119623
associated with the provisions of these services. 119624

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 119625
PHARMACY PROGRAMS 119626

The Director of Mental Retardation and Developmental 119627
Disabilities shall transfer cash to the Department of Job and 119628
Family Services quarterly, in an amount equal to the nonfederal 119629
share of Medicaid prescription drug claim costs for all 119630
developmental centers paid by the Department of Job and Family 119631
Services. The quarterly transfer shall be made using an intrastate 119632
transfer voucher. 119633

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 119634
SERVICES 119635

Any county funds received by the Department of Mental 119636
Retardation and Developmental Disabilities from county boards for 119637
active treatment shall be deposited in the Mental Retardation 119638
Operating Fund (Fund 4890). 119639

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 119640

(A) As used in this section, "intermediate care facility for 119641
the mentally retarded" has the same meaning as in section 5111.20 119642
of the Revised Code. 119643

(B) If one or more new beds obtain certification as an 119644
intermediate care facility for the mentally retarded bed on or 119645
after July 1, 2009, the Director of Mental Retardation and 119646
Developmental Disabilities shall transfer cash to the Department 119647
of Job and Family Services to pay the nonfederal share of the cost 119648
under the Medicaid Program for those beds. The transfer shall be 119649
made using an intrastate transfer voucher. Except as otherwise 119650
provided in section 5123.0416 of the Revised Code, the Director 119651
shall use only the following appropriation items for the transfer: 119652

(1) Appropriation item 322416, Medicaid Waiver - State Match; 119653

						119654
	(2)	Appropriation item 322501, County Boards Subsidies.				119655
	(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 cash that the Director transfers under division (B) of this section shall be moneys that the Director has allocated to the county board serving the county in which the beds are located unless the amount of the allocation is insufficient to pay the entire nonfederal share of the cost under the Medicaid Program for those beds. If the allocation is insufficient, the Director shall use as much of such moneys allocated to other counties as is needed to make up the difference.				119656 119657 119658 119659 119660 119661 119662 119663 119664 119665 119666
	Section 339.10.	MIH COMMISSION ON MINORITY HEALTH				119667
		General Revenue Fund				119668
GRF	149321	Operating Expenses	\$	740,998	\$	749,998 119669
GRF	149501	Minority Health	\$	1,250,440	\$	1,241,440 119670
		Grants				
GRF	149502	Lupus Program	\$	364,632	\$	364,632 119671
TOTAL GRF		General Revenue Fund	\$	2,356,070	\$	2,356,070 119672
		Federal Special Revenue Fund Group				119673
3J90	149602	Federal Grants	\$	179,250	\$	179,250 119674
TOTAL FED		Federal Special Revenue Fund Group	\$	179,250	\$	179,250 119675
		State Special Revenue Fund Group				119676
4C20	149601	Minority Health	\$	47,500	\$	47,500 119677
		Conference				
TOTAL SSR		State Special Revenue Fund Group	\$	47,500	\$	47,500 119678
TOTAL ALL BUDGET FUND GROUPS			\$	2,582,820	\$	2,582,820 119681

LUPUS PROGRAM				119682
Of the foregoing appropriation item 149502, Lupus Program,				119683
\$250,000 in each fiscal year shall be used for additional lupus				119684
education and awareness activities.				119685
Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR				119686
REGISTRATION BOARD				119687
General Services Fund Group				119688
4K90 865601 Operating Expenses	\$	334,995	\$ 334,995	119689
TOTAL GSF General Services				119690
Fund Group	\$	334,995	\$ 334,995	119691
TOTAL ALL BUDGET FUND GROUPS	\$	334,995	\$ 334,995	119692
Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES				119694
General Revenue Fund				119695
GRF 725401 Wildlife-GRF Central	\$	2,300,000	\$ 2,300,000	119696
Support				
GRF 725413 Lease Rental Payments	\$	21,417,400	\$ 21,556,500	119697
GRF 725423 Stream and Ground	\$	175,000	\$ 175,000	119698
Water Gauging				
GRF 725456 Canal Lands	\$	300,000	\$ 300,000	119699
GRF 725502 Soil and Water	\$	4,500,000	\$ 900,000	119700
Districts				
GRF 725652 Natural Resources	\$	4,886,947	\$ 4,492,839	119701
Operations				
GRF 725903 Natural Resources	\$	26,334,400	\$ 26,549,400	119702
General Obligation				
Debt Service				
GRF 727321 Division of Forestry	\$	6,906,376	\$ 6,906,376	119703
GRF 728321 Division of Geological	\$	1,550,000	\$ 1,550,000	119704
Survey				
GRF 729321 Office of Information	\$	350,000	\$ 350,000	119705

		Technology					
GRF	730321	Division of Parks and Recreation	\$	36,119,971	\$	36,119,971	119706
GRF	736321	Division of Engineering	\$	3,000,000	\$	3,000,000	119707
GRF	737321	Division of Soil and Water Resources	\$	6,628,562	\$	6,628,562	119708
GRF	738321	Division of Real Estate and Land Management	\$	2,000,000	\$	2,000,000	119709
GRF	741321	Division of Natural Areas and Preserves	\$	2,339,873	\$	2,333,981	119710
GRF	744321	Division of Mineral Resources Management	\$	5,029,708	\$	4,152,364	119711
TOTAL GRF		General Revenue Fund	\$	123,838,237	\$	119,314,993	119712
		General Services Fund Group					119713
1550	725601	Departmental Projects	\$	2,235,462	\$	2,319,955	119714
1570	725651	Central Support Indirect	\$	6,500,000	\$	6,500,000	119715
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	119716
2070	725690	Real Estate Services	\$	130,000	\$	132,000	119717
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	119718
2270	725406	Parks Projects Personnel	\$	250,000	\$	250,000	119719
4300	725671	Canal Lands	\$	916,541	\$	922,424	119720
4D50	725618	Recycled Materials	\$	100,000	\$	100,000	119721
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740	119722
4X80	725662	Water Resources Council	\$	138,900	\$	138,900	119723
5080	725684	Natural Resources Publications	\$	221,607	\$	177,295	119724
5100	725631	Maintenance -	\$	303,611	\$	303,611	119725

		State-owned				
		Residences				
5160	725620	Water Management	\$	2,931,513	\$	2,931,513 119726
6350	725664	Fountain Square	\$	3,715,398	\$	3,715,398 119727
		Facilities Management				
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011 119728
TOTAL GSF General Services						119729
Fund Group			\$	25,190,193	\$	25,138,705 119730
Federal Special Revenue Fund Group						119731
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102 119732
		Grant				
3B30	725640	Federal Forest	\$	600,000	\$	600,000 119733
		Pass-Thru				
3B40	725641	Federal Flood	\$	700,000	\$	700,000 119734
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	14,307,667	\$	14,307,667 119735
		Mine Lands				
3B60	725653	Federal Land and	\$	2,000,000	\$	2,000,000 119736
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	2,394,565	\$	2,388,775 119737
		Regulatory				
3P00	725630	Natural Areas and	\$	215,000	\$	215,000 119738
		Preserves - Federal				
3P10	725632	Geological Survey -	\$	689,506	\$	692,401 119739
		Federal				
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509 119740
3P30	725650	Coastal Management -	\$	1,711,237	\$	1,711,237 119741
		Federal				
3P40	725660	Federal - Soil and	\$	316,734	\$	316,734 119742
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	2,025,001	\$	2,025,001 119743
		Abatement/Treatment				

3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	119744
TOTAL FED Federal Special Revenue							119745
Fund Group			\$	27,299,268	\$	27,299,426	119746
State Special Revenue Fund Group							119747
4J20	725628	Injection Well Review	\$	119,895	\$	119,996	119748
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	119749
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	119750
5090	725602	State Forest	\$	6,211,924	\$	6,211,924	119751
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	119752
5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	119753
5140	725606	Lake Erie Shoreline	\$	1,074,113	\$	974,113	119754
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	119755
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	119756
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	119757
5220	725656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	119758
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361	119759
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	119760
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	119761
5310	725648	Reclamation Forfeiture	\$	2,062,237	\$	2,062,237	119762
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	119763
5860	725633	Scrap Tire Program	\$	1,500,000	\$	1,500,000	119764
5B30	725674	Mining Regulation		28,850		28,850	119765
5BV0	725683	Soil and Water	\$	10,875,577	\$	15,104,906	119766

		Districts					
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	119767
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000	119768
		Enforcement					
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000	119769
		Preserves Law					
		Enforcement					
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	119770
		Enforcement					
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	119771
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500	119772
		Enforcement					
6150	725661	Dam Safety	\$	807,403	\$	807,403	119773
TOTAL SSR		State Special Revenue					119774
Fund Group			\$	75,179,290	\$	79,552,897	119775
Clean Ohio Conservation Fund Group							119776
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	119777
TOTAL CLF		Clean Ohio Conservation	\$	310,000	\$	310,000	119778
Fund Group							
Wildlife Fund Group							119779
5P20	725634	Wildlife Boater	\$	2,000,000	\$	2,000,000	119780
		Angler Administration					
7015	740401	Division of Wildlife	\$	58,614,436	\$	54,906,000	119781
		Conservation					
8150	725636	Cooperative	\$	120,449	\$	120,449	119782
		Management Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	119783
8170	725655	Wildlife Conservation	\$	2,800,000	\$	2,800,000	119784
		Checkoff Fund					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	119785
		Research					
8190	725685	Ohio River Management	\$	128,584	\$	128,584	119786

TOTAL WLF Wildlife Fund Group	\$	66,130,354	\$	62,421,918	119787
Waterways Safety Fund Group					119788
7086 725414 Waterways Improvement	\$	4,265,575	\$	4,265,575	119789
7086 725418 Buoy Placement	\$	52,182	\$	52,182	119790
7086 725501 Waterway Safety	\$	137,867	\$	137,867	119791
Grants					
7086 725506 Watercraft Marine	\$	576,153	\$	576,153	119792
Patrol					
7086 725513 Watercraft	\$	366,643	\$	366,643	119793
Educational Grants					
7086 739401 Division of	\$	19,949,181	\$	19,949,181	119794
Watercraft					
TOTAL WSF Waterways Safety Fund					119795
Group	\$	25,347,601	\$	25,347,601	119796
Accrued Leave Liability Fund Group					119797
4M80 725675 FOP Contract	\$	20,844	\$	20,844	119798
TOTAL ALF Accrued Leave					119799
Liability Fund Group	\$	20,844	\$	20,844	119800
Holding Account Redistribution Fund Group					119801
R017 725659 Performance Cash Bond	\$	296,263	\$	296,263	119802
Refunds					
R043 725624 Forestry	\$	2,000,000	\$	2,000,000	119803
TOTAL 090 Holding Account					119804
Redistribution Fund Group	\$	2,296,263	\$	2,296,263	119805
TOTAL ALL BUDGET FUND GROUPS	\$	345,612,050	\$	341,702,647	119806

Section 343.20. CENTRAL SUPPORT INDIRECT 119808

With the exception of the Division of Wildlife, whose direct 119809
and indirect central support charges shall be paid out of the 119810
General Revenue Fund from the foregoing appropriation item 725401, 119811
Wildlife-GRF Central Support, the Department of Natural Resources, 119812
with approval of the Director of Budget and Management, shall 119813

utilize a methodology for determining each division's payments 119814
into the Central Support Indirect Fund (Fund 1570). The 119815
methodology used shall contain the characteristics of 119816
administrative ease and uniform application in compliance with 119817
federal grant requirements. It may include direct cost charges for 119818
specific services provided. Payments to Fund 1570 shall be made 119819
using an intrastate transfer voucher. 119820

Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 119821

The foregoing appropriation item 725652, Natural Resources 119822
Operations, shall be used to support services of the Department of 119823
Natural Resources consistent with funds received from the federal 119824
government for fiscal stabilization and recovery purposes. 119825
119826

Section 343.20.20. WELL LOG FILING FEES 119827

The Chief of the Division of Water shall deposit fees 119828
forwarded to the Division pursuant to section 1521.05 of the 119829
Revised Code into the Departmental Services - Intrastate Fund 119830
(Fund 1550) for the purposes described in that section. 119831

Section 343.30. LEASE RENTAL PAYMENTS 119832

The foregoing appropriation item 725413, Lease Rental 119833
Payments, shall be used to meet all payments at the times they are 119834
required to be made during the period from July 1, 2009, to June 119835
30, 2011, by the Department of Natural Resources pursuant to 119836
leases and agreements made under section 154.22 of the Revised 119837
Code. These appropriations are the source of funds pledged for 119838
bond service charges or obligations issued pursuant to Chapter 119839
154. of the Revised Code. 119840

CANAL LANDS 119841

The foregoing appropriation item 725456, Canal Lands, shall 119842

be used to transfer funds to the Canal Lands Fund (Fund 4300) to 119843
provide operating expenses for the State Canal Lands Program. The 119844
transfer shall be made using an intrastate transfer voucher and 119845
shall be subject to the approval of the Director of Budget and 119846
Management. 119847

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 119848

The foregoing appropriation item 725903, Natural Resources 119849
General Obligation Debt Service, shall be used to pay all debt 119850
service and related financing costs during the period July 1, 119851
2009, to June 30, 2011, on obligations issued under sections 119852
151.01 and 151.05 of the Revised Code. 119853

Section 343.30.10. FOUNTAIN SQUARE 119854

The foregoing appropriation item 725664, Fountain Square 119855
Facilities Management, shall be used for payment of repairs, 119856
renovation, utilities, property management, and building 119857
maintenance expenses for the Fountain Square complex. Cash 119858
transferred by intrastate transfer vouchers from various 119859
department funds and rental income received by the Department of 119860
Natural Resources shall be deposited into the Fountain Square 119861
Facilities Management Fund (Fund 6350). 119862

Section 343.40. SOIL AND WATER DISTRICTS 119863

In addition to state payments to soil and water conservation 119864
districts authorized by section 1515.10 of the Revised Code, the 119865
Department of Natural Resources may use appropriation item 725502, 119866
Soil and Water Districts, to pay any soil and water conservation 119867
district an annual amount not to exceed \$30,000, upon receipt of a 119868
request and justification from the district and approval by the 119869
Ohio Soil and Water Conservation Commission. The county auditor 119870
shall credit the payments to the special fund established under 119871
section 1515.10 of the Revised Code for the local soil and water 119872

conservation district. Moneys received by each district shall be 119873
expended for the purposes of the district. 119874

The foregoing appropriation item 725683, Soil and Water 119875
Districts, shall be expended for the purposes described above, 119876
except that the funding source for this appropriation shall be 119877
fees applied on the disposal of construction and demolition debris 119878
and municipal solid waste as provided in section 1515.14 of the 119879
Revised Code. 119880

OIL AND GAS WELL PLUGGING 119881

The foregoing appropriation item 725677, Oil and Gas Well 119882
Plugging, shall be used exclusively for the purposes of plugging 119883
wells and to properly restore the land surface of idle and orphan 119884
oil and gas wells pursuant to section 1509.071 of the Revised 119885
Code. No funds from the appropriation item shall be used for 119886
salaries, maintenance, equipment, or other administrative 119887
purposes, except for those costs directly attributed to the 119888
plugging of an idle or orphan well. This appropriation item shall 119889
not be used to transfer cash to any other fund or appropriation 119890
item. 119891

LITTER CONTROL AND RECYCLING 119892

Of the foregoing appropriation item 725644, Litter Control 119893
and Recycling, up to \$1,500,000 may be used in each fiscal year 119894
for the administration of the Recycling and Litter Prevention 119895
Program. 119896

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES 119897

The foregoing appropriation item 725405, Clean Ohio 119898
Operating, shall be used by the Department of Natural Resources in 119899
administering section 1519.05 of the Revised Code. 119900

Section 343.50. WATERCRAFT MARINE PATROL 119901

Of the foregoing appropriation item 739401, Division of 119902
Watercraft, up to \$200,000 in each fiscal year shall be expended 119903
for the purchase of equipment for marine patrols qualifying for 119904
funding from the Department of Natural Resources pursuant to 119905
section 1547.67 of the Revised Code. Proposals for equipment shall 119906
accompany the submission of documentation for receipt of a marine 119907
patrol subsidy pursuant to section 1547.67 of the Revised Code and 119908
shall be loaned to eligible marine patrols pursuant to a 119909
cooperative agreement between the Department of Natural Resources 119910
and the eligible marine patrol. 119911

Section 343.60. PARKS CAPITAL EXPENSES FUND 119912

The Director of Natural Resources shall submit to the 119913
Director of Budget and Management the estimated design, 119914
engineering, and planning costs of capital-related work to be done 119915
by Department of Natural Resources staff for parks projects. If 119916
the Director of Budget and Management approves the estimated 119917
costs, the Director may release appropriations from appropriation 119918
item C725E6, Project Planning, in the Parks and Recreation 119919
Improvement Fund (Fund 7035), for those purposes. Upon release of 119920
the appropriations, the Department of Natural Resources shall pay 119921
for these expenses from the Parks Capital Expenses Fund (Fund 119922
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 119923
7035 using an intrastate transfer voucher. 119924

NATUREWORKS CAPITAL EXPENSES FUND 119925

The Department of Natural Resources shall periodically 119926
prepare and submit to the Director of Budget and Management the 119927
estimated design, planning, and engineering costs of 119928
capital-related work to be done by Department of Natural Resources 119929
staff for each capital improvement project within the Ohio Parks 119930
and Natural Resources Fund (Fund 7031). If the Director of Budget 119931
and Management approves the estimated costs, the Director may 119932

release appropriations from appropriation item C725E5, Project 119933
 Planning, in fund 7031, for those purposes. Upon release of the 119934
 appropriations, the Department of Natural Resources shall pay for 119935
 these expenses from the Capital Expenses Fund (Fund 4S90). 119936
 Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 119937
 using an intrastate transfer voucher. 119938

Section 345.10. NUR STATE BOARD OF NURSING 119939

General Services Fund Group 119940
 4K90 884609 Operating Expenses \$ 5,661,280 \$ 5,661,280 119941
 5AC0 884602 Nurse Education Grant \$ 1,450,000 \$ 1,450,000 119942
 Program
 5P80 884601 Nursing Special \$ 5,000 \$ 5,000 119943
 Issues
 TOTAL GSF General Services 119944
 Fund Group \$ 7,116,280 \$ 7,116,280 119945
 TOTAL ALL BUDGET FUND GROUPS \$ 7,116,280 \$ 7,116,280 119946

NURSING SPECIAL ISSUES 119947

The foregoing appropriation item 884601, Nursing Special 119948
 Issues (Fund 5P80), shall be used to pay the costs the Board of 119949
 Nursing incurs in implementing section 4723.062 of the Revised 119950
 Code. 119951

**Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD** 119952
 119953

General Services Fund Group 119954
 4K90 890609 Operating Expenses \$ 963,984 \$ 963,984 119955
 TOTAL GSF General Services Fund \$ 963,984 \$ 963,984 119956
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 963,984 \$ 963,984 119957

Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION 119959

General Revenue Fund				119960
GRF 355501 Library Subsidy	\$	160,000	\$ 160,000	119961
TOTAL GRF General Revenue Fund	\$	160,000	\$ 160,000	119962
TOTAL ALL BUDGET FUND GROUPS	\$	160,000	\$ 160,000	119963

Section 349.10. ODB OHIO OPTICAL DISPENSERS BOARD 119965

General Services Fund Group				119966
4K90 894609 Operating Expenses	\$	345,324	\$ 345,324	119967
TOTAL GSF General Services				119968
Fund Group	\$	345,324	\$ 345,324	119969
TOTAL ALL BUDGET FUND GROUPS	\$	345,324	\$ 345,324	119970

Section 351.10. OPT STATE BOARD OF OPTOMETRY 119972

General Services Fund Group				119973
4K90 885609 Operating Expenses	\$	351,071	\$ 351,071	119974
TOTAL GSF General Services				119975
Fund Group	\$	351,071	\$ 351,071	119976
TOTAL ALL BUDGET FUND GROUPS	\$	351,071	\$ 351,071	119977

Section 353.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,
AND PEDORTHICS 119979
119980

General Services Fund Group				119981
4K90 973609 Operating Expenses	\$	116,260	\$ 116,260	119982
TOTAL GSF General Services				119983
Fund Group	\$	116,260	\$ 116,260	119984
TOTAL ALL BUDGET FUND GROUPS	\$	116,260	\$ 116,260	119985

Section 355.10. UST PETROLEUM UNDERGROUND STORAGE TANK 119986

Agency Fund Group				119987
6910 810632 PUSTRCB Staff	\$	1,134,860	\$ 1,144,627	119988
TOTAL AGY Agency Fund Group	\$	1,134,860	\$ 1,144,627	119989
TOTAL ALL BUDGET FUND GROUPS	\$	1,134,860	\$ 1,144,627	119990

Section 357.10. PRX STATE BOARD OF PHARMACY				119992
General Services Fund Group				119993
4A50	887605	Drug Law Enforcement	\$ 75,500 \$	75,500 119994
4K90	887609	Operating Expenses	\$ 5,251,032 \$	5,251,032 119995
TOTAL GSF General Services Fund Group				\$ 5,326,532 \$ 5,326,532 119996
Federal Special Revenue Fund Group				119997
3BC0	887604	Dangerous Drugs Database	\$ 493,164 \$	500,891 119998
TOTAL FED Federal Special Revenue Fund Group				\$ 493,164 \$ 500,891 119999
TOTAL ALL BUDGET FUND GROUPS				\$ 5,819,696 \$ 5,827,423 120000
 Section 359.10. PSY STATE BOARD OF PSYCHOLOGY				 120002
General Services Fund Group				120003
4K90	882609	Operating Expenses	\$ 566,000 \$	586,000 120004
TOTAL GSF General Services Fund Group				\$ 566,000 \$ 586,000 120006
TOTAL ALL BUDGET FUND GROUPS				\$ 566,000 \$ 586,000 120007
 Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION				 120009
General Revenue Fund				120010
GRF	019321	Public Defender Administration	\$ 772,500 \$	612,600 120011
GRF	019401	State Legal Defense Services	\$ 4,377,500 \$	3,471,400 120012
GRF	019403	Multi-County: State Share	\$ 1,308,201 \$	1,456,835 120013
GRF	019404	Trumbull County - State Share	\$ 430,217 \$	467,727 120014
GRF	019405	Training Account	\$ 50,000 \$	50,000 120015

GRF 019501	County Reimbursement	\$	22,767,720	\$	17,898,638	120016
TOTAL GRF	General Revenue Fund	\$	29,706,138	\$	23,957,200	120017
General Services Fund Group						120018
4070 019604	County Representation	\$	196,650	\$	207,143	120019
4080 019605	Client Payments	\$	865,798	\$	886,500	120020
5CX0 019617	Civil Case Filing Fee	\$	743,076	\$	772,121	120021
TOTAL GSF	General Services					120022
Fund Group		\$	1,805,524	\$	1,865,764	120023
Federal Special Revenue Fund Group						120024
3S80 019608	Federal	\$	202,347	\$	212,303	120025
Representation						
TOTAL FED	Federal Special Revenue					120026
Fund Group		\$	202,347	\$	212,303	120027
State Special Revenue Fund Group						120028
4C70 019601	Multi-County: County	\$	2,227,056	\$	2,384,210	120029
Share						
4X70 019610	Trumbull County -	\$	732,393	\$	765,467	120030
County Share						
5740 019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	120031
5DY0 019618	Indigent Defense	\$	27,783,000	\$	37,044,000	120032
Support - County						
Share						
5DY0 019619	Indigent Defense	\$	3,087,000	\$	4,116,000	120033
Support Fund - State						
Office						
TOTAL SSR	State Special Revenue					120034
Fund Group		\$	68,829,449	\$	79,309,677	120035
TOTAL ALL BUDGET FUND GROUPS		\$	100,543,458	\$	105,344,944	120036
INDIGENT DEFENSE OFFICE						120037
The foregoing appropriation items 019404, Trumbull County -						120038
State Share, and 019610, Trumbull County - County Share, shall be						120039
used to support an indigent defense office for Trumbull County.						120040

MULTI-COUNTY OFFICE					120041
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.					120042 120043 120044 120045
TRAINING ACCOUNT					120046
The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.					120047 120048 120049 120050 120051 120052
FEDERAL REPRESENTATION					120053
The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.					120054 120055 120056 120057 120058
Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					120059
General Services Fund Group					120060
5F60 870622 Utility and Railroad Regulation	\$	34,455,627	\$	34,455,627	120061
5F60 870624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	120062
5F60 870625 Motor Transportation Regulation	\$	6,071,829	\$	6,071,829	120063
5Q50 870626 Telecommunications Relay Service	\$	5,000,000	\$	5,000,000	120064
TOTAL GSF General Services Fund Group	\$	45,685,456	\$	45,685,456	120065 120066
Federal Special Revenue Fund Group					120067

3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	120068
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	120069
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	120070
		Information					
		Systems/Networks					
TOTAL FED		Federal Special Revenue					120071
Fund Group			\$	8,049,619	\$	8,049,619	120072
State Special Revenue		Fund Group					120073
4A30	870614	Grade Crossing	\$	1,349,757	\$	1,349,757	120074
		Protection					
		Devices-State					
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	120075
4S60	870618	Hazardous Material	\$	464,325	\$	464,325	120076
		Registration					
4S60	870621	Hazardous Materials	\$	373,346	\$	373,346	120077
		Base State					
		Registration					
4U80	870620	Civil Forfeitures	\$	284,986	\$	284,986	120078
5590	870605	Public Utilities	\$	4,000	\$	4,000	120079
		Territorial					
		Administration					
5600	870607	Special Assessment	\$	100,000	\$	100,000	120080
5610	870606	Power Siting Board	\$	647,893	\$	647,893	120081
5BP0	870623	Wireless 9-1-1	\$	34,417,000	\$	36,443,000	120082
		Administration					
6380	870611	Biofuels/Municipal	\$	40,000	\$	40,000	120083
		Waste Technology					
6610	870612	Hazardous Materials	\$	900,000	\$	900,000	120084
		Transportation					
TOTAL SSR		State Special Revenue					120085
Fund Group			\$	38,768,928	\$	40,794,928	120086
TOTAL ALL BUDGET		FUND GROUPS	\$	92,504,003	\$	94,530,003	120087

Section 365.10. PWC PUBLIC WORKS COMMISSION				120089
General Revenue Fund				120090
GRF	150904	Conservation General	\$ 20,711,100 \$ 25,684,900	120091
		Obligation Debt		
		Service		
GRF	150907	State Capital	\$ 148,331,900 \$ 163,443,500	120092
		Improvements		
		General Obligation		120093
		Debt Service		
TOTAL GRF	General Revenue Fund		\$ 169,043,000 \$ 189,128,400	120094
Local Infrastructure Improvements Fund Group				120095
7039	150909	Local Infrastructure	\$ 261,027 \$ 269,555	120096
		Development		
TOTAL LIF	Local Infrastructure		\$ 261,027 \$ 269,555	120097
Improvements Fund Group				
Clean Ohio Conservation Fund Group				120098
7056	150403	Clean Ohio Operating	\$ 304,332 \$ 311,509	120099
		Expenses		
TOTAL 056	Clean Ohio Conservation		\$ 304,332 \$ 311,509	120100
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 169,608,359 \$ 189,709,464	120101
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				120102
The foregoing appropriation item 150904, Conservation General				120103
Obligation Debt Service, shall be used to pay all debt service and				120104
related financing costs during the period from July 1, 2009,				120105
through June 30, 2011, at the times they are required to be made				120106
for obligations issued under sections 151.01 and 151.09 of the				120107
Revised Code.				120108
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				120109
The foregoing appropriation item 150907, State Capital				120110

Improvements General Obligation Debt Service, shall be used to pay 120111
all debt service and related financing costs during the period 120112
from July 1, 2009, to June 30, 2011, at the times they are 120113
required to be made for obligations issued under sections 151.01 120114
and 151.08 of the Revised Code. 120115

CLEAN OHIO OPERATING EXPENSES 120116

The foregoing appropriation item 150403, Clean Ohio Operating 120117
Expenses, shall be used by the Ohio Public Works Commission in 120118
administering sections 164.20 to 164.27 of the Revised Code. 120119

120120

REIMBURSEMENT TO THE GENERAL REVENUE FUND 120121

(A) On or before July 15, 2011, the Director of the Public 120122
Works Commission shall certify to the Director of Budget and 120123
Management the following: 120124

(1) The total amount disbursed from appropriation item 120125
700409, Farmland Preservation, during the FY 2010-FY 2011 120126
biennium; and 120127

(2) The amount of interest earnings that have been credited 120128
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 120129
of the amount needed for other purposes as calculated by the 120130
Director of the Public Works Commission. 120131

(B) If the Director of Budget and Management determines under 120132
division (A)(2) of this section that there are excess interest 120133
earnings, the Director of Budget and Management shall, on or 120134
before July 15, 2011, transfer the excess interest earnings to the 120135
General Revenue Fund in an amount equal to the total amount 120136
disbursed under division (A)(1) of this section from the Clean 120137
Ohio Conservation Fund. 120138

Section 367.10. RAC STATE RACING COMMISSION 120139

State Special Revenue Fund Group 120140

5620	875601	Thoroughbred Race Fund	\$	2,300,000	\$	2,300,000	120141
5630	875602	Standardbred Development Fund	\$	1,900,000	\$	1,900,000	120142
5640	875603	Quarterhorse Development Fund	\$	1,000	\$	1,000	120143
5650	875604	Racing Commission Operating	\$	3,742,342	\$	3,758,818	120144
5C40	875607	Simulcast Horse Racing Purse	\$	14,000,000	\$	14,000,000	120145
TOTAL SSR State Special Revenue							120146
Fund Group			\$	21,943,342	\$	21,959,818	120147
Holding Account Redistribution Fund Group							120148
R021	875605	Bond Reimbursements	\$	145,000	\$	145,000	120149
TOTAL 090 Holding Account							120150
Redistribution							
Fund Group			\$	145,000	\$	145,000	120151
TOTAL ALL BUDGET FUND GROUPS			\$	22,088,342	\$	22,104,818	120152
 Section 371.10. BOR BOARD OF REGENTS							120154
General Revenue Fund							120155
GRF	235321	Operating Expenses	\$	2,439,835	\$	2,439,835	120156
GRF	235401	Lease Rental Payments	\$	124,461,100	\$	107,897,100	120157
GRF	235402	Sea Grants	\$	375,000	\$	375,000	120158
GRF	235406	Articulation and Transfer	\$	2,610,000	\$	2,610,000	120159
GRF	235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	120160
GRF	235409	Information System	\$	966,804	\$	966,804	120161
GRF	235414	State Grants and Scholarship Administration	\$	1,458,109	\$	1,458,109	120162

GRF 235415	Jobs Challenge	\$	4,967,492	\$	4,967,492	120163
GRF 235417	Ohio Learning Network	\$	2,807,546	\$	2,807,546	120164
GRF 235428	Appalachian New Economy Partnership	\$	981,887	\$	981,887	120165
GRF 235433	Economic Growth Challenge	\$	527,541	\$	527,541	120166
GRF 235434	College Readiness and Access	\$	4,240,000	\$	4,240,000	120167
GRF 235435	Teacher Improvement Initiatives	\$	524,000	\$	524,000	120168
GRF 235438	Choose Ohio First Scholarship	\$	13,000,000	\$	16,000,000	120169
GRF 235441	Co-Op/Internship Program	\$	46,500,000	\$	47,500,000	120170
GRF 235442	Teacher Fellowship	\$	0	\$	2,500,000	120171
GRF 235443	Adult Basic and Literacy Education - State	\$	7,650,264	\$	7,650,264	120172
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,791,288	\$	15,791,286	120173
GRF 235474	Area Health Education Centers Program Support	\$	1,091,833	\$	1,091,833	120174
GRF 235501	State Share of Instruction	\$	1,672,708,351	\$	1,675,554,971	120175
GRF 235502	Student Support Services	\$	714,406	\$	714,406	120176
GRF 235504	War Orphans Scholarships	\$	4,331,089	\$	4,331,089	120177
GRF 235507	OhioLINK	\$	6,632,281	\$	6,632,281	120178
GRF 235508	Air Force Institute of Technology	\$	1,840,659	\$	1,840,659	120179

GRF 235509	Women In Transition	\$	125,000	\$	125,000	120180
GRF 235510	Ohio Supercomputer Center	\$	3,834,386	\$	3,834,386	120181
GRF 235511	Cooperative Extension Service	\$	23,518,608	\$	22,467,678	120182
GRF 235513	Ohio University Voinovich School	\$	484,630	\$	484,630	120183
GRF 235514	Central State Supplement	\$	12,384,106	\$	12,384,106	120184
GRF 235515	Case Western Reserve University School of Medicine	\$	2,603,096	\$	2,603,096	120185
GRF 235519	Family Practice	\$	3,840,127	\$	3,840,127	120186
GRF 235520	Shawnee State Supplement	\$	2,577,393	\$	2,577,393	120187
GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$	434,630	\$	434,630	120188
GRF 235524	Police and Fire Protection	\$	123,498	\$	123,498	120189
GRF 235525	Geriatric Medicine	\$	633,294	\$	633,294	120190
GRF 235526	Primary Care Residencies	\$	1,895,962	\$	1,895,962	120191
GRF 235527	Ohio Aerospace Institute	\$	1,468,104	\$	1,468,104	120192
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000	120193
GRF 235536	The Ohio State University Clinical Teaching	\$	11,727,036	\$	11,727,036	120194
GRF 235537	University of	\$	9,645,328	\$	9,645,328	120195

	Cincinnati Clinical Teaching					
GRF 235538	University of Toledo Clinical Teaching	\$	7,518,011	\$	7,518,011	120196
GRF 235539	Wright State University Clinical Teaching	\$	3,652,395	\$	3,652,395	120197
GRF 235540	Ohio University Clinical Teaching	\$	3,530,882	\$	3,530,882	120198
GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,631,508	\$	3,631,508	120199
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568	120200
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000	120201
GRF 235555	Library Depositories	\$	1,522,963	\$	1,522,963	120202
GRF 235556	Ohio Academic Resources Network	\$	3,354,501	\$	3,354,501	120203
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711	120204
GRF 235563	Ohio College Opportunity Grant	\$	120,000,000	\$	135,000,000	120205
GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	120206
GRF 235572	The Ohio State University Clinic Support	\$	929,591	\$	929,591	120207
GRF 235576	Nonpublic Need-Based Financial Aid	\$	70,000,000	\$	70,000,000	120208
GRF 235579	Bliss Institute	\$	313,984	\$	313,984	120209
GRF 235580	Entrepreneurship	\$	50,000	\$	50,000	120210

	Education Program				
GRF 235583	Urban University	\$	3,340,426	\$	3,340,426 120211
	Program				
GRF 235587	Rural University	\$	708,693	\$	708,693 120212
	Projects				
GRF 235596	Hazardous Materials	\$	373,858	\$	373,858 120213
	Program				
GRF 235599	National Guard	\$	14,912,271	\$	14,912,271 120214
	Scholarship Program				
GRF 235644	State Share of	\$	309,874,026	\$	308,802,662 120215
	Instruction - Federal				
	Stimulus - Education				
GRF 235646	State Share of	\$	87,955,700	\$	103,302,363 120216
	Instruction - Federal				
	Stimulus - Government				
	Services				
GRF 235909	Higher Education	\$	85,317,700	\$	89,480,300 120217
	General Obligation				
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,765,677,725	\$	2,789,072,058 120218
	General Services Fund Group				120219
2200 235614	Program Approval and	\$	3,000,000	\$	3,000,000 120220
	Reauthorization				
4560 235603	Sales and Services	\$	700,000	\$	700,000 120221
TOTAL GSF	General Services				120222
Fund Group		\$	3,700,000	\$	3,700,000 120223
	Federal Special Revenue Fund Group				120224
3120 235609	Tech Prep	\$	183,849	\$	183,849 120225
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000 120226
3120 235612	Carl D. Perkins	\$	912,961	\$	912,961 120227
	Grant/Plan				
	Administration				

3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	120228
3120	235641	Adult Basic Literacy Education - Federal	\$	17,869,546	\$	17,869,546	120229
3BE0	235636	Adult Education and Family Literacy Act Incentive Grant	\$	1,783,583	\$	1,783,583	120230
3BG0	235626	Star Schools	\$	250,000	\$	0	120231
3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	120232
3N60	235605	State Student Incentive Grants	\$	2,533,339	\$	2,533,339	120233
3N60	235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044	120234
TOTAL FED Federal Special Revenue							120235
Fund Group			\$	36,401,322	\$	36,151,322	120236
State Special Revenue Fund Group							120237
4E80	235602	Higher Educational Facility Commission Administration	\$	45,000	\$	45,000	120238
6490	235607	The Ohio State University Highway/Transportation Research	\$	600,000	\$	600,000	120239
6820	235606	Nursing Loan Program	\$	893,000	\$	893,000	120240
TOTAL SSR State Special Revenue							120241
Fund Group			\$	1,538,000	\$	1,538,000	120242
Third Frontier Research & Development Fund Group							120243
7011	235634	Research Incentive Third Frontier Fund	\$	10,000,000	\$	10,000,000	120244
TOTAL 011 Third Frontier Research & Development Fund Group			\$	10,000,000	\$	10,000,000	120245

TOTAL ALL BUDGET FUND GROUPS \$ 2,817,317,047 \$ 2,840,461,380 120246

Section 371.10.10. LEASE RENTAL PAYMENTS 120248

The foregoing appropriation item 235401, Lease Rental 120249
Payments, shall be used to meet all payments at the times they are 120250
required to be made during the period from July 1, 2009, to June 120251
30, 2011, by the Chancellor of the Board of Regents under leases 120252
and agreements made under section 154.21 of the Revised Code. 120253
These appropriations are the source of funds pledged for bond 120254
service charges or obligations issued pursuant to Chapter 154. of 120255
the Revised Code. 120256

Section 371.10.15. SEA GRANTS 120257

The foregoing appropriation item 235402, Sea Grants, shall be 120258
disbursed to The Ohio State University and shall be used to 120259
conduct research on fish in Lake Erie. 120260

Section 371.10.20. ARTICULATION AND TRANSFER 120261

The foregoing appropriation item 235406, Articulation and 120262
Transfer, shall be used by the Chancellor of the Board of Regents 120263
to maintain and expand the work of the Articulation and Transfer 120264
Council to develop a system of transfer policies to ensure that 120265
students at state institutions of higher education can transfer 120266
and have coursework apply to their majors and degrees at any other 120267
state institution of higher education without unnecessary 120268
duplication or institutional barriers under sections 3333.16, 120269
3333.161, and 3333.162 of the Revised Code. 120270

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT 120271

The foregoing appropriation item 235408, Midwest Higher 120272
Education Compact, shall be distributed by the Chancellor of the 120273
Board of Regents under section 3333.40 of the Revised Code. 120274

Section 371.10.40. INFORMATION SYSTEM 120275

The foregoing appropriation item 235409, Information System, 120276
shall be used by the Chancellor of the Board of Regents to support 120277
the development and implementation of information technology 120278
solutions designed to improve the performance and services of the 120279
Chancellor of the Board of Regents and the University System of 120280
Ohio. Information technology solutions shall be provided by the 120281
Ohio Academic Research Network (OARnet). 120282

Section 371.10.50. STATE GRANTS AND SCHOLARSHIP 120283

ADMINISTRATION 120284

The foregoing appropriation item 235414, State Grants and 120285
Scholarship Administration, shall be used by the Chancellor of the 120286
Board of Regents to administer the following student financial aid 120287
programs: Ohio College Opportunity Grant, Nonpublic Need-Based 120288
Financial Aid, Ohio War Orphans' Scholarship, Nurse Education 120289
Assistance Loan Program, Ohio Safety Officers College Memorial 120290
Fund, and any other student financial aid programs created by the 120291
General Assembly. The appropriation item also shall be used to 120292
administer the federal Leveraging Educational Assistance 120293
Partnership (LEAP) program, Special Leveraging Educational 120294
Assistance Partnership (SLEAP) program, the federal College Access 120295
Challenge Grant (CACG), and other student financial aid programs 120296
created by Congress and to provide fiscal services for the Ohio 120297
National Guard Scholarship Program. 120298

Section 371.10.60. JOBS CHALLENGE 120299

Except as provided in the sections of this act entitled 120300
"Statewide Workforce Development Initiatives" and "Fiscal Year 120301
2011 Plan for Adult Workforce Training Programs," funds 120302
appropriated to the foregoing appropriation item 235415, Jobs 120303
Challenge, shall be used by the Chancellor of the Board of Regents 120304

to support state-assisted community and technical colleges, 120305
regional campuses of state-assisted universities, and other 120306
organizationally distinct and identifiable member campuses of the 120307
Workforce training network in support of noncredit job-related 120308
training. 120309

Support may include the promotion and delivery of coordinated 120310
assessment and comprehensive training to local employers. The 120311
Chancellor shall develop a formula for the distribution of funds. 120312

Section 371.10.70. OHIO LEARNING NETWORK 120313

The foregoing appropriation item 235417, Ohio Learning 120314
Network, shall be used by the Chancellor of the Board of Regents 120315
to support the continued implementation of the Ohio Learning 120316
Network, a consortium organized under division (U) of section 120317
3333.04 of the Revised Code to expand access to adult and higher 120318
education opportunities through technology. The funds shall be 120319
used by the Ohio Learning Network to develop and promote learning 120320
and assessment through the use of technology, to test and provide 120321
advice on emerging learning-directed technologies, and to 120322
facilitate cost-effectiveness through shared educational 120323
technology investments. 120324

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 120325

The foregoing appropriation item 235428, Appalachian New 120326
Economy Partnership, shall be distributed to Ohio University to 120327
continue a multi-campus and multi-agency coordinated effort to 120328
link Appalachia to the new economy. Ohio University shall use 120329
these funds to provide leadership in the development and 120330
implementation of initiatives in the areas of entrepreneurship, 120331
management, education, and technology. 120332

Section 371.10.90. ECONOMIC GROWTH CHALLENGE 120333

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic development goals. The Chancellor shall give priority consideration to projects that are eligible to receive federal stimulus funds.

Section 371.20.06. COLLEGE READINESS AND ACCESS

Of the foregoing appropriation item 235434, College Readiness and Access, \$1,000,000 in each fiscal year shall be distributed to the Ohio College Access Network.

Of the foregoing appropriation item 235434, College Readiness and Access, \$600,000 in each fiscal year shall be distributed to the Ohio Appalachian Center for Higher Education at Shawnee State University. The board of directors of the Center shall consist of the presidents of Shawnee State University, Belmont Technical College, Hocking College, Jefferson Community College, Zane State College, Rio Grande Community College, Southern State Community College, and Washington State Community College; the President of Ohio University or a designee of the president; the dean of one of the Salem, Tuscarawas, and East Liverpool regional campuses of Kent State University, as designated by the President of Kent State University; and a representative of the Board of Regents designated by the Chancellor.

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Of the foregoing appropriation item 235434, College Readiness and Access, \$140,000 in each fiscal year shall be distributed to Miami University for the Student Achievement in Research and Scholarship (STARS) Program.

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Of the foregoing appropriation item 235434, College Readiness and Access, \$2,500,000 in each fiscal year shall be used to support the Early College High School Program. The funds shall be distributed according to guidelines established by the Department of Education and the Chancellor of the Board of Regents.

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Section 371.20.08. TEACHER IMPROVEMENT INITIATIVES

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Of the foregoing appropriation item 235435, Teacher Improvement Initiatives, \$204,000 in each fiscal year shall be distributed to the Porter Center for Science and Mathematics in Lake County.

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Of the foregoing appropriation item 235435, Teacher Improvement Initiatives, \$320,000 in each fiscal year shall be used to support the Ohio View consortium of research universities. The funds shall be used by Ohio View and its member universities to develop the job pipeline in the field of geospatial technology through the training and professional development of teachers, higher education students and faculty, and employees in the public and private sectors. Ohio View shall prepare teachers of grades kindergarten through twelve to instruct students in the uses of existing geospatial technology, especially through hands-on observations.

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Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP

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Of the foregoing appropriation item 235438, Choose Ohio First Scholarship, up to \$3,000,000 in each fiscal year shall be used by

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the Chancellor of the Board of Regents to support the Ohio Woodrow 120395
Wilson STEM Teaching Fellows Program, a program designed to 120396
attract students with high potential and strong backgrounds in 120397
science, technology, engineering, mathematics, and medical 120398
disciplines to graduate programs specially designed for teacher 120399
preparation in those disciplines. 120400

The Chancellor shall establish a competitive process for 120401
making awards under the Ohio Woodrow Wilson STEM Teaching Fellows 120402
Program to Ohio institutions of higher education that develop, 120403
transform, and implement science, technology, engineering, 120404
mathematics, and medical teacher preparation programs. 120405
Institutions shall be chosen based on a determination that they 120406
have the leadership, commitment, and capacity to meet criteria as 120407
set forth in a request for proposals issued by the Chancellor. The 120408
request for proposals shall include criteria developed by the 120409
Woodrow Wilson Foundation and an advisory panel of experts in 120410
education and science, technology, engineering, mathematics, and 120411
medical disciplines. Awards made under the Ohio Woodrow Wilson 120412
STEM Teaching Fellows Program shall not be subject to sections 120413
3333.60 to 3333.70 of the Revised Code or any rule adopted 120414
pursuant to those sections. 120415

Of the foregoing appropriation item 235438, Choose Ohio First 120416
Scholarship, \$125,000 in each fiscal year shall be used to support 120417
University Circle, Inc. 120418

The remainder of the foregoing appropriation item 235438, 120419
Choose Ohio First Scholarship, shall be used to operate the 120420
program prescribed in sections 3333.60 to 3333.70 of the Revised 120421
Code. Amounts disbursed to institutions shall be paid on a 120422
reimbursement basis. 120423

An amount equal to the unexpended, unencumbered portion of 120424
the foregoing appropriation item 235438, Choose Ohio First 120425
Scholarship, at the end of fiscal year 2010 is hereby 120426

reappropriated to the Board of Regents for the same purpose for 120427
fiscal year 2011. 120428

Section 371.20.20. CO-OP/INTERNSHIP PROGRAM 120429

(A) Except as otherwise provided in this section, the 120430
foregoing appropriation item, 235441, Co-op/Internship Program, 120431
shall be used by the Chancellor of the Board of Regents to operate 120432
the Co-op/Internship Program under sections 3333.71 to 3333.80 of 120433
the Revised Code. Funding for eligible institutions shall be 120434
disbursed in accordance with the terms of the agreements entered 120435
into under section 3333.75 of the Revised Code. 120436

(B) Of the foregoing appropriation item 235441, 120437
Co-op/Internship Program, up to \$250,000 in each fiscal year shall 120438
be used by the Chancellor of the Board of Regents to establish and 120439
administer a competition for the development of successful 120440
business plans for students enrolled at Ohio institutions of 120441
higher education. Winners of the competition shall receive an 120442
award of \$50,000 for the development and submission of a business 120443
plan that leads to the establishment of a business in the State of 120444
Ohio. Prior to making awards, the Chancellor may convene a panel 120445
of experts to evaluate submitted business plans and make 120446
recommendations or the Chancellor may seek collaboration with the 120447
Department of Development in the administration of the 120448
competition. Awards shall not be distributed to a student until 120449
the student provides documentation to the Chancellor that a 120450
business has been established using the student's business plan. 120451
Documentation may include a certified copy of the articles of 120452
incorporation or other business filing with the Ohio Secretary of 120453
State. Awards made under this division are not subject to sections 120454
3333.71 to 3333.80 of the Revised Code or to any rule adopted 120455
pursuant to those sections. 120456

Any funds earmarked under this division that are unawarded or 120457

unencumbered at the end of fiscal year 2010 are hereby 120458
reappropriated for the same purpose in fiscal year 2011. 120459

(C) Of the foregoing appropriation item 235441, 120460
Co-op/Internship Program, up to \$1,000,000 in each fiscal year may 120461
be used by the Chancellor of the Board of Regents to support 120462
programs at institutions of higher education that collaborate with 120463
and provide interns to businesses that have been in operation for 120464
not more than three years. The Chancellor shall establish a 120465
competitive process for making awards under this division. 120466
Institutions shall be chosen based on a determination that they 120467
have the leadership, commitment, and capacity to meet criteria as 120468
set forth in a request for proposals issued by the Chancellor. 120469
Prior to issuing a request for proposals and prior to making an 120470
award under this division, the Chancellor shall seek the advice of 120471
the Co-op/Internship Advisory Committee. An institution receiving 120472
an award under this division shall enter into an agreement with 120473
the Chancellor governing the use of the funds and setting forth 120474
reporting requirements. Awards made under this division are not 120475
subject to sections 3333.71 to 3333.80 of the Revised Code or to 120476
any rule adopted pursuant to those sections. 120477

(D) Of the foregoing appropriation item 235441, 120478
Co-op/Internship Program, \$5,000,000 in each fiscal year shall be 120479
used for the grant program for employee training in the fields of 120480
biotechnology and bioscience or other field under section 3333.91 120481
of the Revised Code. 120482

(E) Of the foregoing appropriation item 235441, 120483
Co-op/Internship Program, \$500,000 in each fiscal year shall be 120484
provided to the University of Cincinnati to support Rookwood 120485
Pottery Company internship programs with state-assisted 120486
institutions of higher education. 120487

(F) At the request of the Chancellor of the Board of Regents, 120488
the Director of Budget and Management may transfer any unexpended, 120489

unencumbered appropriation in fiscal year 2010 or fiscal year 2011 120490
as well as any appropriation repaid by eligible institutions 120491
pursuant to the terms of the grant agreement from appropriation 120492
item 235441, Co-op/Internship Program, to appropriation item 120493
235433, Economic Growth Challenge. Any appropriation so 120494
transferred shall be used to strengthen academic research for 120495
pursuing Ohio's economic development goals under the Section of 120496
this act entitled "Economic Growth Challenge". 120497

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION 120498

Except as provided in the Sections of this act entitled 120499
"Statewide Workforce Development Initiatives" and "Fiscal Year 120500
2011 Plan for Adult Workforce Training Programs", the foregoing 120501
appropriation item 235443, Adult Basic and Literacy Education - 120502
State, shall be used to support adult basic and literacy education 120503
instructional programs and for the operation of an adult basic and 120504
literacy education instructional grant program. The supported 120505
programs shall satisfy the state match and maintenance of effort 120506
requirements for the state-administered grant program. 120507

Of the foregoing appropriation item 235443, Adult Basic and 120508
Literacy Education - State, up to \$507,558 in fiscal year 2010 120509
shall be used for the support and operation of the State Literacy 120510
Resource Center Program. 120511

Of the foregoing appropriation item 235443, Adult Basic and 120512
Literacy Education - State, \$122,000 in each fiscal year shall be 120513
used to support initiatives for English as a Second Language 120514
programs. Funding shall be distributed as follows: \$60,000 in each 120515
fiscal year for Jewish Community Federation of Cleveland, \$25,000 120516
in each fiscal year for Yassenoff Jewish Community Center of 120517
Columbus, \$30,000 in each fiscal year for Jewish Family Services 120518
of Cincinnati, and \$7,000 in each fiscal year for Jewish Family 120519
Services of Dayton. 120520

On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, in fiscal year 2010.

Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL EDUCATION

Except as provided in the Sections of this act entitled "Statewide Workforce Development Initiatives" and "Fiscal Year 2011 Plan for Adult Workforce Training Programs", the foregoing appropriation item 235444, Post-Secondary Adult Career-Technical Education, shall be used by the Chancellor of the Board of Regents in each fiscal year to provide post-secondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of funds in fiscal year 2010.

Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT INITIATIVES

The Chancellor may identify amounts of the foregoing appropriation items 235415, Jobs Challenge, 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education, to be used to support the Ohio Skills Bank Program and the Stackable Certificates Program. The Ohio Skills Bank Program seeks to align the education of Ohio's workforce with industry needs. The Stackable Certificates Program consists of competency-based, low-cost, noncredit and credit-bearing modules and courses in communications, mathematics, information technology, and other fields selected by the Chancellor. The program culminates in a certificate and provides

recipients with a foundation for additional post-secondary 120551
education. 120552

Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE 120553
TRAINING PROGRAMS 120554

Notwithstanding the Sections of this act entitled "Jobs 120555
Challenge," "Adult Basic and Literacy Education," and 120556
"Post-Secondary Adult Career-Technical Education," not later than 120557
June 1, 2010, the Chancellor of the Board of Regents shall submit 120558
for approval of the Controlling Board a plan for the integration 120559
of funding support for the state's adult workforce training and 120560
development programs, beginning in fiscal year 2011. Funding 120561
support in the plan shall include appropriation items 235415, Jobs 120562
Challenge, 235443, Adult Basic and Literacy Education - State, and 120563
235444, Post-Secondary Adult Career-Technical Education. 120564

The plan shall clearly define the formulas, or competitive 120565
process, to be used for funding the activities of adult basic and 120566
literacy education program providers, state literacy resource 120567
centers, post-secondary adult career-technical education 120568
providers, and community colleges. The plan may propose the 120569
creation of new appropriation items as necessary to support its 120570
implementation. 120571

Section 371.20.70. AREA HEALTH EDUCATION CENTERS 120572

The foregoing appropriation item 235474, Area Health 120573
Education Centers Program Support, shall be used by the Chancellor 120574
of the Board of Regents to support the medical school regional 120575
area health education centers' educational programs for the 120576
continued support of medical and other health professions 120577
education and for support of the Area Health Education Center 120578
Program. 120579

Of the foregoing appropriation item 235474, Area Health 120580

Education Centers Program Support, \$200,000 in each fiscal year 120581
shall be disbursed to the Ohio University College of Osteopathic 120582
Medicine to operate a mobile health care unit to serve the 120583
southeastern area of the state. 120584

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS 120585

On or before August 31, 2009, the Chancellor of the Board of 120586
Regents shall submit to the Controlling Board funding formulas for 120587
the allocation of the foregoing appropriation item 235501, State 120588
Share of Instruction, in each fiscal year. The funding formulas 120589
shall consider the September 2008 university and community college 120590
recommendations submitted to the fiscal year 2009 state share of 120591
instruction consultation, and shall include separate formulas for 120592
state-assisted university main campuses, regional campuses of 120593
state-assisted universities, and state-assisted community and 120594
technical colleges. 120595

The state share of instruction formula for state-assisted 120596
university main campuses shall support graduate and medical 120597
education, reward course and degree completion, and reward the 120598
achievement of mission-specific goals. The state share of 120599
instruction formula for regional campuses of the state-assisted 120600
universities shall reward course completion and the achievement of 120601
mission-specific goals. The state share of instruction formula for 120602
state-assisted community and technical colleges shall be based on 120603
enrollments, achievement of mission-specific goals, and measures 120604
of student success appropriate to institutional missions. 120605

Student-specific components of the formulas shall be weighted 120606
for at-risk students as measured using the student's eligibility 120607
for support from state need-based aid programs. The state share of 120608
instruction formulas shall include allocations of Success 120609
Challenge, Access Challenge, and any other tuition subsidy 120610
provided in Am. Sub. H.B. 119 of the 127th General Assembly. The 120611

state share of instruction funding formulas shall be designed to 120612
phase in components over time. 120613

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 120614
YEARS 2010 AND 2011 120615

The boards of trustees of state-assisted institutions of 120616
higher education shall restrain increases in in-state 120617
undergraduate instructional and general fees. For the 2009-2010 120618
academic year, each state-assisted institution shall not increase 120619
its in-state undergraduate instructional and general fees over 120620
what the institution charged for the 2008-2009 academic year. For 120621
the 2010-2011 academic year, each state-assisted community 120622
college, state community college, technical college, and regional 120623
campus of a state-assisted university shall not increase its 120624
in-state undergraduate instructional and general fees over what 120625
the institution charged for the 2009-2010 academic year. 120626

These limitations shall not apply to increases required to 120627
comply with institutional covenants related to their obligations 120628
or to meet unfunded legal mandates or legally binding obligations 120629
incurred or commitments made prior to the effective date of this 120630
section with respect to which the institution had identified such 120631
fee increases as the source of funds. Any increase required by 120632
such covenants and any such mandates, obligations, or commitments 120633
shall be reported by the Chancellor of the Board of Regents to the 120634
Controlling Board. These limitations may also be modified by the 120635
Chancellor of the Board of Regents, with the approval of the 120636
Controlling Board, to respond to exceptional circumstances as 120637
identified by the Chancellor of the Board of Regents. 120638

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES 120639

(A) Funds appropriated for instructional subsidies at 120640
colleges and universities may be used to provide such branch or 120641

other off-campus undergraduate courses of study and such master's 120642
degree courses of study as may be approved by the Chancellor of 120643
the Board of Regents. 120644

(B) In providing instructional and other services to 120645
students, boards of trustees of state-assisted institutions of 120646
higher education shall supplement state subsidies with income from 120647
charges to students. Except as otherwise provided in this Section, 120648
each board shall establish the fees to be charged to all students, 120649
including an instructional fee for educational and associated 120650
operational support of the institution and a general fee for 120651
noninstructional services, including locally financed student 120652
services facilities used for the benefit of enrolled students. The 120653
instructional fee and the general fee shall encompass all charges 120654
for services assessed uniformly to all enrolled students. Each 120655
board may also establish special purpose fees, service charges, 120656
and fines as required; such special purpose fees and service 120657
charges shall be for services or benefits furnished individual 120658
students or specific categories of students and shall not be 120659
applied uniformly to all enrolled students. A tuition surcharge 120660
shall be paid by all students who are not residents of Ohio. 120661

The board of trustees of a state-assisted institution of 120662
higher education shall not authorize a waiver or nonpayment of 120663
instructional fees or general fees for any particular student or 120664
any class of students other than waivers specifically authorized 120665
by law or approved by the Chancellor. This prohibition is not 120666
intended to limit the authority of boards of trustees to provide 120667
for payments to students for services rendered the institution, 120668
nor to prohibit the budgeting of income for staff benefits or for 120669
student assistance in the form of payment of such instructional 120670
and general fees. 120671

Each state-assisted institution of higher education in its 120672
statement of charges to students shall separately identify the 120673

instructional fee, the general fee, the tuition charge, and the 120674
tuition surcharge. Fee charges to students for instruction shall 120675
not be considered to be a price of service but shall be considered 120676
to be an integral part of the state government financing program 120677
in support of higher educational opportunity for students. 120678

(C) Notwithstanding any provision of law to the contrary, if 120679
the Chancellor of the Board of Regents intends to work with a 120680
state-assisted institution of higher education to adjust the 120681
instructional and general fee amounts charged for an associate 120682
degree program at the institution for the 2009-2010 academic year 120683
or the 2010-2011 academic year, the Chancellor shall proceed as 120684
follows: 120685

(1) Notify the institution's board of trustees of the 120686
Chancellor's intent to work with the institution to adjust the 120687
instructional and general fee amounts charged for an associate 120688
degree program for the applicable academic year; 120689

(2) Request the board of trustees to do both of the 120690
following: 120691

(a) Provide access to data and to administrators and other 120692
employees of the institution, as specified by the Chancellor, for 120693
the purpose of analyzing the instructional and general fee 120694
amounts; 120695

(b) Prepare and submit to the Chancellor, within thirty days 120696
after the request, a report justifying the current instructional 120697
and general fee amounts or proposing an adjustment to those 120698
amounts. 120699

The board of trustees shall comply with each request of the 120700
Chancellor under division (C)(2) of this section. 120701

(3) Convene a meeting with the board of trustees to reach an 120702
agreement on adjusting the instructional and general fee amounts 120703
and on a plan to implement the adjustments. The Chancellor or the 120704

board of trustees may designate employees of the institution to participate in the meeting. If an agreement is reached, the board of trustees shall take action to implement the plan to adjust the fee amounts.

(4) If no agreement is reached under division (C)(3) of this section, make a recommendation to the board of trustees for an adjustment to the instructional and general fee amounts. In making the recommendation, the Chancellor shall specify the actions that should be taken to make the adjustment viable and shall demonstrate that the adjustment will not adversely impact the financial or educational condition of the institution. The Chancellor shall not make a recommendation that, if implemented, would cause the composite result of the ratio analysis performed of the financial condition of the institution under paragraph (A)(4) of rule 126:3-1-01 of the Ohio Administrative Code to place the institution in fiscal watch under paragraph (B) of that rule. Not later than ten days after receipt of the Chancellor's recommendation, the board of trustees shall act either to adopt the recommendation or to reject the recommendation.

(5) If the board of trustees rejects the recommendation made under division (C)(4) of this section, determine whether to submit the recommendation to the Controlling Board for approval. If the Chancellor elects to submit the recommendation to the Controlling Board and the Controlling Board approves the recommendation, the board of trustees shall implement the recommendation and shall adjust the instructional and general fee amounts accordingly.

Unless a law enacted after the effective date of this section requires otherwise, any restriction on tuition increases for an associate degree program applicable to a state-assisted institution of higher education in fiscal year 2012 or fiscal year 2013 shall be applied to the instructional and general fee amounts charged for the program immediately prior to any adjustment under

division (C) of this section. 120737

(D) The boards of trustees of state-assisted institutions of 120738
higher education shall ensure that faculty members devote a proper 120739
and judicious part of their work week to the actual instruction of 120740
students. Total class credit hours of production per quarter per 120741
full-time faculty member is expected to meet the standards set 120742
forth in the budget data submitted by the Chancellor of the Board 120743
of Regents. 120744

(E) The authority of government vested by law in the boards 120745
of trustees of state-assisted institutions of higher education 120746
shall in fact be exercised by those boards. Boards of trustees may 120747
consult extensively with appropriate student and faculty groups. 120748
Administrative decisions about the utilization of available 120749
resources, about organizational structure, about disciplinary 120750
procedure, about the operation and staffing of all auxiliary 120751
facilities, and about administrative personnel shall be the 120752
exclusive prerogative of boards of trustees. Any delegation of 120753
authority by a board of trustees in other areas of responsibility 120754
shall be accompanied by appropriate standards of guidance 120755
concerning expected objectives in the exercise of such delegated 120756
authority and shall be accompanied by periodic review of the 120757
exercise of this delegated authority to the end that the public 120758
interest, in contrast to any institutional or special interest, 120759
shall be served. 120760

Section 371.30.20. STUDENT SUPPORT SERVICES 120761

The foregoing appropriation item 235502, Student Support 120762
Services, shall be distributed by the Chancellor of the Board of 120763
Regents to Ohio's state-assisted colleges and universities that 120764
incur disproportionate costs in the provision of support services 120765
to disabled students. 120766

Section 371.30.30. WAR ORPHANS SCHOLARSHIPS 120767

The foregoing appropriation item 235504, War Orphans 120768
Scholarships, shall be used to reimburse state-assisted 120769
institutions of higher education for waivers of instructional fees 120770
and general fees provided by them, to provide grants to 120771
institutions that have received a certificate of authorization 120772
from the Chancellor of the Board of Regents under Chapter 1713. of 120773
the Revised Code, in accordance with the provisions of section 120774
5910.04 of the Revised Code, and to fund additional scholarship 120775
benefits provided by section 5910.032 of the Revised Code. 120776

An amount equal to the unexpended, unencumbered portion of 120777
the foregoing appropriation item 235504, War Orphans Scholarships, 120778
at the end of fiscal year 2010 is hereby reappropriated to the 120779
Board of Regents for the same purpose for fiscal year 2011. 120780

Section 371.30.40. OHIOLINK 120781

The foregoing appropriation item 235507, OhioLINK, shall be 120782
used by the Chancellor of the Board of Regents to support 120783
OhioLINK, a consortium organized under division (U) of section 120784
3333.04 of the Revised Code to serve as the state's electronic 120785
library information and retrieval system, which provides access 120786
statewide to an extensive set of electronic databases and 120787
resources and the library holdings of Ohio's public and 120788
participating private nonprofit colleges and universities, and the 120789
State Library of Ohio. 120790

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY 120791

The foregoing appropriation item 235508, Air Force Institute 120792
of Technology, shall be used to strengthen the research and 120793
educational linkages between the Wright Patterson Air Force Base 120794
and institutions of higher education in Ohio. Of the foregoing 120795

appropriation item 235508, Air Force Institute of Technology, 120796
\$1,227,106 in each fiscal year shall be used for research projects 120797
that connect the Air Force Research Laboratories with university 120798
partners. The institute shall provide annual reports to the Third 120799
Frontier Commission that discuss existing, planned, or possible 120800
collaborations between programs and funding recipients related to 120801
technology, research development, commercialization, and support 120802
for Ohio's economic development. 120803

Of the foregoing appropriation item 235508, Air Force 120804
Institute of Technology, \$613,553 in each fiscal year shall be 120805
used to match federal dollars to support technology 120806
commercialization and job creation. The Development Research 120807
Corporation shall use the funds to create or expand Ohio-based 120808
technology and commercial development collaborations in areas that 120809
are a priority in Ohio's third frontier initiative between 120810
industry, academia, and government. 120811

Section 371.30.55. WOMEN IN TRANSITION 120812

The foregoing appropriation item 235509, Women in Transition, 120813
shall be used to support Women in Transition programs at Ohio 120814
institutions of higher education. 120815

Section 371.30.60. OHIO SUPERCOMPUTER CENTER 120816

The foregoing appropriation item 235510, Ohio Supercomputer 120817
Center, shall be used by the Chancellor of the Board of Regents to 120818
support the operation of the Ohio Supercomputer Center, a 120819
consortium organized under division (U) of section 3333.04 of the 120820
Revised Code, located at The Ohio State University. The Ohio 120821
Supercomputer Center is a statewide resource available to Ohio 120822
research universities both public and private. It is also intended 120823
that the center be made accessible to private industry as 120824
appropriate. 120825

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative, which includes its industrial outreach program, Blue Collar Computing, and its School of Computational Science. These collaborations between the Ohio Supercomputer Center and Ohio's colleges and universities shall be aimed at making Ohio a leader in using computer modeling to promote economic development.

Section 371.30.70. COOPERATIVE EXTENSION SERVICE 120833

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL 120839

The foregoing appropriation item 235513, Ohio University Voinovich School, shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.

Section 371.30.90. CENTRAL STATE SUPPLEMENT 120844

The foregoing appropriation item 235514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 120851
120852

The foregoing appropriation item 235515, Case Western Reserve 120853

University School of Medicine, shall be disbursed to Case Western 120854
Reserve University through the Chancellor of the Board of Regents 120855
in accordance with agreements entered into under section 3333.10 120856
of the Revised Code, provided that the state support per full-time 120857
medical student shall not exceed that provided to full-time 120858
medical students at state universities. 120859

Section 371.40.20. FAMILY PRACTICE 120860

The Chancellor of the Board of Regents shall develop plans 120861
consistent with existing criteria and guidelines as may be 120862
required for the distribution of appropriation item 235519, Family 120863
Practice. 120864

Section 371.40.30. SHAWNEE STATE SUPPLEMENT 120865

The foregoing appropriation item 235520, Shawnee State 120866
Supplement, shall be used by Shawnee State University as detailed 120867
by both of the following: 120868

(A) To allow Shawnee State University to keep its 120869
undergraduate fees below the statewide average, consistent with 120870
its mission of service to an economically depressed Appalachian 120871
region; 120872

(B) To allow Shawnee State University to employ new faculty 120873
to develop and teach in new degree programs that meet the needs of 120874
Appalachians. 120875

Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS 120876

The foregoing appropriation item 235521, The Ohio State 120877
University John Glenn School of Public Affairs, shall be used by 120878
the Chancellor of the Board of Regents to support the operations 120879
of The Ohio State University's John Glenn School of Public 120880
Affairs. 120881

Section 371.40.50. POLICE AND FIRE PROTECTION 120882

The foregoing appropriation item 235524, Police and Fire 120883
Protection, shall be used for police and fire services in the 120884
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 120885
Portsmouth, Xenia Township (Greene County), Rootstown Township, 120886
and the City of Nelsonville that may be used to assist these local 120887
governments in providing police and fire protection for the 120888
central campus of the state-affiliated university located therein. 120889

Section 371.40.60. GERIATRIC MEDICINE 120890

The Chancellor of the Board of Regents shall develop plans 120891
consistent with existing criteria and guidelines as may be 120892
required for the distribution of appropriation item 235525, 120893
Geriatric Medicine. 120894

Section 371.40.70. PRIMARY CARE RESIDENCIES 120895

The Chancellor of the Board of Regents shall develop plans 120896
consistent with existing criteria and guidelines as may be 120897
required for the distribution of appropriation item 235526, 120898
Primary Care Residencies. 120899

The foregoing appropriation item 235526, Primary Care 120900
Residencies, shall be distributed in each fiscal year of the 120901
biennium, based on whether or not the institution has submitted 120902
and gained approval for a plan. If the institution does not have 120903
an approved plan, it shall receive five per cent less funding per 120904
student than it would have received from its annual allocation. 120905
The remaining funding shall be distributed among those 120906
institutions that meet or exceed their targets. 120907

Section 371.40.75. OHIO AEROSPACE INSTITUTE 120908

The foregoing appropriation item 235527, Ohio Aerospace 120909

Institute, shall be distributed by the Chancellor of the Board of Regents under section 3333.042 of the Revised Code. 120910
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The Board of Regents, in consultation with the Third Frontier Commission, shall develop a plan for providing for appropriate, value-added participation of the Ohio Aerospace Institute in Third Frontier Project proposals and grants. 120912
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Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 120916
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The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. 120918
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The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment. 120929
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Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING 120939

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Chancellor of the Board of Regents.

Section 371.50.10. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of 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 campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts except that of the Ohio Agricultural Research and Development Center shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component. Appropriation equal to any estimated Ohio

Agricultural Research and Development Center debt service 120971
attributable to qualifying capital projects that is greater than 120972
the Center's formula-determined capital component allocation shall 120973
be transferred from appropriation item 235535, Ohio Agricultural 120974
Research and Development Center, to appropriation item 235552, 120975
Capital Component. 120976

Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 120977

The foregoing appropriation item 235553, Dayton Area Graduate 120978
Studies Institute, shall be used by the Board of Regents to 120979
support the Dayton Area Graduate Studies Institute, an engineering 120980
graduate consortium of three universities in the Dayton area: 120981
Wright State University, the University of Dayton, and the Air 120982
Force Institute of Technology, with the participation of the 120983
University of Cincinnati and The Ohio State University. 120984

Section 371.50.20. LIBRARY DEPOSITORIES 120985

The foregoing appropriation item, 235555, Library 120986
Depositories, shall be distributed to the state's five regional 120987
depository libraries for the cost-effective storage of and access 120988
to lesser-used materials in university library collections. The 120989
depositories shall be administrated by the Chancellor of the Board 120990
of Regents. 120991

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 120992

The foregoing appropriation item 235556, Ohio Academic 120993
Resources Network, shall be used by the Chancellor of the Board of 120994
Regents to support the operations of the Ohio Academic Resources 120995
Network, a consortium organized under division (U) of section 120996
3333.04 of the Revised Code, which shall include support for 120997
Ohio's colleges and universities in maintaining and enhancing 120998
network connections, using new network technologies to improve 120999

research, education, and economic development programs, and 121000
sharing information technology services. The network shall give 121001
priority to supporting the Third Frontier Network and allocating 121002
bandwidth to programs directly supporting Ohio's economic 121003
development. 121004

Section 371.50.40. LONG-TERM CARE RESEARCH 121005

The foregoing appropriation item 235558, Long-term Care 121006
Research, shall be disbursed to Miami University for long-term 121007
care research. 121008

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT 121009

The foregoing appropriation item 235563, Ohio College 121010
Opportunity Grant, shall be used by the Chancellor of the Board of 121011
Regents to award needs-based financial aid to students enrolled in 121012
eligible public institutions of higher education, excluding early 121013
college high school and post-secondary enrollment option 121014
participants. 121015

An amount equal to the unexpended, unencumbered portion of 121016
the foregoing appropriation item 235563, Ohio College Opportunity 121017
Grant, at the end of fiscal year 2010 is hereby reappropriated to 121018
the Board of Regents for the same purpose for fiscal year 2011. 121019

On or before August 31, 2009, the Chancellor of the Board of 121020
Regents shall submit funding formulas to the Controlling Board for 121021
the 2009-2010 academic year and allocations of Ohio College 121022
Opportunity Grant awards not already specified in section 3333.122 121023
of the Revised Code. 121024

Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE 121025

The foregoing appropriation 235567, Central State University 121026
Speed to Scale, shall be used to achieve the goals of the Speed to 121027
Scale Plan, which include increasing student enrollment through 121028

freshman recruitment and transferred students, increasing the 121029
proportion of in-state students to 80 per cent of the total 121030
student population, and increasing the student retention rates 121031
between the first and second year of college by two per cent each 121032
year. The goals shall be accomplished by the targeting of student 121033
retention, improved articulation agreements with two-year 121034
campuses, increased use of alternative course options, including 121035
online coursework and Ohio Learning Network resources, College 121036
Tech Prep, Post Secondary Enrollment Options, and other 121037
dual-credit programs, and strategic partnerships with research 121038
institutions to improve the quality of Central State University's 121039
offering of science, technology, engineering, mathematics, and 121040
medical instruction. In fiscal year 2010, the disbursement of 121041
these funds shall be contingent upon Central State University 121042
meeting the annual goals for the student enrollment and retention 121043
rate increases. 121044

The Speed to Scale Task Force shall meet not less than 121045
quarterly to discuss progress of the plan, including performance 121046
on accountability metrics and issues experienced in planned 121047
efforts, and to monitor and support the creation of partnerships 121048
with other state institutions of higher education. The Task Force 121049
shall consist of the president of Central State University or the 121050
president's designee, the president of Sinclair Community College 121051
or the president's designee, the president of Cincinnati State 121052
Technical and Community College or the president's designee, the 121053
president of Cuyahoga Community College or the president's 121054
designee, the president of The Ohio State University or the 121055
president's designee, the president of the University of 121056
Cincinnati or the president's designee, the president of Wright 121057
State University or the president's designee, one representative 121058
from the Board of Regents, one member of the House of 121059
Representatives appointed by the Speaker of the House of 121060
Representatives, one member of the Senate appointed by the 121061

President of the Senate, the Director of Budget and Management or 121062
the director's designee, and a representative of the Governor's 121063
Office appointed by the Governor. 121064

On the thirtieth day of June of each fiscal year, Central 121065
State University and the Speed to Scale Task Force shall jointly 121066
submit to the Governor, the Director of Budget and Management, the 121067
Speaker of the House of Representatives, the President of the 121068
Senate, and the Board of Regents a report describing the status of 121069
their progress on the accountability metrics included in the Speed 121070
to Scale Plan. 121071

Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 121072

The foregoing appropriation item 235572, The Ohio State 121073
University Clinic Support, shall be distributed through the 121074
Chancellor of the Board of Regents to The Ohio State University 121075
for support of dental and veterinary medicine clinics. 121076

Section 371.50.80. NONPUBLIC NEED-BASED FINANCIAL AID 121077

The foregoing appropriation item 235576, Nonpublic Need-Based 121078
Financial Aid, shall be used to support need-based financial aid 121079
block grants under division (D) of section 3333.122 of the Revised 121080
Code. 121081

Of the foregoing appropriation item 235576, Nonpublic 121082
Need-Based Financial Aid, \$60,000,000 in each fiscal year shall be 121083
used to support the block grant for private, nonprofit 121084
institutions of higher education. 121085

Of the foregoing appropriation item 235576, Nonpublic 121086
Need-Based Financial Aid, \$10,000,000 in each fiscal year shall be 121087
used to support the block grant for proprietary post-secondary 121088
institutions of higher education. 121089

Section 371.50.82. ALLOCATION OF NEED-BASED BLOCK GRANT FOR 121090

NONPROFIT PRIVATE INSTITUTIONS	121091
(A) As used in this section:	121092
(1) "Eligible institution" means a nonprofit private institution in this state that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code to award degrees at the associate degree or higher.	121093 121094 121095 121096
(2) "First-year student" means an undergraduate student who has earned not more than 29 semester hour credits or 44 quarter hour credits.	121097 121098 121099
(3) "Sophomore" means an undergraduate student who, at an institution authorized to award bachelor's degrees or higher, has earned between 30 and 59 semester hour credits or 45 to 89 quarter hour credits or who, at an institution authorized to issue associate degrees only, has earned 30 or more semester hour credits or 45 or more quarter hour credits.	121100 121101 121102 121103 121104 121105
(4) "Junior" means an undergraduate who, at an institution authorized to award bachelor's degrees or higher, has earned between 60 and 89 semester hour credits or between 90 and 134 quarter hour credits.	121106 121107 121108 121109
(5) "Senior" means an undergraduate student who, at an institution authorized to award bachelor's degrees or higher, has earned 90 or more semester hour credits or 135 or more quarter hour credits.	121110 121111 121112 121113
(6) "Pell-eligible student" means a full-time equivalent undergraduate Ohio resident enrolled in an eligible institution and who is eligible for a Pell grant under 20 U.S.C. 1070a.	121114 121115 121116
(B) The Chancellor of the Ohio Board of Regents shall allocate funds for the Private Higher Education Financial Aid Needs-Based Block Grant under division (C) of section 3333.122 of the Revised Code to eligible institutions in the amounts	121117 121118 121119 121120

calculated as follows: 121121

(1) For fiscal year 2010, each eligible institution shall 121122
receive 90% of the amounts the eligible institution received in 121123
fiscal year 2008 under the Ohio Instructional Grant and Ohio 121124
College Opportunity Grant programs, under sections 3333.12 and 121125
3333.122 of the Revised Code, respectively, plus a percentage of 121126
the remaining appropriation for the Private Higher Education 121127
Needs-Based Financial Aid Block Grant, if any, equal to the 121128
percentage that the weighted Pell-eligible students enrolled at 121129
the institution in academic year 2008-2009 represents of the total 121130
number of weighted Pell-eligible students attending all eligible 121131
institutions that academic year. Weights shall be determined as 121132
provided in division (C) of this section. 121133

(2) In fiscal year 2011, each eligible institution shall be 121134
allocated a percentage of the appropriation for the Private Higher 121135
Education Needs-Based Financial Aid Block Grant equal to the 121136
percentage that the weighted Pell-eligible students enrolled at 121137
the eligible institution in academic year 2009-2010 represents of 121138
the total number of weighted Pell-eligible students enrolled in 121139
all eligible institutions in that academic year. Weights shall be 121140
determined as provided in division (C) of this section. 121141

(C) For purposes of division (B) of this section, students 121142
shall be weighted by grade level as follows: 121143

(1) 1.0 for full-time equivalent enrollment of first-year 121144
students; 121145

(2) 1.1 for full-time equivalent enrollment of sophomores; 121146

(3) 1.2 for full-time equivalent enrollment of juniors; 121147

(4) 1.3 for full-time equivalent enrollment of seniors. 121148

(D) Each eligible institution shall report the number and 121149
level of students enrolled at the institution that are 121150

Pell-eligible for the academic year prior to the fiscal year of 121151
block grant funding. For any institution not reporting the number 121152
and level of Pell-eligible students in a timely manner, the 121153
Chancellor shall instead use in the distribution formula such 121154
institution's total number of state need-based aid eligible 121155
students for the academic year two years prior to the fiscal year 121156
of block grant funding. In such cases, all numbers shall be 121157
weighted by a factor of 1.00. 121158

Section 371.50.83. BLISS INSTITUTE 121159

The foregoing appropriation item 235579, Bliss Institute, 121160
shall be used to support the Bliss Institute of Applied Politics 121161
at the University of Akron. 121162

Section 371.50.84. ENTREPRENEURSHIP EDUCATION PROGRAM 121163

The foregoing appropriation item 235580, Entrepreneurship 121164
Education Program, shall be used to develop an entrepreneurship 121165
education program at North Central State College. The program 121166
shall serve as a source of entrepreneurial learning practices and 121167
innovation across the North Central State College curriculum and 121168
in Mansfield. The program may include collaboration and 121169
partnerships with local businesses and government entities. 121170

Section 371.50.85. URBAN UNIVERSITY PROGRAM 121171

Universities receiving funds from the foregoing appropriation 121172
item 235583, Urban University Program, that are used to support an 121173
ongoing university unit shall certify periodically in a manner 121174
approved by the Board of Regents that program funds are being 121175
matched on a one-to-one basis with equivalent resources. Overhead 121176
support may not be used to meet this requirement. If Urban 121177
University Program funds are being used to support an ongoing 121178
university unit, matching funds shall come from continuing rather 121179

than one-time sources. At each participating state-assisted 121180
institution of higher education, matching funds shall be within 121181
the substantial control of the individual designated by the 121182
institution's president as the Urban University Program 121183
Representative. 121184

Of the foregoing appropriation item 235583, Urban University 121185
Program, \$71,618 in each fiscal year shall be used to support the 121186
Center for the Interdisciplinary Study of Education and the Urban 121187
Child at Cleveland State University. These funds shall be 121188
distributed according to rules adopted by the Board of Regents and 121189
shall be used by the center. The center shall target funds toward 121190
increasing the chance for lifetime success of the urban child, 121191
including interventions beginning with the prenatal period. The 121192
primary purpose of the center is to study issues in urban 121193
education and to systematically map directions for new approaches 121194
and new solutions by bringing together a cadre of researchers, 121195
scholars, and professionals representing the social, behavioral, 121196
educational, and health disciplines. 121197

Of the foregoing appropriation item 235583, Urban University 121198
Program, \$875,586 in each fiscal year shall be distributed by the 121199
Board of Regents to Cleveland State University in support of the 121200
Maxine Goodman Levin College of Urban Affairs. 121201

Of the foregoing appropriation item 235583, Urban University 121202
Program, \$875,586 in each fiscal year shall be distributed to the 121203
Northeast Ohio Research Consortium, the Urban Linkages Program, 121204
and the Urban Research Technical Assistance Grant Program. The 121205
distribution among the three programs shall be determined by the 121206
chairperson of the Urban University Program. 121207

Of the foregoing appropriation item 235583, Urban University 121208
Program, \$151,194 in each fiscal year shall be used to support a 121209
public communication outreach program (WCPN). The primary purpose 121210
of the program shall be to develop a relationship between 121211

Cleveland State University and nonprofit communications entities. 121212

Of the foregoing appropriation item 235583, Urban University 121213
Program, \$169,310 in each fiscal year shall be used to support the 121214
Kent State University Learning and Technology Project. This 121215
project is a kindergarten through university collaboration between 121216
schools surrounding Kent State University's eight campuses in 121217
northeast Ohio and corporate partners who assist in development 121218
and delivery. 121219

The Kent State University Learning and Technology Project 121220
shall provide a faculty member who has a full-time role in the 121221
development of collaborative activities and teacher instructional 121222
programming between Kent State University and the K-12th grade 121223
schools that surround its eight campuses; appropriate student 121224
support staff to facilitate these programs and joint activities; 121225
and hardware and software to schools that will make possible the 121226
delivery of instruction to pre-service and in-service teachers, 121227
and their students, in their own classrooms or school buildings. 121228
The latter shall involve the delivery of low-bandwidth streaming 121229
video and web-based technologies in a distributed instructional 121230
model. 121231

Of the foregoing appropriation item 235583, Urban University 121232
Program, \$65,119 in each fiscal year shall be used to support the 121233
Ameritech Classroom/Center for Research at Kent State University. 121234

Of the foregoing appropriation item 235583, Urban University 121235
Program, \$442,087 in each fiscal year shall be used to support the 121236
Polymer Distance Learning Project at the University of Akron. 121237

Of the foregoing appropriation item 235583, Urban University 121238
Program, \$19,894 in each fiscal year shall be distributed to the 121239
Kent State University/Cleveland Design Center Program. 121240

Of the foregoing appropriation item 235583, Urban University 121241
Program, \$10,199 in each fiscal year shall be used for the 121242

Advancing-Up Program at the University of Akron. 121243

Of the foregoing appropriation item 235583, Urban University 121244
Program, \$85,404 in each fiscal year shall be used to support the 121245
Strategic Economic Research Collaborative at the University of 121246
Toledo Urban Affairs Center. 121247

Of the foregoing appropriation item 235583, Urban University 121248
Program, \$100,679 in each fiscal year shall be used to support the 121249
Institute for Collaborative Research and Public Humanities at The 121250
Ohio State University. 121251

Of the foregoing appropriation item 235583, Urban University 121252
Program, \$259,900 in each fiscal year shall be used to support the 121253
Medina County University Center. 121254

Of the foregoing appropriation item 235583, Urban University 121255
Program, \$91,650 in each fiscal year shall be used to support The 121256
Ohio State University African American and African Studies 121257
Community Extension Center. 121258

Of the foregoing appropriation item 235583, Urban University 121259
Program, \$122,200 in each fiscal year shall be used to support the 121260
Cleveland Institute of Art. 121261

Section 371.50.86. RURAL UNIVERSITY PROJECTS 121262

Of the foregoing appropriation item 235587, Rural University 121263
Projects, Bowling Green State University shall receive \$161,171 in 121264
each fiscal year, Miami University shall receive \$149,891 in each 121265
fiscal year, and Ohio University shall receive \$351,334 in each 121266
fiscal year. These funds shall be used to support the Institute 121267
for Local Government Administration and Rural Development at Ohio 121268
University, the Center for Public Management and Regional Affairs 121269
at Miami University, and the Center for Regional Development at 121270
Bowling Green State University. 121271

Of the foregoing appropriation item 235587, Rural University 121272

Projects, \$9,741 in each fiscal year shall be used to support the 121273
Washington State Community College day care center. 121274

Of the foregoing appropriation item 235587, Rural University 121275
Projects, \$36,556 in each fiscal year shall be used to support the 121276
COAD/ILGARD/GOA Appalachian Leadership Initiative. 121277

Section 371.50.90. HAZARDOUS MATERIALS PROGRAM 121278

The foregoing appropriation item 235596, Hazardous Materials 121279
Program, shall be used by the Chancellor of the Board of Regents 121280
to make awards for the establishment or continued development and 121281
support of hazardous materials education, studies, or programs at 121282
Ohio institutions of higher education. 121283

Of the foregoing appropriation item 235596, Hazardous 121284
Materials Program, \$115,000 in each fiscal year shall be used to 121285
support the Center for the Interdisciplinary Study of Education 121286
and Leadership in Public Service at Cleveland State University 121287
which was created with the cooperation of the Ohio Professional 121288
Fire Fighters Association. These funds shall be distributed by the 121289
Chancellor of the Board of Regents and shall be used by the center 121290
and targeted toward increasing the role of special populations in 121291
public service and not-for-profit organizations. The primary 121292
purpose of the center is to study issues in public service and to 121293
guide strategies for attracting new communities into public 121294
service occupations by bringing together a cadre of researchers, 121295
scholars, and professionals representing the public 121296
administration, social behavioral, and education disciplines. 121297

Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM 121298

The Chancellor of the Board of Regents shall disburse funds 121299
from appropriation item 235599, National Guard Scholarship 121300
Program, at the direction of the Adjutant General. During each 121301
fiscal year, the Chancellor of the Board of Regents, within ten 121302

days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). Upon the request of the Adjutant General, the Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund, at the direction of the Adjutant General.

Section 371.60.15. YOUNGSTOWN STATE PILOT SERVICE AREA STUDY COMMITTEE

There is hereby established the Youngstown State Pilot Service Area Study Committee. The Committee shall examine the cost and feasibility of creating a Youngstown State Pilot Service Area. The Committee shall determine what counties may be included in the pilot service area and the need for reciprocity arrangements with participating counties. The Board of Regents shall provide administrative support for the Committee.

The membership of the Committee shall consist of the Chancellor of the Board of Regents, or the Chancellor's designee, who shall act as chair; the President of Youngstown State University, or the President's designee; one additional representative of Youngstown State University; one member of the House of Representatives from each political party, appointed by the Speaker of the House of Representatives; and one member of the

Senate from each political party, appointed by the President of 121334
the Senate. Initial appointments to the Committee shall be 121335
completed within ninety days of the effective date of this 121336
section. The Chancellor shall convene the Committee not more than 121337
thirty days after the final appointment has been made. 121338

The Committee shall submit its recommendations in a written 121339
report to the Governor, the Speaker of the House of 121340
Representatives, and the President of the Senate not later than 121341
June 30, 2010. Upon completion of its report, the Committee shall 121342
cease to exist. 121343

Section 371.60.20. PLEDGE OF FEES 121344

Any new pledge of fees, or new agreement for adjustment of 121345
fees, made in the biennium ending June 30, 2011, to secure bonds 121346
or notes of a state-assisted institution of higher education for a 121347
project for which bonds or notes were not outstanding on the 121348
effective date of this section shall be effective only after 121349
approval by the Chancellor of the Board of Regents, unless 121350
approved in a previous biennium. 121351

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT 121352
SERVICE 121353

The foregoing appropriation item 235909, Higher Education 121354
General Obligation Debt Service, shall be used to pay all debt 121355
service and related financing costs at the times they are required 121356
to be made for obligations issued during the period from July 1, 121357
2009, to June 30, 2011, under sections 151.01 and 151.04 of the 121358
Revised Code. 121359

Section 371.60.40. SALES AND SERVICES 121360

The Chancellor of the Board of Regents is authorized to 121361
charge and accept payment for the provision of goods and services. 121362

Such charges shall be reasonably related to the cost of producing 121363
the goods and services. No charges may be levied for goods or 121364
services that are produced as part of the routine responsibilities 121365
or duties of the Chancellor. All revenues received by the 121366
Chancellor of the Board of Regents shall be deposited into Fund 121367
4560, and may be used by the Chancellor of the Board of Regents to 121368
pay for the costs of producing the goods and services. 121369

121370

Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION 121371
ADMINISTRATION 121372

The foregoing appropriation item 235602, Higher Educational 121373
Facility Commission Administration, shall be used by the 121374
Chancellor of the Board of Regents for operating expenses related 121375
to the Chancellor of the Board of Regents' support of the 121376
activities of the Ohio Higher Educational Facility Commission. 121377
Upon the request of the Chancellor, the Director of Budget and 121378
Management shall transfer up to \$45,000 cash in fiscal year 2010 121379
and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating 121380
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 121381
4E80). 121382

Section 371.60.60. NURSING LOAN PROGRAM 121383

The foregoing appropriation item 235606, Nursing Loan 121384
Program, shall be used to administer the nurse education 121385
assistance program. Up to \$167,580 in each fiscal year may be used 121386
for operating expenses associated with the program. Any additional 121387
funds needed for the administration of the program are subject to 121388
Controlling Board approval. 121389

Section 371.60.70. VETERANS PREFERENCES 121390

The Chancellor of the Board of Regents shall work with the 121391

Department of Veterans Services to develop specific veterans 121392
preference guidelines for higher education institutions. These 121393
guidelines shall ensure that the institutions' hiring practices 121394
are in accordance with the intent of Ohio's veterans preference 121395
laws. 121396

Section 371.60.80. STATE NEED-BASED FINANCIAL AID 121397
RECONCILIATION 121398

By the first day of August in each fiscal year, or as soon as 121399
possible thereafter, the Chancellor of the Ohio Board of Regents 121400
shall certify to the Director of Budget and Management the amount 121401
necessary to pay any outstanding prior year obligations to higher 121402
education institutions for the state's need-based financial aid 121403
programs. The amounts certified are hereby appropriated to 121404
appropriation item 235618, State Need-based Financial Aid 121405
Reconciliation, from revenues received in the State Need-based 121406
Financial Aid Reconciliation Fund (Fund 5Y50). 121407

Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL 121408
AID PROGRAMS 121409

In each fiscal year of the biennium, if the Chancellor of the 121410
Board of Regents determines that additional funds are needed to 121411
support the distribution of state need-based financial aid in 121412
accordance with section 3333.122 of the Revised Code, the 121413
Chancellor shall recommend the reallocation of the unexpended, 121414
unencumbered portions of General Revenue Fund appropriation items 121415
in the Board of Regents to appropriation item 235563, Ohio College 121416
Opportunity Grant. If the Director of Budget and Management 121417
determines that such a reallocation is required, the Director may 121418
transfer appropriation in an amount not to exceed those 121419
unexpended, unencumbered General Revenue Fund appropriations in 121420
the Board of Regents as necessary to appropriation item 235563, 121421

Ohio College Opportunity Grant. 121422

If those transferred appropriations are not sufficient to 121423
support the distribution of state need-based financial aid in 121424
accordance with section 3333.122 of the Revised Code in each 121425
fiscal year, the Director of Budget and Management may authorize 121426
expenditures in excess of the amounts appropriated, but not to 121427
exceed \$5,000,000 in each fiscal year from appropriation item 121428
235563, Ohio College Opportunity Grant. Upon approval of the 121429
Director of Budget and Management, the additional amounts are 121430
hereby appropriated. 121431

Section 371.60.93. GENERAL REVENUE FUND TRANSFER 121432

On July 1 of each fiscal year, or as soon as possible 121433
thereafter, the Director of Budget and Management shall transfer 121434
\$2,000,000 cash from the General Revenue Fund to the Third 121435
Frontier Research and Development Fund (Fund 7011). 121436

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE 121437
FISCAL STABILIZATION FUND APPROPRIATIONS 121438

The Director of Budget and Management may transfer 121439
appropriation between appropriation items 235501, State Share of 121440
Instruction, 235646, SSI - Federal Stimulus - Government Services, 121441
and 235644, State Share of Instruction - Federal Stimulus - 121442
Education, in each fiscal year, upon the written request of the 121443
Chancellor of the Board of Regents, including transferring 121444
appropriation between fiscal year 2010 and fiscal year 2011. The 121445
Director shall report each transfer made under this section to the 121446
Controlling Board at its next regularly scheduled meeting after 121447
the transfer is made. 121448

Section 371.70.10. EFFICIENCY SAVINGS 121449

Each state-assisted institution of higher education, as 121450

defined in section 3345.011 of the Revised Code, shall demonstrate 121451
at least a three per cent savings through internal efficiencies in 121452
each fiscal year. Institutions shall identify savings to the 121453
Chancellor of the Board of Regents, who shall certify the amount 121454
of savings of each institution. 121455

Section 371.70.20. OHIO TUITION TRUST AUTHORITY BECOMES 121456
ADVISORY BOARD TO CHANCELLOR 121457

(A) On and after the effective date of this section: 121458

(1) The Ohio Tuition Trust Authority, as established by 121459
former section 3334.03 of the Revised Code, shall become the Ohio 121460
Tuition Trust Advisory Board charged with the duty to advise the 121461
Chancellor of the Ohio Board of Regents in carrying out the 121462
Chancellor's duties. 121463

(2) The Chancellor of the Ohio Board of Regents shall have 121464
the powers and duties formerly prescribed to and duties of the 121465
Ohio Tuition Trust Authority and any other powers and duties 121466
granted to the Chancellor by law enacted after the effective date 121467
of this section. 121468

(3) The Chancellor is thereupon and thereafter successor to, 121469
assumes obligations of, and otherwise constitutes the continuation 121470
of the Ohio Tuition Trust Authority. 121471

(4) Any business commenced but not completed by the Ohio 121472
Tuition Trust Authority shall be completed by the Chancellor in 121473
the same manner, with the same effect, as if completed by the 121474
Authority. No validation, cure, right, privilege, remedy, 121475
obligation, or liability is lost or impaired by reason of the 121476
change in powers and duties prescribed in the provisions amended 121477
and enacted by this act. 121478

(5) All rules of the Ohio Tuition Trust Authority continue in 121479
effect as rules of the Chancellor, until amended or rescinded by 121480

the Chancellor. 121481

(6) Except as otherwise specified in section 3334.031 of the 121482
Revised Code or another provision of law enacted after the 121483
effective date of this section, when the Ohio Tuition Trust 121484
Authority is referred to in any statute, rule, contract, grant, or 121485
other document, the reference shall be construed to refer to the 121486
Chancellor. 121487

(B) No judicial or administrative action or proceeding in 121488
which the Ohio Tuition Trust Authority is a party that is pending 121489
on the effective date of this section, is affected by the change 121490
in powers and duties prescribed in the provisions amended and 121491
enacted by this act. Such action or proceeding shall be prosecuted 121492
or defended in the name of the Chancellor. On application to the 121493
court or other tribunal, the Chancellor shall be substituted for 121494
the Ohio Tuition Trust Authority as a party to such action or 121495
proceeding. 121496

(C) Subject to division (C) of section 3334.08 of the Revised 121497
Code, personnel of the Ohio Tuition Trust Authority remain subject 121498
to the appointment by and continue to serve at the pleasure of the 121499
Chancellor. 121500

(D) On the effective date of this section, all books, 121501
records, documents, files, transcripts, equipment, furniture, 121502
supplies, and other materials assigned to or in the possession of 121503
the Ohio Tuition Trust Authority shall be transferred to the 121504
Chancellor. 121505

Section 375.10. DRC DEPARTMENT OF REHABILITATION AND 121506
CORRECTION 121507
General Revenue Fund 121508
GRF 501321 Institutional \$ 928,188,147 \$ 903,630,244 121509
Operations

GRF	501403	Prisoner Compensation	\$	8,599,255	\$	8,599,255	121510
GRF	501405	Halfway House	\$	41,128,699	\$	42,360,343	121511
GRF	501406	Lease Rental Payments	\$	101,578,100	\$	98,080,200	121512
GRF	501407	Community Nonresidential Programs	\$	21,925,802	\$	22,431,567	121513
GRF	501408	Community Misdemeanor Programs	\$	11,092,468	\$	11,380,242	121514
GRF	501501	Community Residential Programs - CBCF	\$	62,517,256	\$	64,281,774	121515
GRF	501620	Institutional Operations - Federal Stimulus	\$	0	\$	34,200,000	121516
GRF	502321	Mental Health Services	\$	80,844,321	\$	84,462,467	121517
GRF	503321	Parole and Community Operations	\$	75,785,243	\$	77,326,155	121518
GRF	504321	Administrative Operations	\$	26,388,606	\$	27,069,477	121519
GRF	505321	Institution Medical Services	\$	252,462,498	\$	251,763,268	121520
GRF	506321	Institution Education Services	\$	22,730,539	\$	23,183,959	121521
GRF	507321	Institution Recovery Services	\$	5,025,028	\$	5,899,110	121522
TOTAL GRF	General Revenue Fund		\$	1,638,265,962	\$	1,654,668,061	121523
General Services Fund Group							121524
1480	501602	Services and Agricultural	\$	108,290,058	\$	111,062,533	121525
2000	501607	Ohio Penal Industries	\$	40,845,414	\$	40,845,414	121526
4830	501605	Property Receipts	\$	255,015	\$	261,315	121527
4B00	501601	Sewer Treatment Services	\$	2,467,630	\$	2,529,828	121528
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	121529

4L40	501604	Transitional Control	\$	2,042,548	\$	2,051,451	121530
4S50	501608	Education Services	\$	2,800,000	\$	3,000,000	121531
5710	501606	Training Academy	\$	75,190	\$	75,190	121532
		Receipts					
5930	501618	Laboratory Services	\$	6,476,314	\$	6,740,260	121533
5AF0	501609	State and Non-Federal	\$	262,718	\$	262,718	121534
		Awards					
5H80	501617	Offender Financial	\$	3,000,000	\$	3,000,000	121535
		Responsibility					
5L60	501611	Information	\$	1,000,000	\$	1,000,000	121536
		Technology Services					
TOTAL GSF	General Services Fund		\$	182,114,887	\$	185,628,709	121537
Group							
Federal Special Revenue Fund Group							121538
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	121539
3S10	501615	Truth-In-Sentencing	\$	8,251,241	\$	0	121540
		Grants					
TOTAL FED	Federal Special Revenue						121541
Fund Group							
			\$	20,449,594	\$	12,198,353	121542
TOTAL ALL BUDGET FUND GROUPS			\$	1,840,830,443	\$	1,852,495,123	121543
UNIT MANAGEMENT MODEL IMPLEMENTATION							121544
The Department of Rehabilitation and Correction shall							121545
implement the unit management model at the Mansfield Correctional							121546
Institution, including the filling of all authorized unit							121547
management staff positions.							121548
UNIT MANAGEMENT MODEL IMPLEMENTATION							121549
The Department of Rehabilitation and Correction shall							121550
implement the unit management model at the Southern Ohio							121551
Correctional Facility, including the filling of all authorized							121552
unit management staff positions.							121553
COMMUNITY INTEGRATION AND SOCIALIZATION PROGRAM							121554

Of the foregoing appropriation item 501405, Halfway House, on 121555
July 1 of each fiscal year, or as soon as possible thereafter, the 121556
Director of Budget and Management shall transfer \$56,400 in cash 121557
to the Treasurer of Portage County to support the Community 121558
Integration and Socialization Program within Portage County. 121559

HALFWAY HOUSE 121560

Of the foregoing appropriation item 501405, Halfway House, on 121561
July 1 of each fiscal year, or as soon as possible thereafter, 121562
\$17,500 shall be disbursed to the Stark Social Workers' Network. 121563

OHIO BUILDING AUTHORITY LEASE PAYMENTS 121564

The foregoing appropriation item 501406, Lease Rental 121565
Payments, shall be used to meet all payments during the period 121566
from July 1, 2009, to June 30, 2011, under the primary leases and 121567
agreements for those buildings made under Chapter 152. of the 121568
Revised Code. These appropriations are the source of funds pledged 121569
for bond service charges or obligations issued pursuant to Chapter 121570
152. of the Revised Code. 121571

PRISONER COMPENSATION 121572

Money from the foregoing appropriation item 501403, Prisoner 121573
Compensation, shall be transferred on a quarterly basis by 121574
intrastate transfer voucher to the Services and Agricultural Fund 121575
(Fund 1480) for the purposes of paying prisoner compensation. 121576

JUSTICE REINVESTMENT STUDY 121577

Of the foregoing appropriation item 504321, Administrative 121578
Operations, \$100,000 in fiscal year 2010 shall be provided to the 121579
Council of State Governments to fund the Justice Reinvestment 121580
Study. The Council of State Governments shall report its findings 121581
to the Governor and the General Assembly not later than July 1, 121582
2010. 121583

OSU MEDICAL CHARGES 121584

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the James Cancer Hospital and Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance Program.

Section 377.10. RSC REHABILITATION SERVICES COMMISSION				121595
General Revenue Fund				121596
GRF	415402	Independent Living Council	\$ 360,000 \$ 360,000	121597
GRF	415406	Assistive Technology	\$ 38,025 \$ 38,025	121598
GRF	415431	Office for People with Brain Injury	\$ 180,810 \$ 180,810	121599
GRF	415506	Services for People with Disabilities	\$ 18,738,043 \$ 18,738,043	121600
GRF	415508	Services for the Deaf	\$ 100,000 \$ 100,000	121601
TOTAL GRF General Revenue Fund			\$ 19,416,878 \$ 19,416,878	121602
General Services Fund Group				121603
4670	415609	Business Enterprise Operating Expenses	\$ 1,393,002 \$ 1,389,851	121604
TOTAL GSF General Services Fund Group				121605
			\$ 1,393,002 \$ 1,389,851	121606
Federal Special Revenue Fund Group				121607
3170	415620	Disability Determination	\$ 81,685,226 \$ 83,498,461	121608
3790	415616	Federal - Vocational Rehabilitation	\$ 130,057,624 \$ 131,132,654	121609

3L10	415601	Social Security Personal Care Assistance	\$	3,000,000	\$	2,700,000	121610
3L10	415605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	121611
3L10	415608	Social Security Special Programs/Assistance	\$	1,752,714	\$	1,884,714	121612
3L40	415612	Federal Independent Living Centers or Services	\$	620,880	\$	620,880	121613
3L40	415615	Federal - Supported Employment	\$	883,214	\$	839,054	121614
3L40	415617	Independent Living/Vocational Rehabilitation Programs	\$	1,951,862	\$	1,953,293	121615
TOTAL FED Federal Special							121616
Revenue Fund Group			\$	220,701,520	\$	223,379,056	121617
State Special Revenue Fund Group							121618
4680	415618	Third Party Funding	\$	5,008,974	\$	5,008,974	121619
4L10	415619	Services for Rehabilitation	\$	4,067,773	\$	3,994,154	121620
4W50	415606	Program Management Expenses	\$	15,620,782	\$	15,767,803	121621
TOTAL SSR State Special							121622
Revenue Fund Group			\$	24,697,529	\$	24,770,931	121623
TOTAL ALL BUDGET FUND GROUPS			\$	266,208,929	\$	268,956,716	121624
INDEPENDENT LIVING COUNCIL							121625
The foregoing appropriation item 415402, Independent Living							121626
Council, shall be used to fund the operations of the State							121627

Independent Living Council and shall be used to support state 121628
independent living centers and independent living services under 121629
Title VII of the Independent Living Services and Centers for 121630
Independent Living of the Rehabilitation Act Amendments of 1992, 121631
106 Stat. 4344, 29 U.S.C. 796d. 121632

ASSISTIVE TECHNOLOGY 121633

The foregoing appropriation item 415406, Assistive 121634
Technology, shall be provided to Assistive Technology of Ohio and 121635
used to provide grants and assistive technology services under the 121636
program for people with disabilities in the State of Ohio. 121637

OFFICE FOR PEOPLE WITH BRAIN INJURY 121638

The foregoing appropriation item 415431, Office for People 121639
with Brain Injury, shall be used to plan and coordinate 121640
head-injury-related services provided by state agencies and other 121641
government or private entities, to assess the needs for such 121642
services, and to set priorities in this area. 121643

VOCATIONAL REHABILITATION SERVICES 121644

The foregoing appropriation item 415506, Services for People 121645
with Disabilities, shall be used as state matching funds to 121646
provide vocational rehabilitation services to eligible consumers. 121647

At the request of the Chancellor of the Board of Regents, the 121648
Director of Budget and Management may transfer any unexpended, 121649
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 121650
from appropriation item 235502, Student Support Services, to 121651
appropriation item 415506, Services for People with Disabilities. 121652
Any appropriation so transferred shall be used by the Ohio 121653
Rehabilitation Services Commission to obtain additional federal 121654
matching funds to serve disabled students. 121655

SERVICES FOR THE DEAF 121656

Of the foregoing appropriation item 415508, Services for the 121657

Deaf, \$60,000 in each fiscal year shall be used as state matching 121658
funds to provide vocational rehabilitation services to eligible 121659
consumers who are deaf or hard of hearing. 121660

The remainder of foregoing appropriation item 415508, 121661
Services for the Deaf, shall be used to provide grants to 121662
community centers for the deaf. These funds shall not be provided 121663
in lieu of Social Security reimbursement funds. 121664

FEDERAL - VOCATIONAL REHABILITATION 121665

Of the foregoing appropriation item 415616, Federal - 121666
Vocational Rehabilitation, \$222,000 shall be used to provide 121667
vocational rehabilitation services to eligible consumers who are 121668
deaf or hard of hearing. 121669

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 121670

The foregoing appropriation item 415617, Independent 121671
Living/Vocational Rehabilitation Programs, shall be used to 121672
support vocational rehabilitation programs. 121673

SOCIAL SECURITY REIMBURSEMENT FUNDS 121674

Reimbursement funds received from the Social Security 121675
Administration, United States Department of Health and Human 121676
Services, for the costs of providing services and training to 121677
return disability recipients to gainful employment shall be 121678
expended from the Social Security Reimbursement Fund (Fund 3L10), 121679
to the extent funds are available, as follows: 121680

(A) Appropriation item 415601, Social Security Personal Care 121681
Assistance, to provide personal care services in accordance with 121682
section 3304.41 of the Revised Code; 121683

(B) Appropriation item 415605, Social Security Community 121684
Centers for the Deaf, to provide grants to community centers for 121685
the deaf in Ohio for services to individuals with hearing 121686
impairments; and 121687

(C) Appropriation item 415608, Social Security Special 121688
 Programs/Assistance, to provide vocational rehabilitation services 121689
 to individuals with severe disabilities who are Social Security 121690
 beneficiaries, to enable them to achieve competitive employment. 121691
 This appropriation item shall also be used to pay a portion of 121692
 indirect costs of the Personal Care Assistance Program and the 121693
 Independent Living Programs as mandated by federal OMB Circular 121694
 A-87. 121695

PROGRAM MANAGEMENT EXPENSES 121696

The foregoing appropriation item 415606, Program Management 121697
 Expenses, shall be used to support the administrative functions of 121698
 the commission related to the provision of vocational 121699
 rehabilitation, disability determination services, and ancillary 121700
 programs. 121701

Section 379.10. RCB RESPIRATORY CARE BOARD 121702

General Services Fund Group 121703
 4K90 872609 Operating Expenses \$ 495,689 \$ 495,689 121704
 TOTAL GSF General Services 121705
 Fund Group \$ 495,689 \$ 495,689 121706
 TOTAL ALL BUDGET FUND GROUPS \$ 495,689 \$ 495,689 121707

Section 381.10. RDF REVENUE DISTRIBUTION FUNDS 121709

Volunteer Firefighters' Dependents Fund 121710
 7085 800985 Volunteer Firemen's \$ 300,000 \$ 300,000 121711
 Dependents Fund
 TOTAL 085 Volunteer Firefighters' 121712
 Dependents Fund \$ 300,000 \$ 300,000 121713
 Agency Fund Group 121714
 4P80 001698 Cash Management \$ 3,100,000 \$ 3,100,000 121715
 Improvement Fund
 6080 001699 Investment Earnings \$ 250,000,000 \$ 250,000,000 121716

7062	110962	Resort Area Excise Tax	\$ 1,000,000	\$ 1,000,000	121717
7063	110963	Permissive Tax Distribution	\$ 1,849,000,000	\$ 1,849,000,000	121718
7067	110967	School District Income Tax	\$ 350,000,000	\$ 350,000,000	121719
TOTAL AGY	Agency Fund Group		\$ 2,453,100,000	\$ 2,453,100,000	121720
	Holding Account Redistribution				121721
R045	110617	International Fuel Tax Distribution	\$ 50,000,000	\$ 50,000,000	121722
TOTAL 090	Holding Account Redistribution Fund		\$ 50,000,000	\$ 50,000,000	121723
	Revenue Distribution Fund Group				121724
7049	038900	Indigent Drivers Alcohol Treatment	\$ 2,200,000	\$ 2,200,000	121725
7050	762900	International Registration Plan Distribution	\$ 30,000,000	\$ 30,000,000	121726
7051	762901	Auto Registration Distribution	\$ 539,000,000	\$ 539,000,000	121727
7054	110954	Local Government Property Tax Replacement - Utility	\$ 95,125,000	\$ 95,125,000	121728
7060	110960	Gasoline Excise Tax Fund	\$ 375,000,000	\$ 375,000,000	121729
7065	110965	Public Library Fund	\$ 406,100,000	\$ 407,400,000	121730
7066	800966	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	121731
7068	110968	State and Local Government Highway Distribution	\$ 242,500,000	\$ 242,500,000	121732
7069	110969	Local Government Fund	\$ 673,700,000	\$ 676,000,000	121733
7081	110981	Local Government	\$ 366,800,000	\$ 378,000,000	121734

	Property Tax				
	Replacement-Business				
7082	110982	Horse Racing Tax	\$ 130,000	\$ 130,000	121735
7083	700900	Ohio Fairs Fund	\$ 2,325,000	\$ 2,325,000	121736
TOTAL RDF Revenue Distribution					121737
Fund Group			\$ 2,746,380,000	\$ 2,761,180,000	121738
TOTAL ALL BUDGET FUND GROUPS			\$ 5,249,780,000	\$ 5,264,580,000	121739
ADDITIONAL APPROPRIATIONS					121740
Appropriation items in this section shall be used for the					121741
purpose of administering and distributing the designated revenue					121742
distribution funds according to the Revised Code. If it is					121743
determined that additional appropriations are necessary for this					121744
purpose, such amounts are hereby appropriated.					121745
GENERAL REVENUE FUND TRANSFERS					121746
Notwithstanding any provision of law to the contrary, in					121747
fiscal year 2010 and fiscal year 2011, the Director of Budget and					121748
Management may transfer from the General Revenue Fund to the Local					121749
Government Tangible Property Tax Replacement Fund (Fund 7081) in					121750
the Revenue Distribution Fund Group, those amounts necessary to					121751
reimburse local taxing units under section 5751.22 of the Revised					121752
Code. Also, in fiscal year 2010 and fiscal year 2011, the Director					121753
of Budget and Management may make temporary transfers from the					121754
General Revenue Fund to ensure sufficient balances in the Local					121755
Government Tangible Property Tax Replacement Fund (Fund 7081) and					121756
to replenish the General Revenue Fund for such transfers.					121757
					121758
On July 1 of each fiscal year, or as soon as possible					121759
thereafter, the Director of Budget and Management shall transfer					121760
\$5,000,000 cash from the General Revenue Fund to the Public					121761
Library Fund (Fund 7065).					121762
On July 1, 2010, or as soon as possible thereafter, the					121763

Director of Budget and Management shall transfer \$11,200,000 cash 121764
from the General Revenue Fund to the Local Government Property Tax 121765
Replacement-Business Fund (Fund 7081). 121766

Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION 121767

General Services Fund Group 121768
4K90 893609 Operating Expenses \$ 138,551 \$ 138,551 121769
TOTAL GSF General Services 121770
Fund Group \$ 138,551 \$ 138,551 121771
TOTAL ALL BUDGET FUND GROUPS \$ 138,551 \$ 138,551 121772

Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND 121774

General Revenue Fund 121775
GRF 226100 Personal Services \$ 7,326,155 \$ 7,326,155 121776
GRF 226200 Maintenance \$ 688,363 \$ 688,363 121777
GRF 226300 Equipment \$ 72,783 \$ 72,783 121778
TOTAL GRF General Revenue Fund \$ 8,087,301 \$ 8,087,301 121779
General Services Fund Group 121780
4H80 226602 Education Reform \$ 61,000 \$ 61,000 121781
Grants
TOTAL GSF General Services 121782
Fund Group \$ 61,000 \$ 61,000 121783
Federal Special Revenue Fund Group 121784
3100 226626 Coordinating Unit \$ 2,527,105 \$ 2,527,105 121785
3P50 226643 Medicaid Professional \$ 50,000 \$ 50,000 121786
Services
Reimbursement
TOTAL FED Federal Special 121787
Revenue Fund Group \$ 2,577,105 \$ 2,577,105 121788
State Special Revenue Fund Group 121789
4M50 226601 Work Study and \$ 250,000 \$ 250,000 121790

Technology Investment

TOTAL SSR State Special Revenue				121791
Fund Group	\$	250,000	\$ 250,000	121792
TOTAL ALL BUDGET FUND GROUPS	\$	10,975,406	\$ 10,975,406	121793

Section 384.50. OSD OHIO SCHOOL FOR THE DEAF 121795

General Revenue Fund 121796

GRF 221100 Personal Services	\$	8,713,704	\$ 8,713,704	121797
GRF 221200 Maintenance	\$	905,035	\$ 905,035	121798
GRF 221300 Equipment	\$	78,650	\$ 78,650	121799
TOTAL GRF General Revenue Fund	\$	9,697,389	\$ 9,697,389	121800

General Services Fund Group 121801

4M10 221602 Education Reform	\$	76,000	\$ 76,000	121802
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Grants

TOTAL GSF General Services 121803

Fund Group	\$	76,000	\$ 76,000	121804
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Federal Special Revenue Fund Group 121805

3110 221625 Coordinating Unit	\$	2,460,135	\$ 2,460,135	121806
3AD0 221604 VREAL Ohio	\$	25,000	\$ 25,000	121807
3R00 221684 Medicaid Professional	\$	35,000	\$ 35,000	121808

Services

Reimbursement

3Y10 221686 Early Childhood Grant	\$	300,000	\$ 300,000	121809
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TOTAL FED Federal Special 121810

Revenue Fund Group	\$	2,820,135	\$ 2,820,135	121811
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State Special Revenue Fund Group 121812

4M00 221601 Educational Program	\$	190,000	\$ 190,000	121813
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Expenses

5H60 221609 Even Start Fees and	\$	250,716	\$ 250,716	121814
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Gifts

TOTAL SSR State Special Revenue 121815

Fund Group	\$	440,716	\$ 440,716	121816
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TOTAL ALL BUDGET FUND GROUPS	\$	13,034,240	\$	13,034,240	121817
Section 385.10. SFC SCHOOL FACILITIES COMMISSION					121819
General Revenue Fund					121820
GRF 230908 Common Schools	\$	192,559,200	\$	165,510,500	121821
General Obligation					
Debt Service					
TOTAL GRF General Revenue Fund	\$	192,559,200	\$	165,510,500	121822
State Special Revenue Fund Group					121823
5E30 230644 Operating Expenses	\$	9,885,436	\$	10,132,034	121824
TOTAL SSR State Special Revenue					121825
Fund Group	\$	9,885,436	\$	10,132,034	121826
TOTAL ALL BUDGET FUND GROUPS	\$	202,444,636	\$	175,642,534	121827

Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 121829

The foregoing appropriation item 230908, 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, 2009, through June 30, 2011, under sections 151.01 and 151.03 of the Revised Code. 121831 121832 121833 121834 121835 121836

OPERATING EXPENSES 121837

The foregoing appropriation item 230644, 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. 121838 121839 121840 121841

In both fiscal years 2010 and 2011, 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 7032), the Public School Building Fund (Fund 121842 121843 121844 121845 121846

7021), and the Educational Facilities Trust Fund (Fund N087) to 121847
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 121848
transferred from the School Building Assistance Fund (Fund 7032) 121849
may not exceed investment earnings credited to the fund, less any 121850
amount required to be paid for federal arbitrage rebate purposes. 121851
121852

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 121853

At the request of the Executive Director of the Ohio School 121854
Facilities Commission, the Director of Budget and Management may 121855
cancel encumbrances for school district projects from a previous 121856
biennium if the district has not raised its local share of project 121857
costs within one year of receiving Controlling Board approval 121858
under section 3318.05 of the Revised Code. The Executive Director 121859
of the Ohio School Facilities Commission shall certify the amounts 121860
of the canceled encumbrances to the Director of Budget and 121861
Management on a quarterly basis. The amounts of the canceled 121862
encumbrances are hereby appropriated. 121863

Section 385.30. AMENDMENT TO PROJECT AGREEMENT FOR 121864
MAINTENANCE LEVY 121865

The Ohio School Facilities Commission shall amend the project 121866
agreement between the Commission and a school district that is 121867
participating in the Accelerated Urban School Building Assistance 121868
Program on the effective date of this section, if the Commission 121869
determines that it is necessary to do so in order to comply with 121870
division (B)(3)(c) of section 3318.38 of the Revised Code, as 121871
amended by this act. 121872

Section 385.40. STUDY OF COMMUNITY SPACE 121873

The Executive Director of the Ohio School Facilities 121874
Commission shall conduct a study of spaces included in classroom 121875
facilities projects financed by the Commission under Chapter 3318. 121876

of the Revised Code that are used for activities, services, and 121877
programs shared between schools and other public and private 121878
entities in their communities. The study shall identify and 121879
describe such spaces included in current or completed projects and 121880
shall recommend best practices for enhancing opportunities for 121881
including shared community spaces in future projects. The 121882
Executive Director shall submit a written report of the results 121883
and recommendations of the study to the Commission not later than 121884
December 31, 2009. 121885

**Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 121886
FACILITIES 121887**

Notwithstanding any other provision of law to the contrary, 121888
the Ohio School Facilities Commission may provide assistance under 121889
the Exceptional Needs School Facilities Program established in 121890
section 3318.37 of the Revised Code to any school district, and 121891
not exclusively to a school district in the lowest seventy-five 121892
per cent of adjusted valuation per pupil on the current ranking of 121893
school districts established under section 3318.011 of the Revised 121894
Code, for the purpose of the relocation or replacement of school 121895
facilities required as a result of extreme environmental 121896
contamination. 121897

The school district's portion of a project to replace a 121898
contaminated facility undertaken pursuant to this section shall 121899
not exceed seventy-five per cent of the cost of the project. This 121900
paragraph does not affect the district's portion of the cost of 121901
subsequent classroom facilities projects the district may 121902
undertake under Chapter 3318. of the Revised Code. 121903

The Ohio School Facilities Commission shall contract with an 121904
independent environmental consultant to conduct a study and to 121905
report to the Commission as to the seriousness of the 121906
environmental contamination, whether the contamination violates 121907

applicable state and federal standards, and whether the facilities 121908
are no longer suitable for use as school facilities. The 121909
Commission then shall make a determination regarding funding for 121910
the relocation or replacement of the school facilities. If the 121911
federal government or other public or private entity provides 121912
funds for restitution of costs incurred by the state or school 121913
district in the relocation or replacement of the school 121914
facilities, the school district shall use such funds in excess of 121915
the school district's share to refund the state for the state's 121916
contribution to the environmental contamination portion of the 121917
project. The school district may apply an amount of such 121918
restitution funds up to an amount equal to the school district's 121919
portion of the project, as defined by the Commission, toward 121920
paying its portion of that project to reduce the amount of bonds 121921
the school district otherwise must issue to receive state 121922
assistance under sections 3318.01 to 3318.20 of the Revised Code. 121923

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT 121924

(A) The Ohio School Facilities Commission may commit up to 121925
thirty-five million dollars to the Canton City School District for 121926
construction of a facility described in this section, in lieu of a 121927
high school that would otherwise be authorized under Chapter 3318. 121928
of the Revised Code. The Commission shall not commit funds under 121929
this section unless all of the following conditions are met: 121930

(1) The District has entered into a cooperative agreement 121931
with a state-assisted technical college; 121932

(2) The District has received an irrevocable commitment of 121933
additional funding from nonpublic sources; and 121934

(3) The facility is intended to serve both secondary and 121935
postsecondary instructional purposes. 121936

(B) The Commission shall enter into an agreement with the 121937

District for the construction of the facility authorized under 121938
this section that is separate from and in addition to the 121939
agreement required for the District's participation in the 121940
Classroom Facilities Assistance Program under section 3318.08 of 121941
the Revised Code. Notwithstanding that section and sections 121942
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 121943
agreement shall provide, but not be limited to, the following: 121944

(1) The Commission shall not have any oversight 121945
responsibilities over the construction of the facility. 121946

(2) The facility need not comply with the specifications for 121947
plans and materials for high schools adopted by the Commission. 121948

(3) The Commission may decrease the basic project cost that 121949
would otherwise be calculated for a high school under Chapter 121950
3318. of the Revised Code. 121951

(4) The state shall not share in any increases in the basic 121952
project cost for the facility above the amount authorized under 121953
this section. 121954

All other provisions of Chapter 3318. of the Revised Code 121955
apply to the approval and construction of a facility authorized 121956
under this section. 121957

The state funds committed to the facility authorized by this 121958
section shall be part of the total amount the state commits to the 121959
Canton City School District under Chapter 3318. of the Revised 121960
Code. All additional state funds committed to the Canton City 121961
School District for classroom facilities assistance shall be 121962
subject to all provisions of Chapter 3318. of the Revised Code. 121963

Section 385.70. Notwithstanding section 3318.05 of the 121964
Revised Code, for each school district whose project under 121965
sections 3318.01 to 3318.20 of the Revised Code was conditionally 121966
approved by the Ohio School Facilities Commission in July 2008, 121967

that conditional approval shall lapse and the amount reserved and 121968
encumbered for the project shall be released on December 31, 2009. 121969

Section 385.80. Notwithstanding any provision of Chapter 121970
3318. of the Revised Code to the contrary, and notwithstanding the 121971
agreement between the Cincinnati City School District and the Ohio 121972
School Facilities Commission under section 3318.08 of the Revised 121973
Code, the Commission shall encumber and pay state funds to the 121974
District in the amount of \$4,000,000, in addition to the amount 121975
prescribed in that agreement, for the purpose of dedicating 121976
additional state funding toward the acquisition of the School for 121977
the Creative and Performing Arts, as that building is included in 121978
the District's project under section 3318.38 of the Revised Code. 121979
The District shall use the funds paid under this section solely 121980
for that purpose. The School for the Creative and Performing Arts 121981
need not comply with the specifications included in the Ohio 121982
Design Manual adopted by the Commission to implement classroom 121983
facilities projects under Chapter 3318. of the Revised Code. This 121984
section shall not affect any other building included in the 121985
District's project under section 3318.38 of the Revised Code, nor 121986
shall it affect the state's portion of funding for the remainder 121987
of that project. 121988

The Commission shall use funds appropriated to it for 121989
classroom facilities projects to pay the funds required under this 121990
section. The Commission shall encumber the funds required under 121991
this section in accordance with section 3318.11 of the Revised 121992
Code. 121993

Section 385.85. Notwithstanding the eligibility restriction 121994
described in division (A)(2) of section 3318.37 of the Revised 121995
Code, in fiscal year 2010, the Ohio School Facilities Commission 121996
may approve a project under the Exceptional Needs School 121997

Facilities Assistance Program established under that section for	121998
any school district that meets the following conditions:	121999
(A) The district initially applied for the Exceptional Needs	122000
Program in fiscal year 2008.	122001
(B) The district's position on the rankings certified under	122002
section 3318.011 of the Revised Code for fiscal year 2009 is	122003
higher than three hundred sixty.	122004
Section 385.90. (A) As used in this section:	122005
(1) "Basic project cost," "percentile," and "project" have	122006
the same meanings as in section 3318.01 of the Revised Code.	122007
(2) "Equity list" means the school district percentile	122008
rankings calculated under section 3318.011 of the Revised Code.	122009
(3) A school district's "portion of the basic project cost"	122010
means the amount calculated under section 3318.032 of the Revised	122011
Code.	122012
(B) Notwithstanding any provision of Chapter 3318. of the	122013
Revised Code to the contrary, in the case of a school district	122014
that received in fiscal year 2008 elector approval for a bond	122015
issue for its portion of the basic project cost of a project under	122016
sections 3318.01 to 3318.20 of the Revised Code, based on a	122017
preliminary estimated equity list projecting rankings of school	122018
districts if amendments to section 3318.011 of the Revised Code	122019
enacted by Am. Sub. H.B. 119 of the 127th General Assembly had	122020
been effective for projects in that fiscal year, and which	122021
district on the alternate equity list for fiscal year 2009 funding	122022
required by Section 733.13 of Am. Sub. H.B. 562 of the 127th	122023
General Assembly, retroactively applying those amendments, was	122024
ranked one percentile higher than on the preliminary estimated	122025
equity list, resulting in the district's calculated portion being	122026
one per cent higher than the amount projected at the time of the	122027

bond issue election, the Ohio School Facilities Commission shall 122028
reduce the district's portion to that projected on the preliminary 122029
estimated equity list. 122030

Section 387.10. SOS SECRETARY OF STATE 122031

General Revenue Fund 122032

GRF 050321	Operating Expenses	\$	2,540,508	\$	2,290,508	122033
GRF 050407	Pollworkers Training	\$	250,197	\$	250,197	122034
TOTAL GRF	General Revenue Fund	\$	2,790,705	\$	2,540,705	122035

General Services Fund Group 122036

4120 050609	Notary Commission	\$	565,000	\$	565,000	122037
4130 050601	Information Systems	\$	75,000	\$	50,000	122038
4140 050602	Citizen Education	\$	55,712	\$	55,712	122039

Fund

4S80 050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	122040
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5FG0 050620	BOE Reimbursement and Education	\$	100,000	\$	100,000	122041
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5FH0 050621	Statewide Ballot Advertising	\$	487,600	\$	487,600	122042
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5FJ0 050622	County Voting Machine Revolving Lease/Loan Fund	\$	500,000	\$	500,000	122043
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TOTAL General Services Fund Group		\$	1,790,512	\$	1,765,512	122044
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Federal Special Revenue Fund Group 122045

3AH0 050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000	122046
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3AS0 050616	2005 HAVA Voting Machines	\$	3,000,000	\$	3,000,000	122047
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TOTAL FED Federal Special Revenue						122048
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Fund Group		\$	3,800,000	\$	3,800,000	122049
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State Special Revenue Fund Group				122050
5990 050603 Business Services	\$	14,186,100	\$ 14,345,400	122051
Operating Expenses				
5N90 050607 Technology	\$	180,000	\$ 180,000	122052
Improvements				
TOTAL SSR State Special Revenue				122053
Fund Group	\$	14,366,100	\$ 14,525,400	122054
Holding Account Redistribution Fund Group				122055
R001 050605 Uniform Commercial	\$	30,000	\$ 30,000	122056
Code Refunds				
R002 050606 Corporate/Business	\$	85,000	\$ 85,000	122057
Filing Refunds				
TOTAL 090 Holding Account				122058
Redistribution Fund Group	\$	115,000	\$ 115,000	122059
TOTAL ALL BUDGET FUND GROUPS	\$	22,862,317	\$ 22,746,617	122060
 FEE WAIVER FOR INITIAL BUSINESS FILINGS				122061
 Of the foregoing appropriation item 050321, Operating				122062
Expenses, \$250,000 shall be used in fiscal year 2010 to pay the				122063
costs of the first \$125 of fees charged and collected by the				122064
Secretary of State, pursuant to section 111.16 of the Revised				122065
Code, for the initial filing by new domestic or foreign business				122066
entities of for-profit corporation articles, nonprofit corporation				122067
articles, foreign license applications, professional corporation				122068
articles, limited liability company articles, partnership				122069
certificates, limited partnership certificates, and limited				122070
liability partnership certificates until the earlier of December				122071
31, 2009, or when the \$250,000 is expended.				122072
 EXPEDITED BUSINESS FILINGS				122073
 Of the foregoing appropriation item 050321, Operating				122074
Expenses, up to \$250,000 shall be used in fiscal year 2010 to pay				122075
the first \$100 of costs associated with all level one expedited				122076

business filings for the initial filings of new domestic or	122077
foreign business entities, including for-profit corporation	122078
articles, nonprofit corporation articles, foreign license	122079
applications, professional corporation articles, limited liability	122080
company articles, partnership certificates, limited partnership	122081
certificates, and limited liability partnership certificates.	122082
BOARD OF VOTING MACHINE EXAMINERS	122083
The foregoing appropriation item 050610, Board of Voting	122084
Machine Examiners, shall be used to pay for the services and	122085
expenses of the members of the Board of Voting Machine Examiners,	122086
and for other expenses that are authorized to be paid from the	122087
Board of Voting Machine Examiners Fund, which is created in	122088
section 3506.05 of the Revised Code. Moneys not used shall be	122089
returned to the person or entity submitting equipment for	122090
examination. If it is determined that additional appropriations	122091
are necessary, such amounts are hereby appropriated.	122092
BUSINESS SERVICES FUND TRANSFER TO THE COUNTY VOTING MACHINE	122093
REVOLVING LEASE/LOAN FUND	122094
Not later than the first day of June of each fiscal year, the	122095
Director of Budget and Management shall transfer \$500,000 cash	122096
from the Business Services Fund (Fund 5990) to the County Voting	122097
Machine Revolving Lease/Loan Fund (Fund 5FJ0).	122098
HAVA FUNDS	122099
An amount equal to the unexpended, unencumbered portion of	122100
appropriation item 050616, 2005 HAVA Voting Machines, at the end	122101
of fiscal year 2010 is reappropriated for the same purpose in	122102
fiscal year 2011.	122103
An amount equal to the unexpended, unencumbered portion of	122104
appropriation item 050614, Election Reform/Health and Human	122105
Services, at the end of fiscal year 2010 is reappropriated for the	122106
same purpose in fiscal year 2011.	122107

On July 1, 2009, or as soon as possible thereafter, the 122108
Director of Budget and Management shall transfer from the General 122109
Revenue Fund to the credit of the Election Data Collection Grant 122110
Fund (Fund 3AC0), all investment earnings and amounts equal to the 122111
interest earnings attributable to Fund 3AC0 in each quarter of 122112
fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, 122113
unencumbered portion of appropriation item 050619, Election Data 122114
Collection Grant, at the end of fiscal year 2009 is reappropriated 122115
in fiscal year 2010 for the same purpose. 122116

The Director of Budget and Management shall credit the 122117
ongoing interest earnings from the Election Reform/Health and 122118
Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines 122119
Fund (Fund 3AS0), and the Election Data Collection Grant Fund 122120
(Fund 3AC0) to the respective funds and distribute these earnings 122121
in accordance with the terms of the grant under which the money is 122122
received. 122123

HOLDING ACCOUNT REDISTRIBUTION GROUP 122124

The foregoing appropriation items 050605, Uniform Commercial 122125
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 122126
be used to hold revenues until they are directed to the 122127
appropriate accounts or until they are refunded. If it is 122128
determined that additional appropriations are necessary, such 122129
amounts are hereby appropriated. 122130

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE 122131
FILING FUND 122132

On July 1, 2009, or as soon as possible thereafter, the 122133
Director of Budget and Management shall transfer \$53,915.40 cash 122134
from the Public Utility Territorial Administration Fund (Fund 122135
5590) to the Corporate and Uniform Commercial Code Filing Fund 122136
(Fund 5990). 122137

Section 389.10. SEN THE OHIO SENATE				122138
General Revenue Fund				122139
GRF 020321	Operating Expenses	\$ 12,123,439	\$ 12,123,439	122140
TOTAL GRF General Revenue Fund				122141
General Services Fund Group				122142
1020 020602	Senate Reimbursement	\$ 448,465	\$ 448,465	122143
4090 020601	Miscellaneous Sales	\$ 34,497	\$ 34,497	122144
TOTAL GSF General Services				122145
Fund Group				122146
TOTAL ALL BUDGET FUND GROUPS				122147
OPERATING EXPENSES				122148
On July 1, 2009, or as soon as possible thereafter, the Clerk				122149
of the Senate may certify to the Director of Budget and Management				122150
the amount of the unexpended, unencumbered balance of the				122151
foregoing appropriation item 020321, Operating Expenses, at the				122152
end of fiscal year 2009 to be reappropriated to fiscal year 2010.				122153
The amount certified is hereby reappropriated to the same				122154
appropriation item for fiscal year 2010.				122155
On July 1, 2010, or as soon as possible thereafter, the Clerk				122156
of the Senate may certify to the Director of Budget and Management				122157
the amount of the unexpended, unencumbered balance of the				122158
foregoing appropriation item 020321, Operating Expenses, at the				122159
end of fiscal year 2010 to be reappropriated to fiscal year 2011.				122160
The amount certified is hereby reappropriated to the same				122161
appropriation item for fiscal year 2011.				122162
Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND				122163
Debt Service Fund Group				122164
7070 155905	Third Frontier	\$ 20,948,300	\$ 29,011,600	122165
Research and				

	Development Bond				
	Retirement Fund				
7072155902	Highway Capital	\$	202,074,000	\$	203,434,200 122166
	Improvement Bond				
	Retirement Fund				
7073155903	Natural Resources Bond	\$	26,334,400	\$	26,549,400 122167
	Retirement Fund				
7074155904	Conservation Projects	\$	20,711,100	\$	25,684,900 122168
	Bond Service Fund				
7076155906	Coal Research and	\$	9,968,400	\$	10,947,000 122169
	Development Bond				
	Retirement Fund				
7077155907	State Capital	\$	148,331,900	\$	163,443,500 122170
	Improvement Bond				
	Retirement Fund				
7078155908	Common Schools Bond	\$	192,559,200	\$	165,510,500 122171
	Retirement Fund				
7079155909	Higher Education Bond	\$	85,317,700	\$	89,480,300 122172
	Retirement Fund				
7090155912	Job Ready Site	\$	5,685,400	\$	10,601,900 122173
	Development Bond				
	Retirement Fund				
TOTAL DSF Debt Service Fund Group		\$	711,930,400	\$	724,663,300 122174
TOTAL ALL BUDGET FUND GROUPS		\$	711,930,400	\$	724,663,300 122175
	ADDITIONAL APPROPRIATIONS				122176
	Appropriation items in this section are for the purpose of				122177
	paying debt service and financing costs on bonds or notes of the				122178
	state issued under the Ohio Constitution and acts of the General				122179
	Assembly. If it is determined that additional amounts are				122180
	necessary for this purpose, such amounts are hereby appropriated.				122181
	Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				122182
	DEVELOPMENT FOUNDATION				122183

General Revenue Fund				122184
5M90 945601 Operating Expenses	\$	475,220	\$ 475,220	122185
TOTAL TMF Tobacco Master Settlement Agreement Fund Group	\$	475,220	\$ 475,220	122186
TOTAL ALL BUDGET FUND GROUPS	\$	475,220	\$ 475,220	122187
 Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY				122189
General Services Fund Group				122190
4K90 886609 Operating Expenses	\$	453,000	\$ 453,000	122191
TOTAL GSF General Services Fund Group	\$	453,000	\$ 453,000	122192
TOTAL ALL BUDGET FUND GROUPS	\$	453,000	\$ 453,000	122193
 Section 397.10. BTA BOARD OF TAX APPEALS				122194
General Revenue Fund				122197
GRF 116321 Operating Expenses	\$	2,192,450	\$ 2,317,450	122198
TOTAL GRF General Revenue Fund	\$	2,192,450	\$ 2,317,450	122199
TOTAL ALL BUDGET FUND GROUPS	\$	2,192,450	\$ 2,317,450	122200
 Section 399.10. TAX DEPARTMENT OF TAXATION				122201
General Revenue Fund				122203
GRF 110321 Operating Expenses	\$	81,441,056	\$ 81,441,055	122204
GRF 110404 Tobacco Settlement Enforcement	\$	295,231	\$ 295,231	122205
GRF 110412 Child Support Administration	\$	19,512	\$ 19,512	122206
GRF 110901 Property Tax Allocation - Taxation	\$	569,917,420	\$ 577,463,014	122207
TOTAL GRF General Revenue Fund	\$	651,673,219	\$ 659,218,812	122208
General Services Fund Group				122209
2280 110628 Tax Reform System	\$	13,600,000	\$ 13,600,000	122210
				122211

		Implementation				
4330	110602	Tape File Account	\$	125,000	\$	125,000 122212
5AP0	110632	Discovery Project	\$	2,000,000	\$	2,000,000 122213
5CZ0	110631	Vendor's License	\$	250,000	\$	250,000 122214
		Application				
5N50	110605	Municipal Income Tax	\$	600,000	\$	600,000 122215
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 122216
		Administration				
5V80	110623	Property Tax	\$	12,000,000	\$	12,000,000 122217
		Administration				
5W40	110625	Centralized Tax	\$	200,000	\$	200,000 122218
		Filing and Payment				
5W70	110627	Exempt Facility	\$	60,000	\$	60,000 122219
		Administration				
TOTAL	GSF	General Services				122220
Fund Group			\$	28,935,000	\$	28,935,000 122221
State Special Revenue Fund Group						122222
4350	110607	Local Tax	\$	18,000,000	\$	18,000,000 122223
		Administration				
4360	110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000 122224
4370	110606	Income Tax	\$	200,000	\$	200,000 122225
		Contribution				
		Administration				
4380	110609	School District Income	\$	5,500,000	\$	5,500,000 122226
		Tax				
4C60	110616	International	\$	706,855	\$	706,855 122227
		Registration Plan				
4R60	110610	Tire Tax	\$	200,000	\$	200,000 122228
		Administration				
5V70	110622	Motor Fuel Tax	\$	4,700,000	\$	4,700,000 122229
		Administration				
6390	110614	Cigarette Tax	\$	1,900,000	\$	1,900,000 122230

		Enforcement				
6420	110613	Ohio Political Party	\$	500,000	\$	500,000 122231
		Distributions				
6880	110615	Local Excise Tax	\$	800,000	\$	800,000 122232
		Administration				
		TOTAL SSR State Special Revenue				122233
		Fund Group	\$	33,506,855	\$	33,506,855 122234
		Agency Fund Group				122235
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 122236
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 122237
		TOTAL AGY Agency Fund Group	\$	1,567,800,000	\$	1,567,800,000 122238
		Holding Account Redistribution Fund Group				122239
R010	110611	Tax Distributions	\$	50,000	\$	50,000 122240
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 122241
		Tax Receipts				
		TOTAL 090 Holding Account				122242
		Redistribution Fund Group	\$	100,000	\$	100,000 122243
		TOTAL ALL BUDGET FUND GROUPS	\$	2,282,015,074	\$	2,289,560,667 122244
		HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX				122245
		EXEMPTION				122246
		The foregoing appropriation item 110901, Property Tax				122247
		Allocation - Taxation, is hereby appropriated to pay for the				122248
		state's costs incurred due to the Homestead Exemption, the				122249
		Manufactured Home Property Tax Rollback, and the Property Tax				122250
		Rollback. The Tax Commissioner shall distribute these funds				122251
		directly to the appropriate local taxing districts, except for				122252
		school districts, notwithstanding the provisions in sections				122253
		321.24 and 323.156 of the Revised Code, which provide for payment				122254
		of the Homestead Exemption, the Manufactured Home Property Tax				122255
		Rollback, and Property Tax Rollback by the Tax Commissioner to the				122256
		appropriate county treasurer and the subsequent redistribution of				122257
		these funds to the appropriate local taxing districts by the				122258

county auditor. 122259

Upon receipt of these amounts, each local taxing district 122260
shall distribute the amount among the proper funds as if it had 122261
been paid as real property taxes. Payments for the costs of 122262
administration shall continue to be paid to the county treasurer 122263
and county auditor as provided for in sections 319.54, 321.26, and 122264
323.156 of the Revised Code. 122265

Any sums, in addition to the amounts specifically 122266
appropriated in appropriation item 110901, Property Tax Allocation 122267
- Taxation, for the Homestead Exemption, the Manufactured Home 122268
Property Tax Rollback, and the Property Tax Rollback payments, 122269
which are determined to be necessary for these purposes, are 122270
hereby appropriated. 122271

MUNICIPAL INCOME TAX 122272

The foregoing appropriation item 110995, Municipal Income 122273
Tax, shall be used to make payments to municipal corporations 122274
under section 5745.05 of the Revised Code. If it is determined 122275
that additional appropriations are necessary to make such 122276
payments, such amounts are hereby appropriated. 122277

TAX REFUNDS 122278

The foregoing appropriation item 110635, Tax Refunds, shall 122279
be used to pay refunds under section 5703.052 of the Revised Code. 122280
If it is determined that additional appropriations are necessary 122281
for this purpose, such amounts are hereby appropriated. 122282

INTERNATIONAL REGISTRATION PLAN AUDIT 122283

The foregoing appropriation item 110616, International 122284
Registration Plan, shall be used under section 5703.12 of the 122285
Revised Code for audits of persons with vehicles registered under 122286
the International Registration Plan. 122287

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 122288

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

CENTRALIZED TAX FILING AND PAYMENT FUND 122296

The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers of cash shall not exceed \$400,000 in the biennium.

TOBACCO SETTLEMENT ENFORCEMENT 122303

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS 122308

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, payments to local taxing units by May 31, 2011, required by section 5751.22(C) of the Revised Code shall be in an amount equal to each of the losses determined under division (D) of section 5751.20 of the Revised Code multiplied by one hundred per cent.

Section 399.20. COMMERCIAL ACTIVITY TAX 122314

(A) Any term used in this section has the same meaning as in section 5751.01 of the Revised Code.

(B) A person is not required to pay the annual minimum commercial activity tax due for calendar year 2005 or 2006 under

Chapter 5751. of the Revised Code if the person satisfies all of 122319
the following: 122320

(1) The person was not subject to the tax for those years 122321
because the person did not have nexus with this state or was an 122322
excluded person under division (E)(1) of section 5751.01 of the 122323
Revised Code; 122324

(2) The person erroneously registered for the tax and failed 122325
to cancel the registration before May 10, 2006; 122326

(3) The person canceled its commercial activity tax 122327
registration before February 10, 2007, and was not required to 122328
file the returns and pay the annual minimum tax due February 9, 122329
2007, February 9, 2008, or February 9, 2009. 122330

(C) The Tax Commissioner shall cancel the registration of 122331
each such person for which the registration has not yet been 122332
canceled. 122333

(D) If such a person paid the tax due for calendar year 2005 122334
or 2006 after being contacted by the Department of Taxation, the 122335
person may request a refund of the amount paid for such a year or 122336
years under section 5751.08 of the Revised Code, notwithstanding 122337
division (E) of that section. 122338

Section 401.10. DOT DEPARTMENT OF TRANSPORTATION 122339

Transportation Modes 122340

General Revenue Fund 122341

GRF 775451 Public Transportation \$ 19,965,606 \$ 20,049,147 122342
- State

GRF 776465 Ohio Rail Development \$ 3,071,771 \$ 3,090,162 122343
Commission

GRF 776668 Transportation \$ 1,352,403 \$ 1,243,338 122344
Operating - Federal
Stimulus

GRF 777471	Airport Improvements	\$	1,191,876	\$	1,199,009	122345
	- State					
TOTAL GRF	General Revenue Fund	\$	25,581,656	\$	25,581,656	122346
TOTAL ALL BUDGET	FUND GROUPS	\$	25,581,656	\$	25,581,656	122347

Section 403.10. TOS TREASURER OF STATE 122349

	General Revenue Fund					122350
GRF 090321	Operating Expenses	\$	8,381,875	\$	8,381,875	122351
GRF 090401	Office of the Sinking	\$	537,223	\$	537,223	122352
	Fund					122353
GRF 090402	Continuing Education	\$	403,959	\$	403,959	122354
GRF 090524	Police and Fire	\$	8,000	\$	7,500	122355
	Disability Pension					122356
	Fund					
GRF 090534	Police and Fire Ad Hoc	\$	95,000	\$	90,000	122357
	Cost					
	of Living					122358
GRF 090554	Police and Fire	\$	720,000	\$	680,000	122359
	Survivor					
	Benefits					122360
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	122361
	Benefits					122362
TOTAL GRF	General Revenue Fund	\$	30,146,057	\$	30,100,557	122363
	General Services Fund Group					122364
4E90 090603	Securities Lending	\$	4,492,622	\$	4,492,622	122365
	Income					
5770 090605	Investment Pool	\$	550,000	\$	550,000	122366
	Reimbursement					122367
5C50 090602	County Treasurer	\$	150,000	\$	150,000	122368
	Education					
6050 090609	Treasurer of State	\$	185,000	\$	185,000	122369
	Administrative Fund					122370

TOTAL GSF General Services				122371
Fund Group	\$	5,377,622	\$ 5,377,622	122372
Agency Fund Group				122373
4250 090635 Tax Refunds	\$	31,000,000	\$ 31,000,000	122374
TOTAL Agency Fund Group	\$	31,000,000	\$ 31,000,000	122375
TOTAL ALL BUDGET FUND GROUPS	\$	66,523,679	\$ 66,478,179	122376

Section 403.20. OFFICE OF THE SINKING FUND 122378

The foregoing appropriation item 090401, Office of the 122379
Sinking Fund, shall be used for costs incurred by or on behalf of 122380
the Commissioners of the Sinking Fund and the Ohio Public 122381
Facilities Commission with respect to State of Ohio general 122382
obligation bonds or notes, and the Treasurer of State with respect 122383
to State of Ohio general obligation and special obligation bonds 122384
or notes, including, but not limited to, printing, advertising, 122385
delivery, rating fees and the procurement of ratings, professional 122386
publications, membership in professional organizations, and other 122387
services referred to in division (D) of section 151.01 of the 122388
Revised Code. The General Revenue Fund shall be reimbursed for 122389
such costs relating to the issuance and administration of Highway 122390
Capital Improvement bonds or notes authorized under Ohio 122391
Constitution, Article VIII, Section 2m and Chapter 151. of the 122392
Revised Code. That reimbursement shall be made from appropriation 122393
item 155902, Highway Capital Improvement Bond Retirement Fund, by 122394
intrastate transfer voucher pursuant to a certification by the 122395
Office of the Sinking Fund of the actual amounts used. The amounts 122396
necessary to make such a reimbursement are hereby appropriated 122397
from the Highway Capital Improvement Bond Retirement Fund created 122398
in section 151.06 of the Revised Code. 122399

POLICE AND FIRE DEATH BENEFIT FUND 122400

The foregoing appropriation item 090575, Police and Fire 122401
Death Benefits, shall be disbursed quarterly by the Treasurer of 122402

State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 405.10. TTA OHIO TUITION TRUST

State Special Revenue Fund Group						122420
5P30 095602	Variable Savings	\$	6,175,707	\$	6,156,515	122421
	Plans					
6450 095601	Guaranteed Savings	\$	842,959	\$	862,150	122422
	Plan					
TOTAL SSR State Special Revenue						122423
Fund Group		\$	7,018,666	\$	7,018,665	122424
TOTAL ALL BUDGET FUND GROUPS		\$	7,018,666	\$	7,018,665	122425

FUND ABOLITION

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings Fund (Fund 5P30). The Director shall cancel any existing

encumbrances against appropriation item 095603, Index Savings 122431
Plan, and re-establish them against appropriation item 095602, 122432
Variable Savings Plans. The re-established encumbrance amounts are 122433
hereby appropriated. Upon completion of these transfers, Fund 5AM0 122434
is hereby abolished. 122435

On July 1, 2009, or as soon as possible thereafter, the 122436
Director of Budget and Management shall transfer the cash balance 122437
in the Banking Products Fund (Fund 5DC0) to the Variable College 122438
Savings Fund (Fund 5P30). The Director shall cancel any existing 122439
encumbrances against appropriation item 095604, Banking Products, 122440
and re-establish them against appropriation item 095602, Variable 122441
Savings Plans. The re-established encumbrance amounts are hereby 122442
appropriated. Upon completion of these transfers, Fund 5DC0 is 122443
hereby abolished. 122444

Section 407.10. VTO VETERANS' ORGANIZATIONS 122445

General Revenue Fund 122446

VAP AMERICAN EX-PRISONERS OF WAR 122447

GRF 743501 State Support \$ 27,533 \$ 27,533 122448

VAN ARMY AND NAVY UNION, USA, INC. 122449

GRF 746501 State Support \$ 60,513 \$ 60,513 122450

VKW KOREAN WAR VETERANS 122451

GRF 747501 State Support \$ 54,398 \$ 54,398 122452

VJW JEWISH WAR VETERANS 122453

GRF 748501 State Support \$ 32,687 \$ 32,687 122454

VCW CATHOLIC WAR VETERANS 122455

GRF 749501 State Support \$ 63,789 \$ 63,789 122456

VPH MILITARY ORDER OF THE PURPLE HEART 122457

GRF 750501 State Support \$ 62,015 \$ 62,015 122458

VVV VIETNAM VETERANS OF AMERICA 122459

GRF 751501 State Support \$ 204,549 \$ 204,549 122460

VAL AMERICAN LEGION OF OHIO 122461

GRF	752501	State Support	\$	332,561	\$	332,561	122462
		VII AMVETS					122463
GRF	753501	State Support	\$	316,711	\$	316,711	122464
		VAV DISABLED AMERICAN VETERANS					122465
GRF	754501	State Support	\$	237,939	\$	237,939	122466
		VMC MARINE CORPS LEAGUE					122467
GRF	756501	State Support	\$	127,569	\$	127,569	122468
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION					122469
GRF	757501	State Support	\$	6,541	\$	6,541	122470
		VFW VETERANS OF FOREIGN WARS					122471
GRF	758501	State Support	\$	271,277	\$	271,277	122472
TOTAL GRF	General Revenue Fund		\$	1,798,082	\$	1,798,082	122473
TOTAL ALL BUDGET FUND GROUPS			\$	1,798,082	\$	1,798,082	122474
		RELEASE OF FUNDS					122475
		The Director of Budget and Management may release the					122476
		foregoing appropriation items 743501, 746501, 747501, 748501,					122477
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					122478
		and 758501, State Support.					122479
		Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES					122480
		General Revenue Fund					122481
GRF	900100	Personal Services	\$	25,219,282	\$	25,219,282	122482
GRF	900200	Maintenance	\$	4,427,264	\$	4,427,264	122483
GRF	900402	Hall of Fame	\$	118,750	\$	118,750	122484
GRF	900403	Veteran Record	\$	40,631	\$	40,631	122485
		Conversion					
GRF	900408	Department of	\$	2,283,100	\$	2,283,100	122486
		Veterans Services					
TOTAL GRF	General Revenue Fund		\$	32,089,027	\$	32,089,027	122487
		General Services Fund Group					122488
4840	900603	Veterans Home	\$	770,000	\$	850,000	122489
		Services					

TOTAL GSF General Services Fund	\$	770,000	\$	850,000	122490
Group					
Federal Special Revenue Fund Group					122491
3680 900614 Veterans Training	\$	745,892	\$	745,892	122492
3740 900606 Troops to Teachers	\$	100,000	\$	100,000	122493
3BX0 900609 Medicare Services	\$	2,000,000	\$	2,200,000	122494
3L20 900601 Veterans Home	\$	16,979,245	\$	17,454,046	122495
Operations - Federal					
TOTAL FED Federal Special Revenue					122496
Fund Group	\$	19,825,137	\$	20,499,938	122497
State Special Revenue Fund Group					122498
4E20 900602 Veterans Home	\$	9,314,438	\$	9,780,751	122499
Operating					
6040 900604 Veterans Home	\$	1,541,020	\$	1,700,000	122500
Improvement					
TOTAL SSR State Special Revenue					122501
Fund Group	\$	10,855,458	\$	11,480,751	122502
TOTAL ALL BUDGET FUND GROUPS	\$	63,539,622	\$	64,919,716	122503
Section 411.10. DVM STATE VETERINARY MEDICAL BOARD					122505
General Services Fund Group					122506
4K90 888609 Operating Expenses	\$	327,312	\$	327,312	122507
TOTAL GSF General Services					122508
Fund Group	\$	327,312	\$	327,312	122509
TOTAL ALL BUDGET FUND GROUPS	\$	327,312	\$	327,312	122510
Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES					122512
General Revenue Fund					122513
GRF 470401 RECLAIM Ohio	\$	201,695,971	\$	192,963,840	122514
GRF 470412 Lease Rental Payments	\$	23,460,900	\$	26,043,900	122515
GRF 470510 Youth Services	\$	18,558,587	\$	18,558,587	122516
GRF 470640 RECLAIM - Federal	\$	3,767,869	\$	0	122517

		Stimulus				
GRF	472321	Parole Operations	\$	13,400,020	\$	13,400,020 122518
GRF	477321	Administrative	\$	14,754,419	\$	14,754,419 122519
		Operations				
TOTAL GRF		General Revenue Fund	\$	275,637,766	\$	265,720,766 122520
		General Services Fund Group				122521
1750	470613	Education	\$	11,000,000	\$	11,000,000 122522
		Reimbursement				
4790	470609	Employee Food Service	\$	200,000	\$	150,000 122523
4A20	470602	Child Support	\$	450,000	\$	450,000 122524
4G60	470605	General Operational	\$	250,000	\$	250,000 122525
		Funds				
5BN0	470629	E-Rate Program	\$	35,000	\$	35,000 122526
TOTAL GSF		General Services				122527
Fund Group			\$	11,935,000	\$	11,885,000 122528
		Federal Special Revenue Fund Group				122529
3210	470601	Education	\$	6,531,076	\$	5,455,413 122530
3210	470603	Juvenile Justice	\$	300,000	\$	300,000 122531
		Prevention				
3210	470606	Nutrition	\$	2,750,000	\$	2,750,000 122532
3210	470610	Rehabilitation	\$	36,000	\$	36,000 122533
		Programs				
3210	470614	Title IV-E	\$	6,000,000	\$	6,000,000 122534
		Reimbursements				
3BH0	470630	Federal Juvenile	\$	50,000	\$	0 122535
		Programs FFY 06				
3BT0	470634	Federal Juvenile	\$	50,000	\$	0 122536
		Programs				
3BY0	470635	Federal Juvenile	\$	334,000	\$	335,000 122537
		Programs FFY 07				
3BZ0	470636	Federal Juvenile	\$	653,350	\$	570,700 122538
		Programs FFY 08				

3CP0	470638	Federal Juvenile Programs FFY 09	\$	500,000	\$	500,000	122539
3CR0	470639	Federal Juvenile Programs FFY 10	\$	0	\$	500,000	122540
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,935,300	\$	2,361,000	122541
3Z80	470625	Federal Juvenile Programs FFY 04	\$	2,000	\$	0	122542
3Z90	470626	Federal Juvenile Programs FFY 05	\$	2,000	\$	0	122543
TOTAL FED Federal Special Revenue							122544
Fund Group			\$	19,143,726	\$	18,808,113	122545
State Special Revenue Fund Group							122546
1470	470612	Vocational Education	\$	2,166,296	\$	2,788,906	122547
5BH0	470628	Partnerships for Success	\$	1,500,000	\$	1,500,000	122548
TOTAL SSR State Special Revenue							122549
Fund Group			\$	3,666,296	\$	4,288,906	122550
TOTAL ALL BUDGET FUND GROUPS							122551
RECLAIM OHIO							122552
Of the foregoing appropriation item 470401, RECLAIM Ohio,							122553
\$2,500,000 in each fiscal year shall be used to support Behavioral							122554
Health/Juvenile Justice programs.							122555
OHIO BUILDING AUTHORITY LEASE PAYMENTS							122556
The foregoing appropriation item 470412, Lease Rental							122557
Payments, shall be used to meet all payments to the Ohio Building							122558
Authority for the period from July 1, 2009, to June 30, 2011,							122559
under the leases and agreements for facilities made under Chapter							122560
152. of the Revised Code. This appropriation is the source of							122561
funds pledged for bond service charges on related obligations							122562
issued pursuant to Chapter 152. of the Revised Code.							122563

EDUCATION REIMBURSEMENT 122564

The foregoing appropriation item 470613, Education 122565
Reimbursement, shall be used to fund the operating expenses of 122566
providing educational services to youth supervised by the 122567
Department of Youth Services. Operating expenses include, but are 122568
not limited to, teachers' salaries, maintenance costs, and 122569
educational equipment. This appropriation item may be used for 122570
capital expenses related to the education program. 122571

EMPLOYEE FOOD SERVICE AND EQUIPMENT 122572

Notwithstanding section 125.14 of the Revised Code, the 122573
foregoing appropriation item 470609, Employee Food Service, may be 122574
used to purchase any food operational items with funds received 122575
into the fund from reimbursements for state surplus property. 122576

Section 503.10. PERSONAL SERVICE EXPENSES 122577

Unless otherwise prohibited by law, any appropriation from 122578
which personal service expenses are paid shall bear the employer's 122579
share of public employees' retirement, workers' compensation, 122580
disabled workers' relief, and all group insurance programs; the 122581
costs of centralized accounting, centralized payroll processing, 122582
and related personnel reports and services; the cost of the Office 122583
of Collective Bargaining; the cost of the Employee Assistance 122584
Program; the cost of the affirmative action and equal employment 122585
opportunity programs administered by the Department of 122586
Administrative Services; the costs of interagency information 122587
management infrastructure; and the cost of administering the state 122588
employee merit system as required by section 124.07 of the Revised 122589
Code. These costs shall be determined in conformity with the 122590
appropriate sections of law and paid in accordance with procedures 122591
specified by the Office of Budget and Management. Expenditures 122592
from appropriation item 070601, Public Audit Expense - Local 122593
Government, may be exempted from the requirements of this section. 122594

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 122595
AGAINST THE STATE 122596

Except as otherwise provided in this section, an 122597
appropriation in this act or any other act may be used for the 122598
purpose of satisfying judgments, settlements, or administrative 122599
awards ordered or approved by the Court of Claims or by any other 122600
court of competent jurisdiction in connection with civil actions 122601
against the state. This authorization does not apply to 122602
appropriations to be applied to or used for payment of guarantees 122603
by or on behalf of the state, or for payments under lease 122604
agreements relating to, or debt service on, bonds, notes, or other 122605
obligations of the state. Notwithstanding any other statute to the 122606
contrary, this authorization includes appropriations from funds 122607
into which proceeds of direct obligations of the state are 122608
deposited only to the extent that the judgment, settlement, or 122609
administrative award is for, or represents, capital costs for 122610
which the appropriation may otherwise be used and is consistent 122611
with the purpose for which any related obligations were issued or 122612
entered into. Nothing contained in this section is intended to 122613
subject the state to suit in any forum in which it is not 122614
otherwise subject to suit, and is not intended to waive or 122615
compromise any defense or right available to the state in any suit 122616
against it. 122617

Section 503.30. CAPITAL PROJECT SETTLEMENTS 122618

This section specifies an additional and supplemental 122619
procedure to provide for payments of judgments and settlements if 122620
the Director of Budget and Management determines, pursuant to 122621
division (C)(4) of section 2743.19 of the Revised Code, that 122622
sufficient unencumbered moneys do not exist in the fund to support 122623
a particular appropriation to pay the amount of a final judgment 122624
rendered against the state or a state agency, including the 122625

settlement of a claim approved by a court, in an action upon and 122626
arising out of a contractual obligation for the construction or 122627
improvement of a capital facility if the costs under the contract 122628
were payable in whole or in part from a state capital projects 122629
appropriation. In such a case, the Director may either proceed 122630
pursuant to division (C)(4) of section 2743.19 of the Revised Code 122631
or apply to the Controlling Board to increase an appropriation or 122632
create an appropriation out of any unencumbered moneys in the 122633
state treasury to the credit of the capital projects fund from 122634
which the initial state appropriation was made. The amount of an 122635
increase in appropriation or new appropriation approved by the 122636
Controlling Board is hereby appropriated from the applicable 122637
capital projects fund and made available for the payment of the 122638
judgment or settlement. 122639

If the Director does not make the application authorized by 122640
this section or the Controlling Board disapproves the application, 122641
and the Director does not make application under division (C)(4) 122642
of section 2743.19 of the Revised Code, the Director shall for the 122643
purpose of making that payment make a request to the General 122644
Assembly as provided for in division (C)(5) of that section. 122645

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 122646

In order to provide funds for the reissuance of voided 122647
warrants under section 117.47 of the Revised Code, there is hereby 122648
appropriated, out of moneys in the state treasury from the fund 122649
credited as provided in section 117.47 of the Revised Code, that 122650
amount sufficient to pay such warrants when approved by the Office 122651
of Budget and Management. 122652

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 122653
BALANCES OF OPERATING APPROPRIATIONS 122654

(A) An unexpended balance of an operating appropriation or 122655

reappropriation that a state agency lawfully encumbered prior to 122656
the close of a fiscal year is hereby reappropriated for the 122657
following fiscal year from the fund from which it was originally 122658
appropriated or reappropriated for the following period and shall 122659
remain available only for the purpose of discharging the 122660
encumbrance: 122661

(1) For an encumbrance for personal services, maintenance, 122662
equipment, or items for resale, other than an encumbrance for an 122663
item of special order manufacture not available on term contract 122664
or in the open market or for reclamation of land or oil and gas 122665
wells, for a period of not more than five months from the end of 122666
the fiscal year; 122667

(2) For an encumbrance for an item of special order 122668
manufacture not available on term contract or in the open market, 122669
for a period of not more than five months from the end of the 122670
fiscal year or, with the written approval of the Director of 122671
Budget and Management, for a period of not more than twelve months 122672
from the end of the fiscal year; 122673

(3) For an encumbrance for reclamation of land or oil and gas 122674
wells, for a period ending when the encumbered appropriation is 122675
expended or for a period of two years, whichever is less; 122676

(4) For an encumbrance for any other expense, for such period 122677
as the Director approves, provided such period does not exceed two 122678
years. 122679

(B) For an encumbrance described in division (A)(1) of this 122680
section to remain available for more than five months from the end 122681
of the fiscal year, an agency shall, not later than November 1 of 122682
each fiscal year, make a request in writing to the Director of 122683
Budget and Management to maintain the encumbrance. The Director 122684
may exempt the encumbrance from cancellation for a specified 122685
period deemed appropriate. The exempted encumbrance is hereby 122686

reappropriated. If the request is not received by November 1, or 122687
if the request is not approved, the Director shall cancel the 122688
encumbrance. 122689

(C) Any operating appropriations for which unexpended 122690
balances are reappropriated beyond a five-month period from the 122691
end of the fiscal year by division (A)(2) of this section shall be 122692
reported to the Controlling Board by the Director of Budget and 122693
Management by the thirty-first day of December of each year. The 122694
report on each such item shall include the item, the cost of the 122695
item, and the name of the vendor. The report shall be updated on a 122696
quarterly basis for encumbrances remaining open. 122697

(D) Except as provided in division (E) of this section, upon 122698
the expiration of the reappropriation period set out in division 122699
(A) or (B) of this section, a reappropriation made by this section 122700
lapses, and the Director of Budget and Management shall cancel the 122701
encumbrance of the unexpended reappropriation not later than the 122702
end of the weekend following the expiration of the reappropriation 122703
period. 122704

(E) With the approval of the Director of Budget and 122705
Management, an unexpended balance of an encumbrance that was 122706
reappropriated by this section for a period specified in division 122707
(A)(3) or (4) of this section and that remains encumbered at the 122708
close of the fiscal biennium is hereby reappropriated for the 122709
following fiscal biennium from the fund from which it was 122710
originally appropriated or reappropriated for the applicable 122711
period specified in division (A)(3) or (4) of this section and 122712
shall remain available only for the purpose of discharging the 122713
encumbrance. 122714

(F) The Director of Budget and Management may correct 122715
accounting errors committed by the staff of the Office of Budget 122716
and Management, such as re-establishing encumbrances or 122717
appropriations cancelled in error, during the cancellation of 122718

operating encumbrances in November and of nonoperating 122719
encumbrances in December. 122720

(G) If the Controlling Board approved a purchase, that 122721
approval remains in effect so long as the appropriation used to 122722
make that purchase remains encumbered. 122723

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 122724
RE-ESTABLISHMENT OF ENCUMBRANCES 122725

Any cash transferred by the Director of Budget and Management 122726
under section 126.15 of the Revised Code is hereby appropriated. 122727
Any amounts necessary to re-establish appropriations or 122728
encumbrances under section 126.15 of the Revised Code are hereby 122729
appropriated. 122730

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 122731

There are hereby appropriated out of any moneys in the state 122732
treasury to the credit of the General Revenue Fund, which are not 122733
otherwise appropriated, funds sufficient to make any payment 122734
required by division (B)(2) of section 5747.03 of the Revised 122735
Code. 122736

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES 122737
APPROVED BY THE CONTROLLING BOARD 122738

Any money that the Controlling Board approves for expenditure 122739
or any increase in appropriation that the Controlling Board 122740
approves under sections 127.14, 131.35, and 131.39 of the Revised 122741
Code or any other provision of law is hereby appropriated for the 122742
period ending June 30, 2011. 122743

Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S 122744
RESIDENCE 122745

If the Governor's Residence Fund (Fund 4H20) receives payment 122746

for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

Section 503.95. SOUTHEASTERN OHIO PORT AUTHORITY CONTAINER-ON-BARGE STUDY

Of appropriation item 771412, Planning and Research - Federal, appropriated in the transportation budget act, H.B. 2 of the 128th General Assembly, for fiscal years 2010 and 2011, \$100,000 in fiscal year 2010 shall be used for the Southeastern Ohio Port Authority to complete a study of and to implement container-on-barge service on the Ohio River. The study shall take into account cargo origin and destinations, cost comparisons, target cargoes, and required infrastructure to connect with surface transportation.

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	122768
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	122769
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	122770
Emergency Response	Department of	\$ 1,413,889	\$ 1,415,945	122771

Plan Fund (Fund 6570) Public Safety

Section 506.20. On July 1, 2009, and on the first day of the 122772
month for each month thereafter, the Treasurer of State, before 122773
making any of the distributions specified in sections 5735.23, 122774
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 122775
the first 2 per cent of the amount of motor fuel tax received for 122776
the preceding calendar month to the credit of the Highway 122777
Operating Fund (Fund 7002). Upon the written request of the 122778
Director of Public Safety, the Director of Budget and Management 122779
may make periodic transfers of cash totaling \$16,220,000 in each 122780
fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 122781
7036). 122782

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 122783
INTEREST EARNED 122784

Notwithstanding any provision of law to the contrary, the 122785
Director of Budget and Management, through June 30, 2011, may 122786
transfer interest earned by any state fund to the General Revenue 122787
Fund. This section does not apply to funds whose source of revenue 122788
is restricted or protected by the Ohio Constitution, federal tax 122789
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 122790
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 122791

Section 512.30. GRF TRANSFER TO THE OAKS PROJECT 122792
IMPLEMENTATION FUND 122793

On July 1 of each fiscal year, or as soon as possible 122794
thereafter, the Director of Budget and Management shall transfer 122795
an amount not to exceed \$2,100,000 cash from the General Revenue 122796
Fund to the OAKS Project Implementation Fund (Fund 5N40). 122797

Section 512.40. TRANSFERS FROM THE BUDGET STABILIZATION FUND 122798

Notwithstanding any provision of law to the contrary, the 122799

Director of Budget and Management, in either year of the biennium, 122800
may transfer cash from the Budget Stabilization Fund to the 122801
General Revenue Fund in order to balance General Revenue Fund 122802
revenues with General Revenue Fund expenditures. Within ten days 122803
of any such transfer, the Director shall notify the Governor, the 122804
Speaker of the House of Representatives, the President of the 122805
Senate, and the Minority Leaders of the House of Representatives 122806
and the Senate of the date and amount of the transfer and the cash 122807
balance remaining in the Budget Stabilization Fund. 122808

Section 512.50. TRANSFERS FROM EDUCATION FACILITIES TRUST AND 122809
PUBLIC SCHOOL BUILDING FUNDS TO GRF 122810

Notwithstanding any provision of law to the contrary, the 122811
Director of Budget and Management shall transfer a total of 122812
\$200,000,000 cash in either fiscal year 2010 or fiscal year 2011 122813
from the Education Facilities Trust Fund (Fund N087) and the 122814
Public School Building Fund (Fund 7021), which are used by the 122815
School Facilities Commission, to the General Revenue Fund. Not 122816
later than June 30, 2013, \$200,000,000 cash shall be deposited 122817
into a fund of the Commission, for the purpose of constructing or 122818
renovating school facilities pursuant to Chapter 3318. of the 122819
Revised Code. 122820

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND 122821
FROM NON-GRF FUNDS 122822

Notwithstanding any provision of law to the contrary, during 122823
fiscal years 2010 and 2011, the Director of Budget and Management 122824
may transfer cash from non-General Revenue Funds that are not 122825
constitutionally restricted to the General Revenue Fund in order 122826
to ensure that available General Revenue Fund receipts and 122827
balances are sufficient to support General Revenue Fund 122828
appropriations in each fiscal year. 122829

Before September 1 of each fiscal year, the Director of 122830
Budget and Management shall prepare quarterly estimates 122831
identifying funds in the state treasury from which cash transfers 122832
are to be made and the anticipated amount of these cash transfers. 122833
Beginning with the quarter ending September 30, 2009, and on a 122834
quarterly basis thereafter, the Director of Budget and Management 122835
shall prepare a summary comparing the estimated and actual amounts 122836
of these cash transfers by fund. This quarterly summary shall be 122837
included in the report required under section 126.05 of the 122838
Revised Code. 122839

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 122840
INTRA-STATE FUND 122841

On July 1, 2009, or as soon as possible thereafter, the 122842
Director of Budget and Management shall transfer \$400,900 cash 122843
from the General Revenue Fund to the Public Audit Expense 122844
Intra-State Fund (Fund 1090). The amounts transferred are hereby 122845
appropriated to help pay for expenses incurred in the Auditor of 122846
State's role relating to fiscal caution, fiscal watch, and fiscal 122847
emergency activities as defined in Chapter 3316. of the Revised 122848
Code and for performance audits for school districts in fiscal 122849
distress. 122850

Section 512.90. STATE AGENCY ADMINISTRATIVE COST SAVINGS AND 122851
EFFICIENCY 122852

Notwithstanding any provision of law to the contrary, a state 122853
agency may enter into one or more agreements with another state 122854
agency or agencies to achieve administrative cost savings and 122855
greater efficiency. Subject to sections 124.321 to 124.328 of the 122856
Revised Code, a state agency may identify employees who may be 122857
transferred to another agency for the purpose of consolidating 122858
finance, human resources, legal, or other administrative 122859

functions. In addition, state agencies may share office equipment, 122860
office space, or other agency assets to the extent such an 122861
arrangement would create savings in rental, lease, or other 122862
contractual expenses. The Director of Budget and Management, in 122863
accordance with section 126.21 of the Revised Code, may take any 122864
actions with regard to state agency budget changes, program 122865
transfers, the creation of new funds, or the consolidation of 122866
funds as necessary due to the administrative reorganization or 122867
consolidation for purposes of cost savings and greater efficiency 122868
pursuant to this section. 122869

Section 515.10. On and after the effective date of section 122870
3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th 122871
General Assembly: 122872

(A) The board of trustees of the Eastern Gateway Community 122873
College District (the District) shall have the powers and duties 122874
formerly prescribed as powers and duties of the board of trustees 122875
of the Jefferson County Community College District and any 122876
additional powers and duties granted or imposed by law. 122877

(B) The board of trustees of the District assumes the 122878
obligations of, and is the successor to and continuation of, the 122879
board of trustees of the Jefferson County Community College 122880
District. 122881

(C) Any business commenced but not completed by the board of 122882
trustees of the Jefferson County Community College District shall 122883
be completed by the board of trustees of the District in the same 122884
manner, and with the same effect, as if completed by the board of 122885
trustees of the Jefferson County Community College District. No 122886
validation, cure, right, privilege, remedy, obligation, or 122887
liability is lost or impaired by reason of the enactment by this 122888
act of this section and section 3354.24 of the Revised Code. 122889

(D) Rules of the board of trustees of the Jefferson County 122890

Community College District shall continue as rules for the board 122891
of trustees of the District until amended or rescinded by the 122892
board of trustees of the District. 122893

(E) Any reference in statute, rule, contract, grant, or other 122894
document to the board of trustees of the Jefferson County 122895
Community College District shall be construed to refer to the 122896
board of trustees of the District. 122897

(F) No judicial, administrative, or other proceeding to which 122898
the board of trustees of the Jefferson County Community College 122899
District is a party and that is pending on the effective date of 122900
this section shall be affected by the enactment by this act of 122901
this section and section 3354.24 of the Revised Code. Upon 122902
application to the court or other tribunal, the board of trustees 122903
of the District shall be substituted for the board of trustees of 122904
the Jefferson County Community College District as a party to the 122905
action or proceeding, and the action shall be prosecuted or 122906
defended in the name of the board of trustees of the District. 122907

(G) All books, records, documents, files, transcripts, 122908
equipment, furniture, supplies, and other materials assigned to or 122909
possessed by the board of trustees of the Jefferson County 122910
Community College District shall be transferred to the board of 122911
trustees of the District. 122912

(H) The employees of the board of trustees of the Jefferson 122913
County Community College District shall be employees of the board 122914
of trustees of the District. 122915

Section 515.20. On the effective date of this section, the 122916
duties, responsibilities, and functions of the Ohio Board of 122917
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 122918
the Revised Code and its assets and liabilities under those 122919
sections are transferred to the State Veterinary Medical Licensing 122920
Board. The State Veterinary Medical Licensing Board assumes the 122921

obligations and authority of the Ohio Board of Regents with regard 122922
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 122923
Code. No right, privilege, or remedy, and no duty, liability, or 122924
obligation, accrued by the Ohio Board of Regents under sections 122925
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 122926
impaired or lost by reason of the transfer and shall be 122927
recognized, administered, performed, or enforced by the State 122928
Veterinary Medical Licensing Board. 122929

Business commenced but not completed by the Ohio Board of 122930
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 122931
4741.46 of the Revised Code shall be completed by the State 122932
Veterinary Medical Licensing Board in the same manner, and with 122933
the same effect, as if completed by the Ohio Board of Regents. 122934

All determinations of the Ohio Board of Regents that are made 122935
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 122936
Revised Code continue in effect as determinations of the State 122937
Veterinary Medical Licensing Board until modified or rescinded by 122938
the State Veterinary Medical Licensing Board. 122939

Whenever the Ohio Board of Regents is referred to in statute, 122940
contract, or other instrument for the purposes of sections 122941
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 122942
reference is deemed to refer to the State Veterinary Medical 122943
Licensing Board. 122944

No pending action or proceeding being prosecuted or defended 122945
in court or before any agency by the Ohio Board of Regents for the 122946
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 122947
Revised Code is affected by the transfer and shall be prosecuted 122948
or defended in the name of the State Veterinary Medical Licensing 122949
Board. Upon application to the court or agency, the State 122950
Veterinary Medical Licensing Board shall be substituted as a 122951
party. 122952

Section 515.30. On the effective date of this section, the 122953
Division of Soil and Water Conservation in the Department of 122954
Natural Resources is renamed the Division of Soil and Water 122955
Resources. The Division of Soil and Water Conservation's 122956
functions, and its assets and liabilities, are transferred to the 122957
Division of Soil and Water Resources. The Division of Soil and 122958
Water Resources is successor to, assumes the obligations and 122959
authority of, and otherwise continues the Division of Soil and 122960
Water Conservation. No right, privilege, or remedy, and no duty, 122961
liability, or obligation, accrued under the Division of Soil and 122962
Water Conservation is impaired or lost by reason of the renaming 122963
and shall be recognized, administered, performed, or enforced by 122964
the Division of Soil and Water Resources. 122965

Business commenced but not completed by the Division of Soil 122966
and Water Conservation or by the Chief of the Division of Soil and 122967
Water Conservation shall be completed by the Division of Soil and 122968
Water Resources or the Chief of the Division of Soil and Water 122969
Resources in the same manner, and with the same effect, as if 122970
completed by the Division of Soil and Water Conservation or the 122971
Chief of the Division of Soil and Water Conservation. 122972

All of the Division of Soil and Water Conservation's rules, 122973
orders, and determinations continue in effect as rules, orders, 122974
and determinations of the Division of Soil and Water Resources 122975
until modified or rescinded by the Division of Soil and Water 122976
Resources. 122977

Subject to the layoff provisions of sections 124.321 to 122978
124.382 of the Revised Code, all employees of the Division of Soil 122979
and Water Conservation continue with the Division of Soil and 122980
Water Resources and retain their positions and all benefits 122981
accruing thereto. 122982

The Director of Budget and Management shall determine the 122983

amount of unexpended balances in the appropriation accounts that 122984
pertain to the Division of Soil and Water Conservation and shall 122985
recommend to the Controlling Board their transfer to the 122986
appropriation accounts that pertain to the Division of Soil and 122987
Water Resources. The Chief of the Division of Soil and Water 122988
Conservation shall provide full and timely information to the 122989
Controlling Board to facilitate the transfer. 122990

Whenever the Division of Soil and Water Conservation or the 122991
Chief of the Division of Soil and Water Conservation is referred 122992
to in a statute, contract, or other instrument, the reference is 122993
deemed to refer to the Division of Soil and Water Resources or to 122994
the Chief of the Division of Soil and Water Resources, whichever 122995
is appropriate in context. 122996

No pending action or proceeding being prosecuted or defended 122997
in court or before an agency by the Division of Soil and Water 122998
Conservation or the Chief of the Division of Soil and Water 122999
Conservation is affected by the renaming and shall be prosecuted 123000
or defended in the name of the Division of Soil and Water 123001
Resources or the Chief of the Division of Soil and Water 123002
Resources, whichever is appropriate. Upon application to the court 123003
or agency, the Division of Soil and Water Resources or the Chief 123004
of the Division of Soil and Water Resources shall be substituted. 123005

Section 515.40. On the effective date of this section, the 123006
Division of Water in the Department of Natural Resources is 123007
abolished and its functions, and its assets and liabilities, are 123008
transferred to the Division of Soil and Water Resources and the 123009
Division of Parks and Recreation, as applicable, in the Department 123010
of Natural Resources. The Division of Soil and Water Resources and 123011
the Division of Parks and Recreation, as applicable, are 123012
successors to, assume the obligations and authority of, and 123013
otherwise continue the Division of Water. No right, privilege, or 123014

remedy, and no duty, liability, or obligation, accrued under the 123015
Division of Water is impaired or lost by reason of the abolishment 123016
and shall be recognized, administered, performed, or enforced by 123017
the Division of Soil and Water Resources or the Division of Parks 123018
and Recreation, whichever is applicable. 123019

Business commenced but not completed by the Division of Water 123020
or by the Chief of the Division of Water shall be completed by the 123021
Division of Soil and Water Resources or the Chief of the Division 123022
of Soil and Water Resources or by the Division of Parks and 123023
Recreation or the Chief of the Division of Parks and Recreation, 123024
whichever is applicable, in the same manner, and with the same 123025
effect, as if completed by the Division of Water or the Chief of 123026
the Division of Water. 123027

All of the Division of Water's rules, orders, and 123028
determinations continue in effect as rules, orders, and 123029
determinations of the Division of Soil and Water Resources or the 123030
Division of Parks and Recreation, whichever is applicable, until 123031
modified or rescinded by the Division of Soil and Water Resources 123032
or the Division of Parks and Recreation, as applicable. If 123033
necessary to ensure the integrity of the numbering of the 123034
Administrative Code, the Director of the Legislative Service 123035
Commission shall renumber the Division of Water's rules to reflect 123036
their transfer to the Division of Soil and Water Resources or to 123037
the Division of Parks and Recreation, as applicable. 123038

Subject to the layoff provisions of sections 124.321 to 123039
124.382 of the Revised Code, all employees of the Division of 123040
Water are transferred to the Division of Soil and Water Resources 123041
or to the Division of Parks and Recreation, as applicable, and 123042
retain their positions and all benefits accruing thereto. 123043

The Director of Budget and Management shall determine the 123044
amount of unexpended balances in the appropriation accounts that 123045

pertain to the Division of Water and shall recommend to the 123046
Controlling Board their transfer to the appropriation accounts 123047
that pertain to the Division of Soil and Water Resources or the 123048
Division of Parks and Recreation, as applicable. The Chief of the 123049
Division of Water shall provide full and timely information to the 123050
Controlling Board to facilitate the transfer. 123051

Whenever the Division of Water or the Chief of the Division 123052
of Water is referred to in a statute, contract, or other 123053
instrument, the reference is deemed to refer to the Division of 123054
Soil and Water Resources or to the Chief of the Division of Soil 123055
and Water Resources or to the Division of Parks and Recreation or 123056
to the Chief of the Division of Parks and Recreation, whichever is 123057
appropriate in context. 123058

No pending action or proceeding being prosecuted or defended 123059
in court or before an agency by the Division of Water or the Chief 123060
of the Division of Water is affected by the abolishment and shall 123061
be prosecuted or defended in the name of the Division of Soil and 123062
Water Resources or the Chief of the Division of Soil and Water 123063
Resources or of the Division of Parks and Recreation or the Chief 123064
of the Division of Parks and Recreation, whichever is appropriate. 123065
Upon application to the court or agency, the Division of Soil and 123066
Water Resources or the Chief of the Division of Soil and Water 123067
Resources or the Division of Parks and Recreation or the Chief of 123068
the Division of Parks and Recreation, whichever is applicable, 123069
shall be substituted. 123070

Section 515.50. On the effective date of this section, the 123071
Division of Real Estate and Land Management in the Department of 123072
Natural Resources is abolished and its functions, and its assets 123073
and liabilities, are transferred to the Director of Natural 123074
Resources, to the Division of Engineering, and to the Division of 123075
Parks and Recreation, as applicable, in the Department of Natural 123076

Resources. The Director of Natural Resources, the Division of 123077
Engineering, and the Division of Parks and Recreation are 123078
successors to, assume the obligations and authority of, and 123079
otherwise continue the Division of Real Estate and Land 123080
Management. No right, privilege, or remedy, and no duty, 123081
liability, or obligation, accrued under the Division of Real 123082
Estate and Land Management is impaired or lost by reason of the 123083
abolishment and shall be recognized, administered, performed, or 123084
enforced by the Director of Natural Resources, the Division of 123085
Engineering, and the Division of Parks and Recreation, whichever 123086
is applicable. 123087

Business commenced but not completed by the Division of Real 123088
Estate and Land Management or by the Chief of the Division of Real 123089
Estate and Land Management shall be completed by the Director of 123090
Natural Resources, by the Division of Engineering or the Chief 123091
Engineer, or by the Division of Parks and Recreation or the Chief 123092
of the Division of Parks and Recreation, whichever is applicable, 123093
in the same manner, and with the same effect, as if completed by 123094
the Division of Real Estate and Land Management or the Chief of 123095
the Division of Real Estate and Land Management. 123096

All of the Division of Real Estate and Land Management's 123097
rules, orders, and determinations continue in effect as rules, 123098
orders, and determinations of the Director of Natural Resources, 123099
the Division of Engineering, or the Division of Parks and 123100
Recreation, whichever is applicable, until modified or rescinded 123101
by the Director of Natural Resources, the Division of Engineering, 123102
or the Division of Parks and Recreation, as applicable. If 123103
necessary to ensure the integrity of the numbering of the 123104
Administrative Code, the Director of the Legislative Service 123105
Commission shall renumber the Division of Real Estate and Land 123106
Management's rules to reflect their transfer to the Director of 123107
Natural Resources, to the Division of Engineering, or to the 123108

Division of Parks and Recreation, as applicable. 123109

Subject to the layoff provisions of sections 124.321 to 123110
124.382 of the Revised Code, all employees of the Division of Real 123111
Estate and Land Management are transferred to the office of the 123112
Director of Natural Resources, the Division of Engineering, or the 123113
Division of Parks and Recreation, as applicable, and retain their 123114
positions and all benefits accruing thereto. 123115

The Director of Budget and Management shall determine the 123116
amount of unexpended balances in the appropriation accounts that 123117
pertain to the Division of Real Estate and Land Management and 123118
shall recommend to the Controlling Board their transfer to the 123119
appropriation accounts that pertain to the Director of Natural 123120
Resources, the Division of Engineering, or the Division of Parks 123121
and Recreation, as applicable. The Chief of the Division of Real 123122
Estate and Land Management shall provide full and timely 123123
information to the Controlling Board to facilitate the transfer. 123124

Whenever the Division of Real Estate and Land Management or 123125
the Chief of the Division of Real Estate and Land Management is 123126
referred to in a statute, contract, or other instrument, the 123127
reference is deemed to refer to the Director of Natural Resources, 123128
to the Division of Engineering or the Chief Engineer, or to the 123129
Division of Parks and Recreation or the Chief of the Division of 123130
Parks and Recreation, whichever is appropriate in context. 123131

No pending action or proceeding being prosecuted or defended 123132
in court or before an agency by the Division of Real Estate and 123133
Land Management or the Chief of the Division of Real Estate and 123134
Land Management is affected by the abolishment and shall be 123135
prosecuted or defended in the name of the Department of Natural 123136
Resources or the Director of Natural Resources, of the Division of 123137
Engineering or the Chief Engineer, or of the Division of Parks and 123138
Recreation or the Chief of the Division of Parks and Recreation, 123139
whichever is appropriate. Upon application to the court or agency, 123140

the Department of Natural Resources or the Director of Natural 123141
Resources, the Division of Engineering or the Chief Engineer, or 123142
the Division of Parks and Recreation or the Chief of the Division 123143
of Parks and Recreation, whichever is applicable, shall be 123144
substituted. 123145

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 123146

Certain appropriations are in this act for the purpose of 123147
paying debt service and financing costs on general obligation 123148
bonds or notes of the state issued pursuant to the Ohio 123149
Constitution and acts of the General Assembly. If it is determined 123150
that additional appropriations are necessary for this purpose, 123151
such amounts are hereby appropriated. 123152

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 123153
STATE 123154

Certain appropriations are in this act for the purpose of 123155
making lease rental payments pursuant to leases and agreements 123156
relating to bonds or notes issued by the Ohio Building Authority 123157
or the Treasurer of State or, previously, by the Ohio Public 123158
Facilities Commission, pursuant to the Ohio Constitution and acts 123159
of the General Assembly. If it is determined that additional 123160
appropriations are necessary for this purpose, such amounts are 123161
hereby appropriated. 123162

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 123163
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 123164

The Office of Budget and Management shall process payments 123165
from general obligation and lease rental payment appropriation 123166
items during the period from July 1, 2009, to June 30, 2011, 123167
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 123168
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 123169

Chapters 151. and 154. of the Revised Code. Payments shall be made 123170
upon certification by the Treasurer of State, Office of the 123171
Sinking Fund, of the dates and the amounts due on those dates. 123172

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 123173
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 123174

The Office of Budget and Management shall process payments 123175
from lease rental payment appropriation items during the period 123176
from July 1, 2009, to June 30, 2011, pursuant to the lease 123177
agreements entered into relating to bonds or notes issued under 123178
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 123179
the Revised Code. Payments shall be made upon certification by the 123180
Ohio Building Authority of the dates and the amounts due on those 123181
dates. 123182

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 123183

There is hereby appropriated, from those funds designated by 123184
or pursuant to the applicable proceedings authorizing the issuance 123185
of state obligations, amounts computed at the time to represent 123186
the portion of investment income to be rebated or amounts in lieu 123187
of or in addition to any rebate amount to be paid to the federal 123188
government in order to maintain the exclusion from gross income 123189
for federal income tax purposes of interest on those state 123190
obligations under section 148(f) of the Internal Revenue Code. 123191

Rebate payments shall be approved and vouchered by the Office 123192
of Budget and Management. 123193

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 123194

Whenever the Director of Budget and Management determines 123195
that an appropriation made to a state agency from a fund of the 123196
state is insufficient to provide for the recovery of statewide 123197
indirect costs under section 126.12 of the Revised Code, the 123198

amount required for such purpose is hereby appropriated from the 123199
available receipts of such fund. 123200

Section 521.30. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 123201
INDIRECT COST ALLOCATION PLAN 123202

The total transfers made from the General Revenue Fund by the 123203
Director of Budget and Management under this section shall not 123204
exceed the amounts transferred into the General Revenue Fund under 123205
section 126.12 of the Revised Code. 123206

The director of an agency may certify to the Director of 123207
Budget and Management the amount of expenses not allowed to be 123208
included in the Statewide Indirect Cost Allocation Plan under 123209
federal regulations, from any fund included in the Statewide 123210
Indirect Cost Allocation Plan, prepared as required by section 123211
126.12 of the Revised Code. 123212

Upon determining that no alternative source of funding is 123213
available to pay for such expenses, the Director of Budget and 123214
Management may transfer from the General Revenue Fund into the 123215
fund for which the certification is made, up to the amount of the 123216
certification. The director of the agency receiving such funds 123217
shall include, as part of the next budget submission prepared 123218
under section 126.02 of the Revised Code, a request for funding 123219
for such activities from an alternative source such that further 123220
federal disallowances would not be required. 123221

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING 123222
BALANCE 123223

Notwithstanding divisions (B) and (C) of section 131.44 of 123224
the Revised Code, all fiscal year 2009 surplus revenue in excess 123225
of the amount required under division (A)(3) of section 131.44 of 123226
the Revised Code shall remain in the General Revenue Fund. 123227

Section 521.50. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 123228

Notwithstanding any provision of law to the contrary, on or 123229
before the first day of September of each fiscal year, the 123230
Director of Budget and Management, in order to reduce the payment 123231
of adjustments to the federal government, as determined by the 123232
plan prepared under division (A) of section 126.12 of the Revised 123233
Code, may designate such funds as the Director considers necessary 123234
to retain their own interest earnings. 123235

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 123236

Pursuant to the plan for compliance with the Federal Cash 123237
Management Improvement Act required by section 131.36 of the 123238
Revised Code, the Director of Budget and Management may cancel and 123239
re-establish all or part of encumbrances in like amounts within 123240
the funds identified by the plan. The amounts necessary to 123241
re-establish all or part of encumbrances are hereby appropriated. 123242

Section 521.70. FISCAL STABILIZATION AND RECOVERY 123243

(A) To ensure the level of accountability and transparency 123244
required by federal law, the Director of Budget and Management may 123245
issue guidelines to any agency applying for federal money made 123246
available to this state for fiscal stabilization and recovery 123247
purposes, and may prescribe the process by which agencies are to 123248
comply with any reporting requirements established by the federal 123249
government. 123250

(B) Notwithstanding any provision of law to the contrary, 123251
federal money received by or on behalf of this state for fiscal 123252
stabilization in support of elementary, secondary, and higher 123253
education, public safety, and any other government service shall 123254
be deposited into the state treasury to the credit of the General 123255
Revenue Fund. If additional federal fiscal stabilization funds are 123256

available, the Director of Budget and Management may authorize 123257
expenditures from the General Revenue Fund in excess of the 123258
amounts appropriated to provide additional government services. 123259
Upon the authorization of the Director, the additional amounts are 123260
hereby appropriated. The federal money shall not be used as a 123261
match for the state's share of Medicaid. 123262

Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT 123263

(A) All items set forth in this division are hereby 123264
appropriated, for fiscal years 2011 and 2012, the biennium ending 123265
on June 30, 2012, out of any moneys in the state treasury to the 123266
credit of the Advanced Energy Research and Development Taxable 123267
Fund (Fund 7004) derived from the proceeds of obligations 123268
heretofore authorized under section 166.11 of the Revised Code: 123269

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123270

C89800 Advanced Energy Research and Development \$ 9,000,000 123271
Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 123272
Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 123273

(B) All items set forth in this division are hereby 123274
appropriated, for fiscal years 2011 and 2012, the biennium ending 123275
on June 30, 2012, out of any moneys in the state treasury to the 123276
credit of the Advanced Energy Research and Development Fund (Fund 123277
7005) derived from the proceeds of obligations heretofore 123278
authorized under section 166.11 of the Revised Code: 123279

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123280

C89801 Advanced Energy Research and Development \$ 19,000,000 123281

TOTAL Advanced Energy Research and Development \$ 19,000,000 123282
Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 123283

(C) The appropriation items C89800, Advanced Energy Research 123284

and Development Taxable, and C89801, Advanced Energy Research and 123285
Development, shall be used for advanced energy projects as 123286
provided in sections 3706.25 to 3706.30 of the Revised Code. The 123287
Executive Director of the Air Quality Development Authority may 123288
certify to the Director of Budget and Management that a need 123289
exists to fund additional advanced energy projects. If the 123290
Director of Budget and Management determines that investment 123291
earnings of the Advanced Energy Research and Development Taxable 123292
Fund (Fund 7004) and the Advanced Energy Research and Development 123293
Fund (Fund 7005) are available to fund additional projects, the 123294
Director may authorize additional expenditures from Fund 7004 or 123295
Fund 7005. Such amounts are hereby appropriated. 123296

(D) Notwithstanding any contrary provision of law, upon the 123297
request of the Executive Director of the Air Quality Development 123298
Authority, the Director of Budget and Management may transfer cash 123299
between Funds 7004 and 7005. Amounts transferred are hereby 123300
appropriated. 123301

(E) Expenditures from appropriations contained in this 123302
section may be accounted for as though made in the main capital 123303
appropriations act for the fiscal year 2011-2012 biennium enacted 123304
by the 128th General Assembly. The Air Quality Development 123305
Authority shall not expend any of the appropriations made in this 123306
section until after July 1, 2010. 123307

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 123308
325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General 123309
Assembly be amended to read as follows: 123310

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 123311
State Highway Safety Fund Group 123312
4W40 762321 Operating Expense - \$ 85,145,103 \$ 89,005,103 123313
BMV

4W40	762410	Registrations Supplement	\$	31,753,145	\$	32,480,610	123314
5V10	762682	License Plate Contributions	\$	2,100,000	\$	2,100,000	123315
7036	761321	Operating Expense - Information and Education	\$	8,819,954	\$	8,828,661	123316
7036	761401	Lease Rental Payments	\$	13,337,000	\$	11,836,200	123317
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	123318
7036	764321	Operating Expense - Highway Patrol	\$	269,887,828	\$	269,975,259	123319
7036	764605	Motor Carrier Enforcement Expenses	\$	3,340,468	\$	3,340,468	123320
8300	761603	Salvage and Exchange - Administration	\$	20,800	\$	21,632	123321
8310	761610	Information and Education - Federal	\$	468,982	\$	468,982	123322
8310	764610	Patrol - Federal	\$	2,455,484	\$	2,455,484	123323
8310	764659	Transportation Enforcement - Federal	\$	6,132,592	\$	6,132,592	123324
8310	765610	EMS - Federal	\$	582,007	\$	582,007	123325
8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	123326
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	123327
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	123328
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	123329
8350	762616	Financial Responsibility	\$	6,063,600	\$	6,063,600	123330

		Compliance				
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 123331
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000 123332
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894 123333
83F0	764657	Law Enforcement	\$	10,984,978	\$	9,053,266 123334
		Automated Data System				
83G0	764633	OMVI	\$	650,000	\$	650,000 123335
		Enforcement/Education				
83J0	764693	Highway Patrol	\$	2,100,000	\$	2,100,000 123336
		Justice Contraband				
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562 123337
83N0	761611	Elementary School	\$	390,000	\$	405,600 123338
		Seat Belt Program				
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912 123339
83R0	762639	Local Immobilization	\$	750,000	\$	750,000 123340
		Reimbursement				
83T0	764694	Highway Patrol	\$	21,000	\$	21,000 123341
		Treasury Contraband				
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283 123342
8400	764617	Security and	\$	6,317,530	\$	6,432,686 123343
		Investigations				
8400	764626	State Fairgrounds	\$	830,769	\$	849,883 123344
		Police Force				
8400	769632	Homeland Security - Operating	\$	1,552,049	\$	1,614,131 123345
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399 123346
		- Highway Patrol				
8440	761613	Seat Belt Education	\$	400,000	\$	400,000 123347
		Program				
8460	761625	Motorcycle Safety	\$	3,324,987	\$	3,538,903 123348
		Education				

8490	762627	Automated Title Processing Board	\$	19,240,839	\$	19,240,839	123349
TOTAL HSF State Highway Safety Fund Group							
							123350
General Services Fund Group							
							123351
4P60	768601	Justice Program Services	\$	1,070,962	\$	1,109,004	123352
4S30	766661	Hilltop Utility Reimbursement	\$	520,000	\$	540,800	123353
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	123354
5Y10	764695	Highway Patrol Continuing Professional Training	\$	280,820	\$	280,820	123355
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	123356
TOTAL GSF General Services Fund Group							
							123357
Federal Special Revenue Fund Group							
							123358
3290	763645	Federal Mitigation Program	\$	10,801,636	\$	11,233,702	123359
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	123360
3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	123361
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000	123362
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000	123363
3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	123364

3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	36,146,492	\$	1,902,447	123365
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus - Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u>	123366
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300	123367
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672	123368
TOTAL FED	Federal Special Revenue		\$	174,165,357	\$	139,758,780	123369
Fund Group				<u>178,569,954</u>		<u>139,958,780</u>	
State Special Revenue Fund Group							123370
4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	123371
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000	123372
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	123373
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	123374
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	123375
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	123376
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	123377
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	123378
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	123379
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	123380
6570	763652	Utility Radiological	\$	1,413,889	\$	1,415,945	123381

		Safety					
6810	763653	SARA Title III HAZMAT	\$	254,794	\$	262,438	123382
		Planning					
8500	767628	Investigative Unit	\$	100,000	\$	100,000	123383
		Salvage					
TOTAL	SSR	State Special Revenue	\$	13,241,517	\$	14,678,004	123384
		Fund Group					
		Liquor Control Fund Group					123385
7043	767321	Liquor Enforcement -	\$	12,007,894	\$	11,897,178	123386
		Operating					
TOTAL	LCF	Liquor Control Fund Group	\$	12,007,894	\$	11,897,178	123387
		Agency Fund Group					123388
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	123389
TOTAL	AGY	Agency Fund Group	\$	1,500,000	\$	1,500,000	123390
		Holding Account Redistribution Fund Group					123391
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	123392
		Vehicle Receipts					
R052	762623	Security Deposits	\$	350,000	\$	350,000	123393
TOTAL	090	Holding Account	\$	2,235,000	\$	2,235,000	123394
		Redistribution Fund Group					
TOTAL	ALL	BUDGET FUND GROUPS	\$	729,870,109	\$	698,619,383	123395
				<u>734,274,706</u>		<u>698,819,383</u>	
		MOTOR VEHICLE REGISTRATION					123396
		The Registrar of Motor Vehicles may deposit revenues to meet					123397
		the cash needs of the State Bureau of Motor Vehicles Fund (Fund					123398
		4W40) established in section 4501.25 of the Revised Code, obtained					123399
		under sections 4503.02 and 4504.02 of the Revised Code, less all					123400
		other available cash. Revenue deposited pursuant to this paragraph					123401
		shall support, in part, appropriations for operating expenses and					123402
		defray the cost of manufacturing and distributing license plates					123403
		and license plate stickers and enforcing the law relative to the					123404
		operation and registration of motor vehicles. Notwithstanding					123405

section 4501.03 of the Revised Code, the revenues shall be paid 123406
into Fund 4W40 before any revenues obtained pursuant to sections 123407
4503.02 and 4504.02 of the Revised Code are paid into any other 123408
fund. The deposit of revenues to meet the aforementioned cash 123409
needs shall be in approximately equal amounts on a monthly basis 123410
or as otherwise determined by the Director of Budget and 123411
Management pursuant to a plan submitted by the Registrar of Motor 123412
Vehicles. 123413

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 123414

Notwithstanding any provision of law to the contrary, on July 123415
1, 2009, or as soon as possible thereafter, the Director of Budget 123416
and Management may transfer, from the Bureau of Motor Vehicles 123417
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 123418
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 123419
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 123420
to the Investigations Fund (Fund 5FL0). 123421

Notwithstanding any provision to the contrary, the Director 123422
of Budget and Management may make additional cash transfers in 123423
fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund 123424
(Fund 4W40) to any of the following five funds if the Director of 123425
Public Safety determines that the cash balance is insufficient in 123426
those funds and requests the Director to make the transfer: the 123427
Justice Program Services Fund (Fund 4P60), the EMA Service and 123428
Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 123429
5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and 123430
Emergency Medical Services Fund (Fund 83M0). 123431

CAPITAL PROJECTS 123432

The Registrar of Motor Vehicles may transfer cash from the 123433
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 123434
Highway Safety Fund (Fund 7036) to meet its obligations for 123435
capital projects CIR-047, Department of Public Safety Office 123436

Building and CIR-049, Warehouse Facility.	123437
OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS	123438
The foregoing appropriation item 761401, Lease Rental	123439
Payments, shall be used for payments to the Ohio Building	123440
Authority for the period July 1, 2009, to June 30, 2011, under the	123441
primary leases and agreements for public safety related buildings	123442
financed by obligations issued under Chapter 152. of the Revised	123443
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio	123444
Building Authority may, with approval of the Director of Budget	123445
and Management, lease capital facilities to the Department of	123446
Public Safety.	123447
HILLTOP TRANSFER	123448
The Director of Public Safety shall determine, per an	123449
agreement with the Director of Transportation, the share of each	123450
debt service payment made out of appropriation item 761401, Lease	123451
Rental Payments, that relates to the Department of	123452
Transportation's portion of the Hilltop Building Project, and	123453
shall certify to the Director of Budget and Management the amounts	123454
of this share. The Director of Budget and Management shall	123455
transfer the amounts of such shares from the Highway Operating	123456
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).	123457
CASH TRANSFERS OF SEAT BELT FINE REVENUES	123458
Notwithstanding any provision of law to the contrary, the	123459
Controlling Board, upon request of the Director of Public Safety,	123460
may approve the transfer of cash between the following four funds	123461
that receive fine revenues from enforcement of the mandatory seat	123462
belt law: the Trauma and Emergency Medical Services Fund (Fund	123463
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma	123464
and Emergency Medical Services Grants Fund (Fund 83P0), and the	123465
Seat Belt Education Fund (Fund 8440).	123466
STATE DISASTER RELIEF	123467

The State Disaster Relief Fund (Fund 5330) may accept 123468
transfers of cash and appropriations from Controlling Board 123469
appropriation items for Ohio Emergency Management Agency disaster 123470
response costs and disaster program management costs, and may also 123471
be used for the following purposes: 123472

(A) To accept transfers of cash and appropriations from 123473
Controlling Board appropriation items for Ohio Emergency 123474
Management Agency public assistance and mitigation program match 123475
costs to reimburse eligible local governments and private 123476
nonprofit organizations for costs related to disasters; 123477

(B) To accept and transfer cash to reimburse the costs 123478
associated with Emergency Management Assistance Compact (EMAC) 123479
deployments; 123480

(C) To accept disaster related reimbursement from federal, 123481
state, and local governments. The Director of Budget and 123482
Management may transfer cash from reimbursements received by this 123483
fund to other funds of the state from which transfers were 123484
originally approved by the Controlling Board. 123485

(D) To accept transfers of cash and appropriations from 123486
Controlling Board appropriation items to fund the State Disaster 123487
Relief Program, for disasters that have been declared by the 123488
Governor, and the State Individual Assistance Program for 123489
disasters that have been declared by the Governor and the federal 123490
Small Business Administration. The Ohio Emergency Management 123491
Agency shall publish and make available application packets 123492
outlining procedures for the State Disaster Relief Program and the 123493
State Individual Assistance Program. 123494

JUSTICE ASSISTANCE GRANT FUND 123495

The federal payments made to the state for the Byrne Justice 123496
Assistance Grants Program under Title II of Division A of the 123497
American Recovery and Reinvestment Act of 2009 shall be deposited 123498

to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 123499
which is hereby created in the state treasury. All investment 123500
earnings of the fund shall be credited to the fund. 123501

JUSTICE ASSISTANCE GRANTS 123502

The foregoing appropriation ~~item~~ items 768612, Federal 123503
Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus 123504
- Justice Programs, shall be used to support activities to prevent 123505
and control crime and to improve the criminal justice system. 123506
123507

FAMILY VIOLENCE PREVENTION FUND 123508

Notwithstanding any provision of law to the contrary, in each 123509
of fiscal years 2010 and 2011, the first \$750,000 received to the 123510
credit of the Family Violence Prevention Fund (Fund 5BK0) in each 123511
of those fiscal years shall be appropriated to appropriation item 123512
768689, Family Violence Shelter Programs, and the next \$400,000 123513
received to the credit of Fund 5BK0 in each of those fiscal years 123514
shall be appropriated to appropriation item 768687, Criminal 123515
Justice Services - Operating. Any moneys received to the credit of 123516
Fund 5BK0 in excess of the aforementioned appropriated amounts in 123517
each fiscal year shall, upon the approval of the Controlling 123518
Board, be used to provide grants to family violence shelters in 123519
Ohio. 123520

SARA TITLE III HAZMAT PLANNING 123521

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 123522
entitled to receive grant funds from the Emergency Response 123523
Commission to implement the Emergency Management Agency's 123524
responsibilities under Chapter 3750. of the Revised Code. 123525

COLLECTIVE BARGAINING INCREASES 123526

Notwithstanding division (D) of section 127.14 and division 123527
(B) of section 131.35 of the Revised Code, except for the General 123528

Revenue Fund, the Controlling Board may, upon the request of 123529
either the Director of Budget and Management, or the Department of 123530
Public Safety with the approval of the Director of Budget and 123531
Management, increase appropriations for any fund, as necessary for 123532
the Department of Public Safety, to assist in paying the costs of 123533
increases in employee compensation that have occurred pursuant to 123534
collective bargaining agreements under Chapter 4117. of the 123535
Revised Code and, for exempt employees, under section 124.152 of 123536
the Revised Code. 123537

CASH BALANCE FUND REVIEW 123538

Not later than the first day of April in each fiscal year of 123539
the biennium, the Director of Budget and Management shall review 123540
the cash balances for each fund, except the State Highway Safety 123541
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 123542
4W40), in the State Highway Safety Fund Group, and shall recommend 123543
to the Controlling Board an amount to be transferred to the credit 123544
of Fund 7036 or Fund 4W40, as appropriate. 123545

Sec. 309.10. The federal payments made to the state for the 123546
Weatherization Assistance Program and the State Energy Grant 123547
Program under Title IV of Division A of the American Recovery and 123548
Reinvestment Act of 2009, and for the Homelessness Prevention Fund 123549
under Title XII of Division A of the American Recovery and 123550
Reinvestment Act of 2009, shall be deposited to the credit of the 123551
Federal Special Revenue Fund (Fund 3080). 123552

The federal payments made to the state for the Energy Star 123553
Rebate Program under the American Recovery and Reinvestment Act of 123554
2009 shall be deposited to the credit of the Energy Star Rebate 123555
Program Fund (Fund 3DA0), which is hereby created in the state 123556
treasury. 123557

The federal payments made to the state for the Energy 123558
Efficiency and Conservation Block Grants Program under Title IV of 123559

Division A of the American Recovery and Reinvestment Act of 2009 123560
shall be deposited to the credit of the Energy Efficiency and 123561
Conservation Block Grants Fund (Fund 3DB0), which is hereby 123562
created in the state treasury. 123563

The federal payments made to the state for the Community 123564
Development Block Grant program under Title XII of Division A of 123565
the American Recovery and Reinvestment Act of 2009 shall be 123566
deposited to the credit of the Community Development Block Grant 123567
Fund (Fund 3K80). 123568

The federal payments made to the state for community services 123569
block grants under Title XII of Division A of the American 123570
Recovery and Reinvestment Act of 2009 shall be deposited to the 123571
credit of the Community Services Block Grant Fund (Fund 3L00). 123572
123573

The federal payments made to the state for the Home 123574
Investment Partnerships Program under Title XII of Division A of 123575
the American Recovery and Reinvestment Act of 2009 shall be 123576
deposited to the credit of the HOME Program Fund (Fund 3V10). 123577

The items in this division are appropriated as designated out 123578
of any moneys in the state treasury to the credit of their 123579
respective funds that are not otherwise appropriated. 123580

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 123581

Federal Special Revenue Fund Group 123582

3080 195603 Housing and Urban \$ 0 \$ 26,205,724 123583
Development

3080 195605 Federal Projects \$ 0 \$ 266,781,409 123584

3080 195618 Energy Federal Grants \$ 0 \$ 96,083,000 123585

3DA0 195632 Federal Stimulus - \$ 0 \$ 11,000,000 123586
Energy Star Rebate
Program

3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$	0	\$	21,000,000	123587
3K80	195613	Community Development Block Grant	\$	0	\$	12,957,527	123588
3L00	195612	Community Services Block Grant	\$	0	\$	38,979,000	123589
3V10	195601	HOME Program	\$	0	\$	83,484,547	123590
TOTAL FED		Federal Special Revenue	\$	0	\$	556,491,207	123591
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	556,491,207	123592

The foregoing appropriation item 195605, Federal Projects, 123593
shall be used to carry out the Home Weatherization Assistance 123594
Program, subject to any requirements of the American Recovery and 123595
Reinvestment Act of 2009 that apply to the money appropriated. 123596

The foregoing appropriation items 195603, Housing and Urban 123597
Development, 195618, Energy Federal Grants, 195613, Community 123598
Development Block Grant, 195612, Community Services Block Grant, 123599
195601, HOME Program, 195632, Federal Stimulus - Energy Star 123600
Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 123601
and Conservation Block Grants, shall be used in accordance with 123602
the requirements of the American Recovery and Reinvestment Act of 123603
2009 that apply to the money appropriated. 123604

Sec. 317.10. (A) ~~The federal payments made to the state for 123605
the Immunization Program under Title VIII of Division A of the 123606
American Recovery and Reinvestment Act of 2009 shall be deposited 123607
to the credit of the Preventive Health Block Grant Fund (Fund 123608
3870).~~ 123609

(B) The federal payments made to the state for the Special 123610
Supplemental Nutrition Program under Title VIII of Division A of 123611

the American Recovery and Reinvestment Act of 2009 shall be 123612
deposited to the credit of the Women, Infants, and Children Fund 123613
(Fund 3890). 123614

~~(C)~~(B) The federal payments made to the state for the IDEA - 123615
Infants and Children Program under Title VIII of Division A of the 123616
American Recovery and Reinvestment Act of 2009 shall be deposited 123617
to the credit of the General Operations Fund (Fund 3920). 123618

~~(D)~~(C) The items in this section are appropriated as 123619
designated out of any moneys in the state treasury to the credit 123620
of their respective funds that are not otherwise appropriated. 123621

Appropriations

DOH DEPARTMENT OF HEALTH 123622

Federal Special Revenue Fund Group 123623

3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 123624
Children

3920 440618 Federal Public Health \$ 0 \$ 14,410,000 123625
Programs

TOTAL FED Federal Special Revenue \$ 0 \$ 16,410,000 123626
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 16,410,000 123627

The foregoing appropriation items 440604, Women, Infants, and 123628
Children, and 440618, Federal Public Health Programs, shall be 123629
used in accordance with the requirements of the American Recovery 123630
and Reinvestment Act of 2009 that apply to the money appropriated. 123631
123632

Sec. 321.10. The federal payments made to the state for the 123633
Vocational Rehabilitation Program under Title VIII of Division A 123634
of the American Recovery and Reinvestment Act of 2009 shall be 123635
deposited to the credit of the Consolidated Federal Fund (Fund 123636
3790). 123637

The federal payments made to the state for the Independent Living Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Independent Living/Vocational Rehabilitation Fund (Fund 3L40). 123638
123639
123640
123641
123642

The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated. 123643
123644
123645

Appropriations

RSC REHABILITATION SERVICES COMMISSION				123646
Federal Special Revenue Fund Group				123647
3790 415616	Federal - Vocational Rehabilitation	\$ 0	\$ 21,590,000	123648
3L40 415612	Federal Independent Living Centers or Services	\$ 0	509,000 <u>509,170</u>	123649
3L40 415617	Independent Living/Vocational Rehabilitation Programs	\$ 0	\$ 1,392,958	123650
<u>4680 415618</u>	<u>Third Party Funding</u>	<u>\$ 0</u>	<u>\$ 245,816</u>	123651
TOTAL FED	Federal Special Revenue Fund Group	\$ 0	23,491,958 <u>23,737,944</u>	123652
TOTAL ALL BUDGET FUND GROUPS		\$ 0	23,491,958 <u>23,737,944</u>	123653

The foregoing appropriation items 415616, Federal - Vocational Rehabilitation, 415612, Federal Independent Living Centers or Services, and 415617, Independent Living/Vocational Rehabilitation Programs, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated. 123654
123655
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123659

Sec. 325.20. Expenditures from appropriations made in 123660
~~Sections 325.05 and Section~~ 325.10 shall be accounted for as 123661
though made in Am. Sub. H.B. 67 of the 127th General Assembly. 123662
However, law contained in the relevant operating appropriations 123663
act that is generally applicable to the appropriations made in 123664
that act also is generally applicable to the appropriations made 123665
in ~~Sections 325.05 and Section~~ 325.10 of ~~this act~~ Am. Sub. H.B. 2 123666
of the 128th General Assembly. 123667

Sec. 327.10. The unexpended, unencumbered portions of the 123668
appropriation items made in Sections 303.10, 305.10, 307.10, 123669
309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 123670
and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 123671
end of fiscal year 2009 are hereby reappropriated for the same 123672
purposes for fiscal year 2010. 123673

Section 601.11. That existing Sections 205.10, 309.10, 123674
317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th 123675
General Assembly are hereby repealed. 123676

Section 610.10. That Sections 103.80.80, 103.80.90, and 123677
301.10.50 of H.B. 496 of the 127th General Assembly be amended to 123678
read as follows: 123679

Reappropriations

Sec. 103.80.80. OSB SCHOOL FOR THE BLIND 123680

C22606	Glass Windows/East Wall of Natatorium	\$	63,726	123681
C22607	Renovation of Science Laboratory	\$	58,850	123682
	Greenhouse			
C22608	Renovating Recreation Area	\$	213,900	123683
C22609	New Classrooms for Secondary MH Program	\$	996,164	123684
C22610	Renovation of Student Health Service	\$	144,375	123685

Area			
C22611	Replacement of Cottage Windows	\$	208,725 123686
C22612	Residential Renovations	\$	7,043 <u>41,649</u> 123687
C22613	Food Preparation Area Air Conditioning	\$	67,250 123688
C22614	New School Lighting	\$	184,500 123689
C22616	Renovation and Repairs	\$	890,000 123690
C22617	Elevator Replacement	\$	110,000 123691
Total Ohio School for the Blind		\$	2,944,533 123692
			<u>2,979,139</u>

RESIDENTIAL RENOVATIONS 123693

The amount reappropriated for the foregoing appropriation 123694
item C22612, Residential Renovations, is the unencumbered and 123695
unallotted balance as of June 30, 2008, in appropriation item 123696
C22612, Residential Renovations, plus \$34,606. 123697

Reappropriations

Sec. 103.80.90. OSD SCHOOL FOR THE DEAF			123698
C22103	Dormitory Renovations	\$	2,833 123699
C22104	Boilers, Blowers, and Controls for the School Complex	\$	47,360 123700
C22105	Central Warehouse	\$	676,624 123701
C22106	Storage Barn	\$	330,850 123702
			<u>384,279</u>
C22107	Renovation and Repairs	\$	1,000,000 123703
Total Ohio School for the Deaf		\$	2,057,667 123704
			<u>2,111,096</u>
TOTAL Administrative Building Fund		\$	101,617,431 123705
			<u>101,705,466</u>

STORAGE BARN 123706

The amount reappropriated for the foregoing appropriation 123707
item C22106, Storage Barn, is the unencumbered and unallotted 123708
balance as of June 30, 2008, in appropriation item C22106, Storage 123709

Barn, plus \$53,429. 123710

Sec. 301.10.50. THIRD FRONTIER PROJECT 123711

The foregoing appropriation item C23506, Third Frontier 123712
Project, shall be used to acquire, renovate, or construct 123713
facilities and purchase equipment for research programs, 123714
technology development, product development, and commercialization 123715
programs at or involving state-supported and state-assisted 123716
institutions of higher education. The funds shall be used to make 123717
grants awarded on a competitive basis, and shall be administered 123718
by the Third Frontier Commission. Expenditure of these funds shall 123719
comply with Section 2n of Article VIII, Ohio Constitution, and 123720
sections 151.01 and 151.04 of the Revised Code for the period 123721
beginning July 1, 2008, and ending June 30, 2010. 123722

Of the foregoing appropriation item C23506, Third Frontier 123723
Project, an amount equal to the unexpended, unencumbered portion 123724
at the end of fiscal year 2008 that was allocated for the 123725
implementation of the NextGen Network, shall be used for the same 123726
purpose in fiscal year 2009 and fiscal year 2010. 123727

The Third Frontier Commission shall develop guidelines 123728
relative to the application for and selection of projects funded 123729
from appropriation item C23506, Third Frontier Project. The 123730
commission may develop these guidelines in consultation with other 123731
interested parties. The Board of Regents and all state-assisted 123732
and state-supported institutions of higher education shall take 123733
all actions necessary to implement grants awarded by the Third 123734
Frontier Commission. 123735

The foregoing appropriation item C23506, Third Frontier 123736
Project, for which an appropriation is made from the Higher 123737
Education Improvement Fund (Fund 7034), is determined to consist 123738
of capital improvements and capital facilities for state-supported 123739
and state-assisted institutions of higher education, and is 123740

designated for the capital facilities to which proceeds of 123741
obligations in the Higher Education Improvement Fund (Fund 7034) 123742
are to be applied. 123743

Section 610.11. That existing Sections 103.80.80, 103.80.90, 123744
and 301.10.50 of H.B. 496 of the 127th General Assembly are hereby 123745
repealed. 123746

Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the 123747
127th General Assembly be amended to read as follows: 123748

Sec. 11. (A) All items set forth in this division are hereby 123749
appropriated out of any moneys in the state treasury, for the 123750
biennium ending on June 30, 2010, to the credit of the Advanced 123751
Energy Research and Development Taxable Fund (Fund 7004) that are 123752
not otherwise appropriated: 123753

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123754

C89800	Advanced Energy R&D <u>Research and</u>	\$	9,000,000	123755
	<u>Development</u> Taxable		<u>18,000,000</u>	
Total Air Quality Development Authority		\$	9,000,000	123756
			<u>18,000,000</u>	
TOTAL Advanced Energy Research and Development		\$	9,000,000	123757
Taxable Fund			<u>18,000,000</u>	

123758

(B) All items set forth in this division are hereby 123759
appropriated out of any moneys in the state treasury, for the 123760
biennium ending on June 30, 2010, to the credit of the Advanced 123761
Energy Research and Development Fund (Fund 7005) that are not 123762
otherwise appropriated: 123763

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123764

C89801	Advanced Energy R&D <u>Research and</u>	\$	19,000,000	123765
	<u>Development</u>		<u>38,000,000</u>	
Total Air Quality Development Authority		\$	19,000,000	123766

38,000,000

TOTAL Advanced Energy Research and Development \$ ~~19,000,000~~ 123767

Fund 38,000,000

123768

(C) The foregoing appropriation items C89800, Advanced Energy 123769
~~R&D Research and Development~~ Taxable, and C89801, Advanced Energy 123770
~~R&D Research and Development~~, shall be used for advanced energy 123771
projects in the manner provided in sections 3706.25 to 3706.30 of 123772
the Revised Code. The Executive Director of the Air Quality 123773
Development Authority may certify to the Director of Budget and 123774
Management that a need exists to appropriate investment earnings 123775
of funds 7004 and 7005 to be so used. If the Director of Budget 123776
and Management, pursuant to sections 3706.25 to 3706.30 of the 123777
Revised Code, determines that investment earnings are available to 123778
support additional appropriations, such amounts are hereby 123779
appropriated. 123780

(D) Upon the request of the Executive Director of the Air 123781
Quality Development Authority, the Director of Budget and 123782
Management may transfer cash between funds 7004 and 7005. Amounts 123783
transferred are hereby appropriated. 123784

(E) Expenditures from appropriations contained in this 123785
section may be accounted as though made in the main capital 123786
appropriations act of the FY 2009-FY 2010 biennium of the 127th 123787
General Assembly. The appropriations made in this section are 123788
subject to all provisions of the FY 2009-FY 2010 biennial capital 123789
appropriations act of the 127th General Assembly that are 123790
generally applicable to such appropriations. 123791

Section 610.21. That existing Section 11 of Am. Sub. H.B. 554 123792
of the 127th General Assembly is hereby repealed. 123793

Section 610.30. That Sections 233.40.30, 233.50.80, and 123794

701.20 of Am. Sub. H.B. 562 of the 127th General Assembly be 123795
amended to read as follows: 123796

Appropriations

Sec. 233.40.30.	CTI COLUMBUS STATE COMMUNITY COLLEGE		123797
C38400	Basic Renovations	\$ 1,691,834	123798
C38411	Columbus Hall Renovation	\$ 5,470,913	123799
C38412	Painters Apprenticeship Council	\$ 500,000	123800
C38413	Jewish Community Center NE Initiative	\$ 575,000	123801
C38414	Somali Community Center	\$ 100,000	123802
<u>C38415</u>	<u>Building E</u>	<u>\$ 1,200,000</u>	123803
Total Columbus State Community College		\$ 8,337,747	123804
		<u>9,537,747</u>	

Appropriations

Sec. 233.50.80.	STC STARK TECHNICAL COLLEGE		123806
C38900	Basic Renovations	\$ 786,333	123807
C38913	Business Technologies Building	\$ 2,034,537	123808
C38914	Corporate and Community Services Facility	\$ 500,000	123809
Total Stark Technical College		\$ 3,320,870	123810
Total Board of Regents and Institutions of Higher Education		\$ 598,559,802	123812
		<u>599,759,802</u>	
TOTAL Higher Education Improvement Fund		\$ 609,109,802	123813
		<u>610,309,802</u>	

Sec. 701.20. (A) The Ohio Commission on Local Government 123815
Reform and Collaboration shall develop recommendations on ways to 123816
increase the efficiency and effectiveness of local government 123817
operations, to achieve cost savings for taxpayers, and to 123818
facilitate economic development in this state. In developing the 123819
recommendations, the commission shall consider, but is not limited 123820

to, the following: 123821

(1) Restructuring and streamlining local government offices 123822
to achieve efficiencies and cost savings for taxpayers and to 123823
facilitate local economic development; 123824

(2) Restructuring and streamlining special taxing districts 123825
and local government authorities authorized by the constitution or 123826
the laws of this state to levy a tax of any kind or to have a tax 123827
of any kind levied on its behalf, and of local government units, 123828
including schools and libraries, to reduce overhead and 123829
administrative expenses; 123830

(3) Restructuring, streamlining, and finding ways to 123831
collaborate on the delivery of services, functions, or authorities 123832
of local government to achieve cost savings for taxpayers; 123833
123834

(4) Examining the relationship of services provided by the 123835
state to services provided by local government and the possible 123836
realignment of state and local services to increase efficiency and 123837
improve accountability; ~~and~~ 123838

(5) Ways of reforming or restructuring constitutional, 123839
statutory, and administrative laws to facilitate collaboration for 123840
local economic development, to increase the efficiency and 123841
effectiveness of local government operations, to identify 123842
duplication of services, and to achieve costs savings for 123843
taxpayers; 123844

(6) Making annual financial reporting across local 123845
governments consistent for ease of comparison; and 123846

(7) Aligning regional planning units across state agencies. 123847

(B)(1) There is hereby created the Ohio Commission on Local 123848
Government Reform and Collaboration, consisting of fifteen voting 123849
members. The President of the Senate shall appoint three members, 123850

one of whom may be a person who is recommended by the Minority 123851
Leader of the Senate. The Speaker of the House of Representatives 123852
shall appoint three members, one of whom may be a person who is 123853
recommended by the Minority Leader of the House of 123854
Representatives. The Governor shall appoint three members. One 123855
member shall be appointed by, and shall represent, each of the 123856
following organizations: the Ohio Municipal League, the Ohio 123857
Township Association, the Ohio School Boards Association, the 123858
County Commissioners' Association of Ohio, the Ohio Library 123859
Council, and the Ohio Association of Regional Councils. The 123860
initial appointments shall be made not later than ninety days 123861
after the effective date of this section. Vacancies shall be 123862
filled in the manner provided for original appointments. Members 123863
are not entitled to compensation for their services. 123864

(2) The initial meeting of the commission shall be called by 123865
the Governor within forty-five days after the initial appointments 123866
to the commission are complete. The commission shall elect two of 123867
its members to serve as co-chairpersons of the commission. 123868

(C) The commission may create an advisory council consisting 123869
of interested parties representing taxing authorities and 123870
political subdivisions that are not taxing authorities. The 123871
appointment of members to the advisory council is a matter of the 123872
commission's discretion. The commission may direct the advisory 123873
council to provide relevant information to the commission. 123874
Advisory council members are not members of the commission, and 123875
may not vote on commission business. 123876

(D) The commission may consult with and obtain assistance 123877
from state institutions of higher education (as defined in section 123878
3345.011 of the Revised Code) and from business organizations for 123879
research and data gathering related to its mission. State 123880
institutions of higher education and business organizations shall 123881
cooperate with the commission. 123882

(E) The commission shall issue a report of its findings and 123883
recommendations to the President of the Senate, the Speaker of the 123884
House of Representatives, and the Governor not later than July 1, 123885
2010. The commission ceases to exist upon submitting its report. 123886

Section 610.31. That existing Sections 233.40.30, 233.50.80, 123887
and 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly are 123888
hereby repealed. 123889

Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of 123890
the 126th General Assembly be amended to read as follows: 123891

Sec. 831.06. The amendments by this act of the first 123892
paragraph of division (F) of section 5751.01, of division 123893
(F)(2)(w) of section 5751.01, of the first paragraph of section 123894
~~5751.032~~ 5751.53, and of divisions (A)(7) and (A)(8)(c) of section 123895
5751.032 of the Revised Code are nonsubstantive corrections of 123896
errors in Chapter 5751. of the Revised Code. 123897

Section 620.11. That existing Section 831.06 of Am. Sub. H.B. 123898
530 of the 126th General Assembly is hereby repealed. 123899

Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the 123900
125th General Assembly, as most recently amended by Am. Sub. H.B. 123901
100 of the 127th General Assembly, be amended to read as follows: 123902

Sec. 4. The following agencies shall be retained pursuant to 123903
division (D) of section 101.83 of the Revised Code and shall 123904
expire on December 31, 2010: 123905

REVISED CODE 123906

OR

UNCODIFIED 123907

AGENCY NAME SECTION 123908

Administrator, Interstate Compact on Mental Health	5119.50	123909
Administrator, Interstate Compact on Placement of Children	5103.20	123910 123911
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	123912
Advisory Boards to the EPA for Air Pollution	121.13	123913
Advisory Boards to the EPA for Water Pollution	121.13	123914
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	123915
Advisory Committee on Livestock Exhibitions	901.71	123916
Advisory Council on Amusement Ride Safety	1711.51	123917
Advisory Board of Directors for Prison Labor	5145.162	123918
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	123919
Advisory Councils or Boards for State Departments	107.18 or 121.13	123920
Advisory Group to the Ohio Water Resources Council	1521.19(C)	123921
Alzheimer's Disease Task Force	173.04(F)	123922
AMBER Alert Advisory Committee	5502.521	123923
Apprenticeship Council	4139.02	123924
Armory Board of Control	5911.09	123925
Automated Title Processing Board	4505.09(C)(1)	123926
Banking Commission	1123.01	123927
Board of Directors of the Ohio Health Reinsurance Program	3924.08	123928
Board of Voting Machine Examiners	3506.05(B)	123929
Brain Injury Advisory Committee	3304.231	123930
Capitol Square Review and Advisory Board	105.41	123931
Child Support Guideline Advisory Council	3119.024	123932
Children's Trust Fund Board	3109.15	123933
Citizens Advisory Committee (BMV)	4501.025	123934
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	123935

Clean Ohio Trail Advisory Board	1519.06	123936
Coastal Resources Advisory Council	1506.12	123937
Commission on African-American Males	4112.12	123938
Commission on Hispanic-Latino Affairs	121.31	123939
Commission on Minority Health	3701.78	123940
Committee on Prescriptive Governance	4723.49	123941
Commodity Advisory Commission	926.32	123942
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	123943
Community Oversight Council	3311.77	123944
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	123945
Continuing Education Committee (for Sheriffs)	109.80	123946
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	123947
Council on Alcohol and Drug Addiction Services	3793.09	123948
Council on Unreclaimed Strip Mined Lands	1513.29	123949
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	123950
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	123951
Credit Union Council	1733.329	123952
Criminal Sentencing Advisory Committee	181.22	123953
Day-Care Advisory Council	5104.08	123954
Dentist Loan Repayment Advisory Board	3702.92	123955
Development Financing Advisory Council	122.40	123956
Education Commission of the States (Interstate Compact for Education)	3301.48	123957
Electrical Safety Inspector Advisory Committee	3783.08	123958
Emergency Response Commission	3750.02	123959
Engineering Experiment Station Advisory Committee	3335.27	123960

Environmental Education Council	3745.21	123961
EPA Advisory Boards or Councils	121.13	123962
Farmland Preservation Advisory Board	901.23	123963
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	123964
Financial Planning & Supervision Commission for School District	3316.05	123965
Forestry Advisory Council	1503.40	123966
Governance Authority for a State University or College	3345.75	123967
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	123968
Governor's Council on People with Disabilities	3303.41	123969
Governor's Residence Advisory Commission	107.40	123970
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	123971
Gubernatorial Transition Committee	107.29	123972
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	123973
Hemophilia Advisory Subcommittee	3701.0210	123974
Housing Trust Fund Advisory Committee	175.25 <u>174.06</u>	123975
Industrial Commission Nominating Council	4121.04	123976
Industrial Technology and Enterprise Advisory Council	122.29	123977
Infant Hearing Screening Subcommittee	3701.507	123978
Insurance Agent Education Advisory Council	3905.483	123979
Interagency Council on Hispanic/Latino Affairs	121.32(J)	123980
Interstate Mining Commission (Interstate Mining Compact)	1514.30	123981
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	123982
Joint Council on MR/DD	101.37	123983

Joint Select Committee on Volume Cap	133.021	123984
Labor-Management Government Advisory Council	4121.70	123985
Legal Rights Service Commission	5123.60	123986
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	123987
Maternal and Child Health Council	3701.025	123988
Medically Handicapped Children's Medical Advisory Council	3701.025	123989
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	123990
Military Activation Task Force	5902.15	123991
Milk Sanitation Board	917.03	123992
Mine Subsidence Insurance Governing Board	3929.51	123993
Minority Development Financing Board	122.72	123994
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	123995
Multidisciplinary Council	3746.03	123996
Muskingum River Advisory Council	1501.25	123997
National Museum of Afro-American History and Culture Planning Committee	149.303	123998
Ohio Advisory Council for the Aging	173.03	123999
Ohio Aerospace & Defense Advisory Council	122.98	124000
Ohio Arts Council	3379.02	124001
Ohio Business Gateway Steering Committee	5703.57	124002
Ohio Cemetery Dispute Resolution Commission	4767.05	124003
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	124004
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	124005
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	124006
Ohio Commission on Dispute Resolution and Conflict Management	179.02	124007

Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	124008
Ohio Community Service Council	121.40	124009
Ohio Council for Interstate Adult Offender Supervision	5149.22	124010
Ohio Cultural Facilities Commission	3383.02	124011
Ohio Developmental Disabilities Council	5123.35	124012
Ohio Expositions Commission	991.02	124013
Ohio Family and Children First Cabinet Council	121.37	124014
Ohio Geology Advisory Council	1505.11	124015
Ohio Grape Industries Committee	924.51	124016
Ohio Hepatitis C Advisory Commission	3701.92	124017
Ohio Historic Site Preservation Advisory Board	149.301	124018
Ohio Historical Society Board of Trustees	149.30	124019
Ohio Judicial Conference	105.91	124020
Ohio Lake Erie Commission	1506.21	124021
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	124022
Ohio Medical Quality Foundation	3701.89	124023
Ohio Parks and Recreation Council	1541.40	124024
Ohio Peace Officer Training Commission	109.71	124025
Ohio Public Defender Commission	120.01	124026
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	124027
Ohio Quarter Horse Development Commission	3769.086	124028

Ohio Small Government Capital Improvements Commission	164.02	124029
Ohio Soil and Water Conservation Commission	1515.02	124030
Ohio Standardbred Development Commission	3769.085	124031
Ohio Steel Industry Advisory Council	122.97	124032
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	124033
Ohio Thoroughbred Racing Advisory Committee	3769.084	124034
Ohio Tuition Trust Authority	3334.03	124035
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	124036
Ohio Vendors Representative Committee	3304.34	124037
Ohio War Orphans Scholarship Board	5910.02	124038
Ohio Water Advisory Council	1521.031	124039
Ohio Water Resources Council	1521.19	124040
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	124041
Oil and Gas Commission	1509.35	124042
Operating Committee, Agricultural Commodity Marketing Programs	924.07	124043
Organized Crime Investigations Commission	177.01	124044
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81 <u>5111.084</u>	124045
Physician Loan Repayment Advisory Board	3702.81	124046
Power Siting Board	4906.02	124047
Prequalification Review Board	5525.07	124048
Private Water Systems Advisory Council	3701.346	124049
Public Employment Risk Reduction Advisory Commission	4167.02	124050
Public Health Council	3701.33	124051
Public Utilities Commission Nominating Council	4901.021	124052
Public Utility Property Tax Study Committee	5727.85	124053
Radiation Advisory Council	3748.20	124054

Reclamation Commission	1513.05	124055
Recreation and Resources Commission	1501.04	124056
Recycling and Litter Prevention Advisory Council	1502.04	124057
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	124058
Savings & Loans Associations & Savings Banks Board	1181.16	124059
Schools and Ministerial Lands Divestiture Committee	501.041	124060
Second Chance Trust Fund Advisory Committee	2108.17	124061
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	124062
Solid Waste Management Advisory Council	3734.51	124063
State Agency Coordinating Group	1521.19	124064
State Board of Emergency Medical Services	4765.04	124065
Subcommittees		
State Council of Uniform State Laws	105.21	124066
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	124067
State Criminal Sentencing Commission	181.21	124068
State Fire Commission	3737.81	124069
State Racing Commission	3769.02	124070
State Victims Assistance Advisory Committee	109.91	124071
Student Tuition Recovery Authority	3332.081	124072
Tax Credit Authority	122.17	124073
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	124074
Technical Advisory Council on Oil and Gas	1509.38	124075
Transportation Review Advisory Council	5512.07	124076
Unemployment Compensation Review Commission	4141.06	124077
Unemployment Compensation Advisory Council	4141.08	124078
Utility Radiological Safety Board	4937.02	124079
Vehicle Management Commission	125.833	124080

Veterans Advisory Committee	5902.02(K)	124081
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	124082
Water and Sewer Commission	1525.11(C)	124083
Waterways Safety Council	1547.73	124084
Wildlife Council	1531.03	124085
Workers' Compensation Board of Directors	4121.123	124086
Nominating Committee		

Section 630.11. That existing Section 4 of Am. Sub. H.B. 516 124087
of the 125th General Assembly, as most recently amended by Am. 124088
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed. 124089

Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the 124090
121st General Assembly, as most recently amended by Am. Sub. H.B. 124091
119 of the 127th General Assembly, be amended to read as follows: 124092

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 124093
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 124094
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 124095
repealed, effective October 16, ~~2009~~ 2011. 124096

(B) Any money remaining in the Legislative Budget Services 124097
Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of 124098
the Revised Code is repealed by division (A) of this section, 124099
shall be used solely for the purposes stated in then former 124100
section 5112.19 of the Revised Code. When all money in the 124101
Legislative Budget Services Fund has been spent after then former 124102
section 5112.19 of the Revised Code is repealed under division (A) 124103
of this section, the fund shall cease to exist. 124104

Section 640.11. That existing Section 153 of Am. Sub. H.B. 124105
117 of the 121st General Assembly, as most recently amended by Am. 124106
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 124107

124108

Section 690.10. That Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed. 124109
124110

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 124111

(A) As used in this section, "appointing authority" has the 124112
same meaning as in section 124.01 of the Revised Code, and "exempt 124113
employee" has the same meaning as in section 124.152 of the 124114
Revised Code. 124115

(B) Notwithstanding section 124.181 of the Revised Code, both 124116
of the following apply: 124117

(1) In cases where no vacancy exists, an appointing authority 124118
may, with the written consent of an exempt employee, assign duties 124119
of a higher classification to that exempt employee for a period of 124120
time not to exceed two years, and that exempt employee shall 124121
receive compensation at a rate commensurate with the duties of the 124122
higher classification. 124123

(2) If necessary, exempt employees who are assigned to duties 124124
within their agency to maintain operations during the Ohio 124125
Administrative Knowledge System (OAKS) implementation may agree to 124126
a temporary assignment that exceeds the two-year limit. 124127

Section 701.20. FINANCIAL PLANNING AND SUPERVISION 124128
COMMISSIONS 124129

For any Financial Planning and Supervision Commission 124130
established prior to the effective date of the amendment of 124131
section 118.05 of the Revised Code by the Main Operating 124132
Appropriations Act of the 128th General Assembly, four members 124133
constitute a quorum and the affirmative vote of four members is 124134
necessary for any action taken by vote of the commission. 124135

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION 124136

The Department of Development, the Board of Regents, the Air 124137
Quality Development Authority, the Department of Agriculture, and 124138
the Third Frontier Commission shall collaborate in relation to 124139
appropriation items and programs referred to as Technology-based 124140
Economic Development Programs in this section, and other 124141
technology-related appropriations and programs in the Department 124142
of Development, Air Quality Development Authority, Department of 124143
Agriculture, and the Board of Regents as these agencies may 124144
designate, to ensure implementation of a coherent state science 124145
and technology strategy. 124146

To the extent permitted by law, the Air Quality Development 124147
Authority shall assure that coal research and development 124148
programs, proposals, and projects consider or incorporate 124149
collaborations with Third Frontier Project programs and grantees 124150
and with Technology-based Economic Development Programs and 124151
grantees. 124152

"Technology-based Economic Development Programs" means 124153
appropriation items 195401, Thomas Edison Program; 898402, Coal 124154
Development Office; 195422, Technology Action; 898604, Coal 124155
Research and Development Fund; 235433, Economic Growth Challenge; 124156
235508, Air Force Institute of Technology; 235510, Ohio 124157
Supercomputer Center; 235535, Ohio Agricultural Research and 124158
Development Center; 235556, Ohio Academic Resources Network; 124159
195435, Biomedical Research and Technology Transfer; 195687, Third 124160
Frontier Research & Development Projects; C23506, Third Frontier 124161
Project; 195692, Research & Development Taxable Bond Projects; 124162
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; and 124163
tax credits supporting the Ohio Venture Capital Authority and 124164
Technology Investment Tax Credit programs. 124165

Technology-based Economic Development Programs shall be 124166

managed and administered in accordance with the following 124167
objectives: (1) to build on existing competitive research 124168
strengths; (2) to encourage new and emerging discoveries and 124169
commercialization of products and ideas that will benefit the Ohio 124170
economy; and (3) to assure improved collaboration among programs 124171
administered by the Third Frontier Commission and with other state 124172
programs that are intended to improve economic growth and job 124173
creation. As directed by the Third Frontier Commission, 124174
Technology-based Economic Development Program managers shall 124175
report to the Commission or the Third Frontier Advisory Board 124176
regarding the contributions of their programs to achieving these 124177
objectives. 124178

Each Technology-based Economic Development Program shall be 124179
reviewed annually by the Third Frontier Commission with respect to 124180
its development of complementary relationships within a combined 124181
state science and technology investment portfolio, and with 124182
respect to its overall contribution to the state's science and 124183
technology strategy, including the adoption of appropriately 124184
consistent criteria for: (1) the scientific and technical merit 124185
and relationship to Ohio's research strengths of activities 124186
supported by the program; (2) the relevance of the program's 124187
activities to commercial opportunities in the private sector; (3) 124188
the private sector's involvement in a process that continually 124189
evaluates commercial opportunities to use the work supported by 124190
the program; and (4) the ability of the program and recipients of 124191
grant funding from the program to engage in activities that are 124192
collaborative, complementary, and efficient in the expenditure of 124193
state funds. Each Technology-based Economic Development Program 124194
shall provide an annual report to the Third Frontier Commission 124195
that discusses existing, planned, or possible collaborations 124196
between programs and between recipients of grant funding related 124197
to technology, development, commercialization, and the support of 124198
Ohio's economic development. The annual review conducted by the 124199

Third Frontier Commission shall be a comprehensive review of the 124200
entire state science and technology program portfolio rather than 124201
a review of individual programs. 124202

Applicants for Third Frontier and Technology-based Economic 124203
Development Programs funding shall identify their requirements for 124204
high-performance computing facilities and services, including both 124205
hardware and software, in all proposals. If an applicant's 124206
requirements exceed approximately \$100,000 for a proposal, the 124207
Ohio Supercomputer Center shall convene a panel of experts. The 124208
panel shall review the proposal to determine whether the 124209
proposal's requirements can be met through Ohio Supercomputer 124210
Center facilities or through other means and report such 124211
information to the Third Frontier Commission. 124212

To ensure that the state receives the maximum benefit from 124213
its investment in the Third Frontier Project and the NextGen 124214
Network, organizations receiving Third Frontier awards and 124215
Technology-based Economic Development Programs awards shall, as 124216
appropriate, be expected to have a connection to the NextGen 124217
Network that enables them and their collaborators to achieve award 124218
objectives through the NextGen Network. 124219

Section 701.40. The General Assembly intends that all funds 124220
appropriated or otherwise made available by the state for fiscal 124221
stabilization or recovery purposes, or by the American Recovery 124222
and Reinvestment Act of 2009, shall be used, to the extent 124223
possible, in accordance with the preferences established in 124224
section 125.09 of the Revised Code to purchase products made and 124225
services performed in the United States and in this state. The 124226
General Assembly further recognizes that a preference for buying 124227
goods and materials that are produced, and services that are 124228
performed, in the United States for projects is important for 124229
maximizing the creation of American jobs and restoring economic 124230

growth and opportunity. 124231

If any person requests or obtains a waiver of the preferences 124232
referred to in the first paragraph of this section, the Director 124233
of Administrative Services shall publish information identifying 124234
the person and the product or service with regard to which the 124235
waiver was requested or obtained. The purpose of publishing this 124236
identifying information is to enhance opportunities for producers, 124237
service providers, and workers to identify and provide products 124238
made and services performed in the United States and this state, 124239
and thereby to maximize the success of the fiscal stabilization 124240
and economic recovery program. The director shall publish the 124241
identifying information on an internet web site maintained by the 124242
Department of Administrative Services. 124243

Section 701.50. If a state agency, including a state 124244
university as defined in section 3345.011 of the Revised Code and 124245
the Ohio Housing Finance Agency, the Third Frontier Commission, 124246
the Clean Ohio Council, and the Ohio School Facilities Commission, 124247
has failed to comply with the set-aside requirement in division 124248
(B) of section 125.081 of the Revised Code, or to comply with the 124249
procurement goals specified under division (B)(2) or (14) of 124250
section 123.152 of the Revised Code, the state agency shall 124251
establish, not later than December 31, 2009, a long-term plan for 124252
complying with those provisions. 124253

Section 701.60. As soon as possible after this section takes 124254
effect, the Speaker of the House of Representatives and the 124255
President of the Senate shall make or remake appointments of ex 124256
officio members to the Commission on Hispanic-Latino Affairs as 124257
may be necessary to bring the ex officio membership of the 124258
commission into conformity with the amendments by this act to 124259
section 121.31 of the Revised Code. 124260

Section 701.70. It is the intent of the General Assembly that 124261
the Superintendent of Financial Institutions take any action 124262
necessary to provide for an orderly transition for those persons 124263
who, on the effective date of this section, hold mortgage lender 124264
certificates of registration under sections 1321.51 to 1321.60 of 124265
the Revised Code, mortgage broker certificates of registration 124266
under sections 1322.01 to 1322.12 of the Revised Code, or loan 124267
officer licenses under sections 1322.01 to 1322.12 of the Revised 124268
Code, and for those persons who, on the effective date of this 124269
section, perform the functions or duties of loan originators, as 124270
specified in this act. 124271

Section 709.10. (A) There is hereby created in the Department 124272
of Agriculture the Ohio Beekeepers Task Force consisting of the 124273
following members: 124274

(1) Two members of the standing committee of the House of 124275
Representatives that is primarily responsible for considering 124276
agricultural matters appointed by the Governor, each from a 124277
different political party; 124278

(2) Two members of the standing committee of the Senate that 124279
is primarily responsible for considering agricultural matters 124280
appointed by the Governor, each from a different political party; 124281

(3) The Chief of the Division of Plant Industry in the 124282
Department of Agriculture or the Chief's designee; 124283

(4) The Director of Natural Resources or the Director's 124284
designee; 124285

(5) Two representatives of the Ohio State Beekeepers 124286
Association appointed by the Association; 124287

(6) The Director of The Ohio State University Extension or 124288
the Director's designee; 124289

(7) An apiculture specialist of The Ohio State University	124290
Extension appointed by the Director of The Ohio State University	124291
Extension;	124292
(8) The Chair of The Ohio State University Department of	124293
Entomology or the Chair's designee;	124294
(9) A representative of the Ohio Produce Growers and	124295
Marketing Association appointed by the Association;	124296
(10) A representative of the Ohio Farm Bureau Federation Bee	124297
and Honey Committee appointed by the Federation;	124298
(11) A representative of the Ohio Farmers Union appointed by	124299
the Union;	124300
(12) A representative of the County Commissioners Association	124301
of Ohio appointed by the Association.	124302
(B) The members shall be appointed not later than sixty days	124303
after the effective date of this section. The Task Force shall	124304
hold its first meeting not later than ninety days after the	124305
effective date of this section.	124306
(C) The Governor shall select a chairperson and	124307
vice-chairperson from among the members of the Task Force. The	124308
chairperson may appoint a secretary.	124309
(D) The members of the Task Force shall receive no	124310
compensation for their services.	124311
(E) Not later than ten months after the effective date of	124312
this section, the Ohio Beekeepers Task Force shall submit a report	124313
to the Governor, the President of the Senate, the Speaker of the	124314
House of Representatives, and the Ohio State Beekeepers	124315
Association. The report shall do all of the following:	124316
(1) Provide an overview of the characteristics of the	124317
honeybee crisis in Ohio;	124318
(2) Examine and provide an overview of and conclusions	124319

regarding whether pollinator shortages are affecting crop	124320
pollination in Ohio;	124321
(3) Review and provide an overview of the Ohio Honeybee	124322
Emergency Action Plan;	124323
(4) Review and provide a summary of the federal initiatives	124324
regarding Ohio's bee population and of all of the Department of	124325
Agriculture's and the Ohio State Beekeepers Association's programs	124326
concerning Ohio's bee population;	124327
(5) Provide an overview of the five-year goals of the	124328
Department of Agriculture concerning honeybees, including	124329
recommendations for the restoration of Ohio's bee population;	124330
(6) Examine and describe the funding that is available for	124331
honeybee programs and issues affecting honeybees;	124332
(7) Any other issues that the Task Force considers	124333
appropriate.	124334
(F) Not later than ninety days following the submission of	124335
the report, the Task Force shall meet and respond to any question	124336
from a person who received the report. The Task Force shall cease	124337
to exist upon submitting its response to all questions from	124338
persons who received the report.	124339
Section 713.10. In accordance with section 1332.24 of the	124340
Revised Code, as amended by this act, the Director of Commerce may	124341
impose upon and collect an annual assessment on video service	124342
providers for fiscal year 2010. Notwithstanding the dates	124343
otherwise specified in that section, video service providers shall	124344
submit subscriber counts for the preceding calendar year not later	124345
than October 9, 2009; the Director shall send to each provider to	124346
be assessed written notice of its proportional amount of the total	124347
assessment by October 16, 2009; and the provider shall pay that	124348
amount not later than October 30, 2009.	124349

Section 721.10. (A) In Lorain County, all proceedings that 124350
are within the jurisdiction of the Probate Court under Chapter 124351
2101. and other provisions of the Revised Code that are pending 124352
before a judge of the Domestic Relations Division of the Lorain 124353
County Court of Common Pleas on the effective date of this act 124354
shall remain with that judge of the Domestic Relations Division of 124355
the Lorain County Court of Common Pleas. All proceedings that are 124356
within the jurisdiction of the Domestic Relations Division of the 124357
Lorain County Court of Common Pleas under Chapter 2301. and other 124358
provisions of the Revised Code that are pending before the probate 124359
judge of the Lorain County Probate Court on September 29, 2009, 124360
shall remain with that probate judge of the Lorain County Probate 124361
Court. 124362

(B) The successors to the judge of the Lorain County Court of 124363
Common Pleas who was elected pursuant to section 2301.02 of the 124364
Revised Code in 2008 for a term that began on February 9, 2009, 124365
shall be elected in 2014 and thereafter pursuant to section 124366
2101.02 of the Revised Code as judges of the probate division of 124367
the Lorain County Court of Common Pleas. 124368

Section 737.10. The Director of Budget and Management shall 124369
study the economic viability of tracks where permit holders 124370
conduct live horse racing. Not later than thirty days after the 124371
effective date of this section, the director shall prepare a 124372
report that includes the findings resulting from the study and 124373
that makes recommendations regarding ways to ensure the economic 124374
viability of tracks. The director shall transmit a copy of the 124375
report to the Governor, the Speaker of the House of 124376
Representatives, and the President of the Senate. 124377

Section 741.10. PAYROLL REDUCTION STRATEGIES 124378

Notwithstanding any other provision of law to the contrary, 124379

the Office of Collective Bargaining of the Department of 124380
Administrative Services is authorized to negotiate with the 124381
respective state collective bargaining units various payroll 124382
reduction strategies through the collective bargaining process 124383
prior to July 1, 2009, including, but not limited to, reductions 124384
in pay for fiscal years 2010 and 2011 and an increase in each 124385
state employee's share of dental, vision, and life insurance 124386
benefits for those fiscal years. If the Office successfully 124387
negotiates or reaches alternative payroll reduction strategies 124388
through the collective bargaining process, those payroll reduction 124389
strategies shall be implemented. The total amount of state 124390
employee payroll reduction strategy savings to be negotiated or 124391
implemented for each of those fiscal years shall be between 124392
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 124393
Office of Collective Bargaining and the Director of Budget and 124394
Management. The Director of Budget and Management is authorized to 124395
transfer cash from non-General Revenue Fund funds to the General 124396
Revenue Fund to carry out this section. 124397

Section 743.10. If a petition seeks the holding of an 124398
election on Sunday liquor sales on or after the effective date of 124399
this section under question (B)(1), (2), or (3) of section 124400
4301.351 or 4301.354 of the Revised Code, under question (B)(2) of 124401
section 4301.355 of the Revised Code, or under section 4301.356 of 124402
the Revised Code and the petition contains signatures that were 124403
placed on it before the effective date of this section, the 124404
petition is not invalid merely because the question or questions 124405
sought to be submitted to the electors and contained in the 124406
petition state that Sunday liquor sales may commence beginning at 124407
1 p.m. rather than 11 a.m. 124408

Section 743.11. (A) Notwithstanding division (A)(3) of 124409
section 4303.182 of the Revised Code, as amended by this act, the 124410

electors in a precinct in which the first hour of sale on Sunday 124411
was changed from one p.m. to eleven a.m. by operation of that 124412
division may petition to hold an election to revert that first 124413
hour of sale to one p.m. That election shall be held under the 124414
following conditions: 124415

(1) At the first general election that occurs after the 124416
effective date of this section unless that general election will 124417
be held less than one hundred thirty-five days after that date, in 124418
which case the election shall be held at the immediately following 124419
general election; 124420

(2) Under division (B)(1), (2), or (3) of section 4301.351 or 124421
4301.354 of the Revised Code, under division (B)(2) of section 124422
4301.355 of the Revised Code, or under section 4301.356 of the 124423
Revised Code, as applicable, except that the starting time for 124424
sales under the question shall be one p.m. rather than eleven 124425
a.m.; 124426

(3) In accordance with the applicable requirements and 124427
provisions governing elections that are held under those divisions 124428
or that section and that are established under Chapter 4301. of 124429
the Revised Code. 124430

(B) Not later than forty-five days after the effective date 124431
of this section, the Superintendent of Liquor Control shall 124432
publish notice of the provisions of division (A) of this section 124433
in a newspaper of general circulation in each county of the state. 124434
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Section 745.10. For the time period beginning on the 124436
effective date of this section and ending June 30, 2010: 124437

(A) Notwithstanding division (N) of section 4517.01 of the 124438
Revised Code, "salesperson" shall include any person employed by a 124439
manufactured home broker to sell, display, and offer for sale, or 124440

deal in manufactured homes or mobile homes for a commission, 124441
compensation, or other valuable consideration, but does not 124442
include any public officer performing official duties. 124443

(B)(1) For purposes of section 4517.03 of the Revised Code, 124444
if a licensed new or used motor vehicle dealer also is a licensed 124445
manufactured home park operator, all of the following apply: 124446

(a) An established place of business that is located in the 124447
operator's manufactured home park and that is used for selling, 124448
leasing, and renting manufactured homes and mobile homes in that 124449
manufactured home park shall be considered as used exclusively for 124450
that purpose even though rent and other activities related to the 124451
operation of the manufactured home park take place at the same 124452
location or office. 124453

(b) The dealer's established place of business in the 124454
manufactured home park shall be staffed by someone licensed and 124455
regulated under Chapter 4517. of the Revised Code who could 124456
reasonably assist any retail customer with or without an 124457
appointment, but such established place of business shall not be 124458
required to satisfy office size, display lot size, and physical 124459
barrier requirements applicable to other used motor vehicle 124460
dealers. 124461

(c) The manufactured and mobile homes being offered for sale, 124462
lease, or rental by the dealer may be located on individual rental 124463
lots inside the operator's manufactured home park. 124464

(2) For purposes of section 4517.03 of the Revised Code, a 124465
place of business used for the brokering or sale of manufactured 124466
homes or mobile homes shall be considered as used exclusively for 124467
brokering, selling, displaying, offering for sale, or dealing in 124468
motor vehicles even though industrialized units, as defined by 124469
section 3781.06 of the Revised Code, are brokered, sold, 124470
displayed, offered for sale, or dealt at the same place of 124471

business. 124472

(C) Notwithstanding division (B) of section 4517.22 of the Revised Code, contracts may be signed, deposits taken, and sales consummated at a motor vehicle show at which the motor vehicles being displayed are new manufactured homes, as defined in division (C)(4) of section 3781.06 of the Revised Code. 124473
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Section 745.20. Notwithstanding section 4781.16 of the Revised Code, any person licensed as a new motor vehicle dealer, used motor vehicle dealer, manufactured homes broker, or salesperson under Chapter 4517. of the Revised Code on June 30, 2010, may continue to engage in the business of displaying, selling at retail, or brokering manufactured homes or mobile homes under the authority of such license until the license expires or until the manufactured homes commission issues or denies the person a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license under Chapter 4781. of the Revised Code, whichever occurs earlier. 124478
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Section 745.30. Effective July 1, 2010, the manufactured homes commission may suspend or revoke any existing new motor vehicle dealer, used motor vehicle dealer, manufactured homes broker, or salesperson license issued to a person engaged in the business of displaying, selling at retail, or brokering manufactured homes or mobile homes, and such action may be appealed under section 4781.25 of the Revised Code. 124490
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Section 745.40. Effective July 1, 2010, nothing in sections 4517.01 to 4517.99 of the Revised Code shall be construed to apply to any of the following: 124497
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124499

(A) Manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code; 124500
124501

(B) Mobile homes as defined in division (O) of section 124502
4501.01 of the Revised Code; or 124503

(C) Dealers, brokers or salespersons of manufactured homes or 124504
mobile homes. 124505

Section 749.10. (A) The Ohio General Assembly finds that the 124506
funding for infrastructure and personnel of 9-1-1 systems in Ohio 124507
is disparate in meeting state and local needs. In response to 124508
these findings, there is hereby created the 9-1-1 Funding and 124509
Modernization Task Force to review current funding models and to 124510
research, analyze, and recommend to the General Assembly and the 124511
Governor appropriate future funding models and modernization 124512
policies to improve the effectiveness of infrastructure and 124513
personnel of 9-1-1 systems in Ohio. 124514

(B) The Task Force shall consist of the following members, 124515
appointed not later than sixty days after the effective date of 124516
this section: 124517

(1) Three members of the Ohio House of Representatives, with 124518
two appointed by the Speaker of the House of Representatives from 124519
the majority party and one appointed by the Minority Leader of the 124520
House from the minority party; 124521

(2) Three members of the Ohio Senate, with two appointed by 124522
the President of the Senate from the majority party and one 124523
appointed by the Minority Leader of the Senate from the minority 124524
party; 124525

(3) The Chairperson of the Public Utilities Commission, or 124526
another commissioner appointed by the chairperson; 124527

(4) The Director of Public Safety; 124528

(5) One representative selected by the County Commissioners' 124529
Association of Ohio and appointed by the Governor; 124530

(6) One representative selected by the Ohio Municipal League 124531

and appointed by the Governor; 124532

(7) One representative selected by the Ohio Township Association and appointed by the Governor; 124533
124534

(8) Two members of the public appointed by the Governor. 124535

(C) The Governor shall select a Task Force Chairperson and Vice-Chairperson from among its members. The Chairperson may appoint a Secretary. Task Force members shall serve without compensation. Vacancies shall be filled in the same manner as appointments. A majority of the members shall constitute a quorum. 124536
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(D) The Task Force shall hold its inaugural meeting not later than ninety days after the effective date of this section. The Task Force shall meet at least once a month, either in person or utilizing telecommunication conferencing technology, until it completes the report required by this section. 124541
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(E) Not later than ten months after the effective date of this section, the Task Force shall deliver a report to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The Task Force shall coordinate with the Ohio 9-1-1 Council and the Wireless 9-1-1 Advisory Board in preparing the report. The report shall consist of the following: 124546
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(1) An overview of the current state and local funding for 9-1-1 systems in Ohio and any existing modernization programs; 124552
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(2) Information regarding differences in funding for the access of 9-1-1 systems in Ohio by persons using traditional wireline service as defined in section 4931.40 of the Revised Code, wireless telephone service, Voice over Internet Protocol technology, and any other major emerging telephone technology in common use, and an assessment of the parity of such funding; 124554
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(3) A summary of reviewed federal initiatives related to 9-1-1 system funding and modernization; 124560
124561

(4) A detailed analysis of the use of the funds disbursed by the state from the wireless 9-1-1 charge imposed pursuant to Am. Sub. H.B. 361 of the 125th General Assembly;

(5) A detailed technical analysis of the current 9-1-1 services available in each county in Ohio, including the viability of consolidating adjacent 9-1-1 systems;

(6) An analysis of the best practices of other states in 9-1-1 system funding and modernization;

(7) Detailed recommendations for future state and local funding to achieve parity among technologies used to access 9-1-1 services and to provide, throughout Ohio, adequate infrastructure and personnel for the full implementation and operation of Phase II enhanced 9-1-1 service in accordance with 47 C.F.R. 20.18.

(F) The Task Force shall cease to exist after delivering the report as required by this section.

Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH ELEVATION AND ADMINISTRATION ADVISORY GROUP

(A) As used in this section:

(1) "ADAMHS board" means all of the following:

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

(b) Alcohol and drug addiction services boards;

(c) Community mental health boards.

(2) "Community behavioral health services" means both of the following:

(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;

(b) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.	124590 124591 124592
(B) There is hereby created the Medicaid Community Behavioral Health Elevation and Administration Advisory Group. The Group shall consist of all of the following:	124593 124594 124595
(1) The Director of Mental Health or the Director's designee;	124596
(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;	124597 124598
(3) The Director of Job and Family Services or the Director's designee;	124599 124600
(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group;	124601 124602
(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group;	124603 124604 124605
(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group;	124606 124607 124608
(7) The following state policy makers:	124609
(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker;	124610 124611 124612
(b) At the option of the Senate President, up to two members of the Senate from different political parties appointed by the Senate President;	124613 124614 124615
(c) Other state policy makers deemed necessary and appointed by the co-chairpersons of the Group.	124616 124617
(C) The Directors of Mental Health and Alcohol and Drug	124618

Addiction Services, or their designees, shall serve as 124619
co-chairpersons of the Medicaid Community Behavioral Health 124620
Elevation and Administration Advisory Group. The co-chairpersons 124621
shall determine the number of persons to be appointed under 124622
divisions (B)(4), (5), (6), and (7)(c) of this section. The 124623
co-chairpersons shall appoint the same number of persons under 124624
divisions (B)(4), (5), and (6) of this section so as to ensure 124625
balanced representation by the ADAMHS boards, providers, and 124626
consumers and consumer advocates. In making appointments under 124627
divisions (B)(4), (5), and (6) of this section, the 124628
co-chairpersons shall accept nominations from all of the 124629
following: 124630

(1) The Ohio Association of County Behavioral Health 124631
Authorities; 124632

(2) The National Alliance on Mental Illness Ohio; 124633

(3) The Ohio Council of Behavioral Health and Family Services 124634
Providers; 124635

(4) The Ohio Association of Child Caring Agencies; 124636

(5) The Ohio Citizens Advocates for Chemical Dependency 124637
Prevention and Treatment; 124638

(6) The Ohio Alliance for Recovery Providers; 124639

(7) The Ohio Federation for Children's Mental Health; 124640

(8) Other organizations that represent the interests of 124641
ADAMHS boards, providers, and consumers and consumer advocates. 124642

(D) Members of the Medicaid Community Behavioral Health 124643
Elevation and Administration Advisory Group shall serve without 124644
compensation, except to the extent that serving on the Group is 124645
considered part of their regular employment duties. The 124646
Departments of Mental Health and Alcohol and Drug Addiction 124647
Services jointly may reimburse members of the Group for their 124648

reasonable travel expenses. 124649

(E) The Medicaid Community Behavioral Health Elevation and 124650
Administration Advisory Group shall study the statewide 124651
administration and management of Medicaid-covered community 124652
behavioral health services. Not later than June 30, 2010, the 124653
Group shall submit a report regarding its study to the Governor 124654
and, in accordance with section 101.68 of the Revised Code, the 124655
General Assembly. The report shall include all of the following: 124656

(1) A plan for the uniform and statewide administration and 124657
management of Medicaid-covered community behavioral health 124658
services in accordance with federal requirements, including the 124659
applicable federal requirements of 42 C.F.R. Parts 431 and 433; 124660

(2) A fiscal analysis of the impact that any changes to the 124661
system of paying providers of Medicaid-covered community 124662
behavioral health services and related management functions would 124663
have on the Departments of Mental Health and Alcohol and Drug 124664
Addiction Services and ADAMHS boards. The fiscal analysis shall 124665
include an examination of funding options for any such changes and 124666
focus on creating the most efficient and effective payment system 124667
possible. 124668

(3) Recommendations for increasing efficiencies related to 124669
all of the following: 124670

(a) Submission of Medicaid claims for community behavioral 124671
health services; 124672

(b) The processing and payment of Medicaid claims for 124673
community behavioral health services; 124674

(c) Exchange of information regarding Medicaid-covered 124675
community behavioral health services and non-Medicaid-covered 124676
community behavioral health services. 124677

(4) Recommendations for system changes needed to implement 124678

the statewide administration and management of the 124679
Medicaid-covered community behavioral health services. Such 124680
recommendations shall focus on increasing efficiencies, 124681
transparency, and accountability in order to improve the delivery 124682
of community behavioral health services. 124683

(F) The Medicaid Community Behavioral Health Elevation and 124684
Administration Advisory Group shall cease to exist on submission 124685
of its report. 124686

(G)(1) Subject to division (G)(2) of this section and not 124687
later than July 1, 2011, the Departments of Mental Health and 124688
Alcohol and Drug Addiction Services shall implement changes to the 124689
administration and management of Medicaid-covered community 124690
behavioral health services in a manner that is uniform, statewide, 124691
and consistent with federal requirements. The changes shall 124692
include changes to the system of paying providers of 124693
Medicaid-covered community behavioral health services. In 124694
implementing the changes, the Departments may adopt, in whole or 124695
in part, the recommendations included in the Medicaid Community 124696
Behavioral Health Elevation and Administration Advisory Group's 124697
report. The Departments shall implement the changes under the 124698
supervision of the Department of Job and Family Services. 124699

(2) The Departments' implementation of changes to the 124700
administration of Medicaid-covered community behavioral health 124701
services under division (G)(1) of this section is subject to 124702
enactment or adoption of changes in state law, including state law 124703
regarding funding, that otherwise would conflict with the 124704
Departments' implementation of the changes. The Departments may 124705
take actions as part of the implementation of the changes as are 124706
consistent with state law. 124707

Section 751.13. STUDY REGARDING AMOUNT, DURATION, AND SCOPE 124708
OF COMMUNITY BEHAVIORAL HEALTH SERVICES 124709

(A) The Directors of Alcohol and Drug Addiction Services, 124710
Mental Health, and Job and Family Services shall convene a group 124711
consisting of representatives of all of the following: 124712

(1) Their departments; 124713

(2) Boards of alcohol, drug addiction, and mental health 124714
services; community mental health boards; and alcohol and drug 124715
addiction services boards; 124716

(3) Providers of community behavioral health services; 124717

(4) Consumers of community behavioral health services and 124718
advocates of such consumers. 124719

(B) Members of the group convened under this section shall 124720
serve without compensation, except to the extent that serving on 124721
the group is considered part of their regular employment duties. 124722

The group shall develop recommendations regarding the amount, 124723
duration, and scope of publicly funded community behavioral health 124724
services that should be available through Ohio's community 124725
behavioral health system, including recommendations regarding the 124726
conditions under which the services should be available. The group 124727
shall prepare a report with its recommendations. The group shall 124728
submit the report to the Governor and, in accordance with section 124729
101.68 of the Revised Code, the General Assembly not later than 124730
June 30, 2011. The group shall cease to exist on submission of the 124731
report. 124732

Section 751.20. SERVICE COORDINATION WORKGROUP 124733

(A) There is hereby created the Service Coordination 124734
Workgroup. The Workgroup shall consist of a representative of each 124735
of the following: 124736

(1) The Office of the Governor, appointed by the Governor; 124737

(2) The Department of Alcohol and Drug Addiction Services, 124738

appointed by the Director of Alcohol and Drug Addiction Services;	124739
(3) The Department of Education, appointed by the	124740
Superintendent of Public Instruction;	124741
(4) The Department of Health, appointed by the Director of	124742
Health;	124743
(5) The Department of Job and Family Services, appointed by	124744
the Director of Job and Family Services;	124745
(6) The Department of Mental Health, appointed by the	124746
Director of Mental Health;	124747
(7) The Department of Mental Retardation and Developmental	124748
Disabilities, appointed by the Director of Mental Retardation and	124749
Developmental Disabilities;	124750
(8) The Department of Youth Services, appointed by the	124751
Director of Youth Services;	124752
(9) The Office of Budget and Management, appointed by the	124753
Director of Budget and Management;	124754
(10) The Family and Children First Cabinet Council, appointed	124755
by the chairperson of the Council.	124756
(B) The representative of the Office of the Governor shall	124757
serve as chairperson of the Workgroup.	124758
(C) Members of the Workgroup shall serve without	124759
compensation, except to the extent that serving on the Workgroup	124760
is considered part of their regular employment duties.	124761
(D) The Workgroup shall develop procedures for coordinating	124762
services that the entities represented on the Workgroup provide to	124763
individuals under age twenty-one and the families of those	124764
individuals. In developing the procedures, the Workgroup shall	124765
focus on maximizing resources, reducing unnecessary costs,	124766
removing barriers to effective and efficient service coordination,	124767
eliminating duplicate services, prioritizing high risk	124768

populations, and any other matters the Workgroup considers 124769
relevant to service coordination. Not later than July 31, 2009, 124770
the Workgroup shall submit a report to the Governor with 124771
recommendations for implementing the procedures. 124772

(E) On receipt of the Governor's approval of the Workgroup's 124773
report, the Director of Budget and Management may seek Controlling 124774
Board approval to transfer cash between funds and appropriations 124775
between appropriation items as necessary to implement the 124776
Workgroup's recommendations. The transferred cash is hereby 124777
appropriated. 124778

(F) The Workgroup shall cease to exist June 30, 2011. 124779

Section 751.30. PROMPT PAYMENT POLICY WORKGROUP 124780

(A) There is hereby created the Prompt Payment Policy 124781
Workgroup. The Workgroup shall consist of the following members: 124782

(1) One representative of the Office of Budget and 124783
Management, appointed by the Director of Budget and Management; 124784

(2) Three representatives of the Department of Insurance, 124785
appointed by the Superintendent of Insurance; 124786

(3) Four representatives of the Office of Ohio Health Plans 124787
in the Department of Job and Family Services, appointed by the 124788
Director of Job and Family Services; 124789

(4) Two representatives of Ohio's Medicaid managed care 124790
plans, appointed by the Executive Director of Ohio's Care 124791
Coordination Plans; 124792

(5) Two representatives from the community of provider 124793
associations, one appointed by the Speaker of the House of 124794
Representatives and one appointed by the President of the Senate; 124795

(6) Two members of the Ohio House of Representatives, one 124796
appointed by the Speaker of the House of Representatives and one 124797

appointed by the Minority Leader; 124798

(7) Two members of the Ohio Senate, one appointed by the 124799
President of the Senate and one appointed by the Minority Leader. 124800

(B) The Director of the Department of Job and Family 124801
Services, or the Director's designee, shall serve as chairperson 124802
of the Workgroup. 124803

(C) Members of the Workgroup shall serve without 124804
compensation, except to the extent that serving on the Workgroup 124805
is considered part of the members' regular employment duties. 124806

(D) The Workgroup shall do all of the following: 124807

(1) Recommend one set of regulations to govern prompt payment 124808
policies for Medicaid managed care plans; 124809

(2) Research and analyze prompt payment policies related to 124810
aged medical claims within the health insurance industry and the 124811
Medicaid program; 124812

(3) Review general payment rules, payment policies related to 124813
electronic and paper claims, definitions of clean and unclean 124814
claims, late payment penalties, auditing requirements, and any 124815
other issues related to Medicaid prompt payment policy identified 124816
by the Workgroup; 124817

(4) Review statistical data on the compliance rates of 124818
current policies. 124819

(E) Not later than February 1, 2010, the Workgroup shall 124820
submit a report to the Governor and the majority and minority 124821
leadership in both Houses of the Ohio General Assembly. The report 124822
shall contain prompt payment policy recommendations for Ohio's 124823
Medicaid program. 124824

(F) The Workgroup shall cease to exist February 28, 2010. 124825

Section 751.40. The Director of Natural Resources shall enter 124826

into a memorandum of understanding with Farmers and Hunters 124827
Feeding the Hungry. The memorandum shall prescribe a method by 124828
which, during the period from July 1, 2009, through June 30, 2011, 124829
Farmers and Hunters Feeding the Hungry may donate venison to 124830
Ohio's food banks. The memorandum also shall prescribe methods 124831
that encourage private persons to make matching donations in money 124832
or food to Ohio's food banks that are equal or greater in value to 124833
the venison that is donated by the Farmers and Hunters Feeding the 124834
Hungry. 124835

Section 753.10. (A) The Director of Natural Resources shall 124836
enter into a memorandum of understanding with the Southeastern 124837
Ohio Port Authority to develop the future use of the property that 124838
formerly comprised the Marietta State Nursery. The memorandum 124839
shall provide for all of the following: 124840

(1) Sale of the property for highest and best use; 124841

(2) Sale and usage of the property that is compatible with 124842
neighboring properties; 124843

(3) Maximum financial return for the Department of Natural 124844
Resources; 124845

(4) Expeditious sale of parcels of the property. 124846

(B) The memorandum shall require contracted professional 124847
engineering services to provide both of the following: 124848

(1) A phase 1 environmental site assessment; 124849

(2) A master plan for property development, including all of 124850
the following: 124851

(a) An inventory of site features and assets; 124852

(b) Collection of public input through a meeting and comment 124853
period; 124854

(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;	124855 124856 124857
(d) Lot lines and parcel sizes in concept;	124858
(e) Means of ingress and egress from State Route 7 and interior site access that are delineated in concept, including possible eastern access to the site with a rough calculation of cut and fill required for the construction of roads;	124859 124860 124861 124862
(f) Identification of utility services, locations, and capacities;	124863 124864
(g) Plans for compliance with subdivision regulations;	124865
(h) Recommendations for possible deed restrictions;	124866
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	124867 124868 124869
(j) Any necessary maps.	124870
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	124871 124872
(1) Manage the formulation of the master plan;	124873
(2) Create a master plan brochure and sales brochures;	124874
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	124875 124876
(4) Respond to sales leads;	124877
(5) Screen inquiries regarding the property;	124878
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	124879 124880
(7) Present qualified purchase offers to the Department.	124881
(D) The memorandum shall specify that the Department of	124882

Natural Resources owns the property, that it may sell the property 124883
in lots to the Port Authority, and that the Port Authority then 124884
may sell the lots to individual private buyers. 124885

(E) The memorandum shall specify that the Department of 124886
Natural Resources is responsible for paying for the environmental, 124887
engineering, graphic design, signage, and printing costs as 124888
invoices for those costs are received. The Department and the Port 124889
Authority shall agree to a cap for each of those invoices. In 124890
addition, the memorandum shall specify that as parcels of the 124891
property are transferred to private buyers, the Port Authority 124892
retains five per cent of the sale price of each parcel as a fee 124893
for services provided by the Port Authority. 124894

Section 753.20. (A) The Governor is authorized to execute a 124895
Governor's Deed in the name of the state conveying to the Dayton 124896
Public School District/Dayton Board of Education, ("grantee"), and 124897
its successors and assigns, all of the state's right, title, and 124898
interest in the following described real estate: 124899

STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres 124900

Situated in Section 26, Township 2, Range 7 of the Miami 124901
River Survey, the City of Dayton, the County of Montgomery, the 124902
State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods 124903
tract conveyed to the State of Ohio as recorded in Deed Book U-2, 124904
Page 40, and being a 22.5673 acre portion of a 24.36 acre tract of 124905
land conveyed to the Trustees of the Southern Ohio Lunatic Asylum 124906
as recorded in Deed Book N-3, Page 233, being an 4.6813 acre 124907
portion of a 21.25 acre tract of land conveyed to the State of 124908
Ohio as recorded in Deed Book 169, Page 583, and being an 8.6742 124909
acre portion of a 33.5 acre tract as conveyed to the State of Ohio 124910
as recorded in Deed Book 169, Page 585, being an 7.2010 acre 124911
portion of a 10.544 acre tract of land as conveyed to the State of 124912
Ohio as recorded in Deed Book 138, Page 125 and being a portion of 124913

City of Dayton Lot Number 61376 and all of Lot Number 61377 of the 124914
revised and consecutive numbers of lots on the plat of the City of 124915
Dayton and more particularly bounded and described as follows: 124916

Beginning at a capped 5/8" Iron Pin found stamped "Woolpert" 124917
at the Southeast corner of a 2.881 acre tract being Parcel 2 of 124918
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, 124919
said point also being the northeast corner of an 8.338 acre tract 124920
of land conveyed to the Barry K. Humphries as recorded in 124921
Microfiche 01-0590A04 and the TRUE POINT OF BEGINNING; 124922

Thence with the east line of said 2.881 acre tract being 124923
Parcel 2 and the West line of a 24.36 acre tract of land conveyed 124924
to the Trustees of the Southern Ohio Lunatic Asylum as recorded in 124925
Deed Book N-3, Page 233, North 00°32' 15" East a distance of 124926
459.39 feet to a RR Spike set in the centerline of Wayne Avenue, 124927
passing a 5/8 inch iron pin set at the northeast corner of said 124928
2.881 acre tract and the south right of way of Wayne Avenue at 124929
429.39 feet; 124930

Thence with the centerline of Wayne Ave and the north lines 124931
of said 24.36 acre tract and said 21.25 acre tract, South 124932
89°18'28" East a distance of 790.80 feet to a RR spike set at the 124933
northwest corner of a 1.056 acre tract of land conveyed to the City 124934
of Dayton as recorded in M.F. No. 90-424 E09; 124935

Thence with the west line of said 1.056 acre tract and the 124936
east line of said 21.25 acre tract, South 01°17'05" West a 124937
distance of 230.89 feet to a 5/8 inch iron pin stamped "Riancho", 124938
passing a 5/8 inch iron set at the south right of way of Wayne 124939
Avenue at 30.00 feet; 124940

Thence with the south line of said 1.056 acre tract and the 124941
south line of a 1.056 acre tract of land conveyed to the City of 124942
Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East a 124943
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8 124944

inch iron pin found stamped "Riancho" at 200.00 feet; 124945

Thence with the east line of said 1.056 acre tract and the 124946
west line of said 33.5 acre tract as conveyed to the State of Ohio 124947
as recorded in Deed Book 169 Page 585, North 1°17'05" East a 124948
distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron 124949
pin set at the south right of way of Wayne Avenue at 199.79 feet; 124950

Thence with the centerline of Wayne Avenue and the north line 124951
of said 33.5 acre tract, South 89°18'28" East a distance of 270.78 124952
feet to a RR spike set at the Intersection of the centerlines of 124953
Watervliet Avenue and Wayne Avenue; 124954

Thence with the centerline of Watervliet Avenue and with the 124955
northerly line of said 33.5 acre tract, South 55°21'16" East a 124956
distance of 231.10 feet to a RR spike set; 124957

Thence with the east line of said 33.5 acre tract and the 124958
west line of a 13.00 acre tract conveyed to the Board of Education 124959
of the Dayton City School District as recorded in Deed Book 1522, 124960
Page 341, South 00°48' 28" West a distance of 709.51 feet to a 5/8 124961
inch iron pin set; 124962

Thence with a new division line, North 89°11'12" West, a 124963
distance of 468.08 feet to a 5/8 inch iron pin set, in the west 124964
line of said 33.5 acre tract and the east line of said 21.25 acre 124965
tract, to a 5/8 inch iron pin set; 124966

Thence with the west line of said 33.5 acre tract and the 124967
east line of said 21.25 acre tract, North 01°07'55" East a 124968
distance of 141.74 feet to a 5/8 inch iron pin set; 124969

Thence with a new division line, North 89°15'53" West, 124970
passing the west line of said 21.25 acre tract and the east line 124971
of said 24.36 acre tract conveyed to The Trustees of the Southern 124972
Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233 at a 124973
distance of 425.35 feet, for a total distance of 507.35 feet to a 124974
5/8 inch iron pin set; 124975

Thence with a new division line South 01°07'00" West passing 124976
the south line of 24.36 acre tract conveyed to The Trustees of the 124977
Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 124978
233 and the north line of said 10.544 acre tract at a distance of 124979
627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch 124980
iron pin set in the south line of said 10.544 acre tract; 124981

Thence with the south line of said 10.544 acre tract and the 124982
north line a 20.3 acre tract conveyed to the State of Ohio 124983
Department of Public Works for the use of the Department of Public 124984
Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page 124985
247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch 124986
iron pin set in the east line of a 11.579 acre tract of land 124987
conveyed to the Hospice of Dayton as recorded in Microfiche 124988
94-0448C08; 124989

Thence with the east line of said 11.579 acre tract of land, 124990
the east line of said 8.338 acre tract as conveyed to Barry K. 124991
Humphries as recorded in M.F. number 01-0590 A04, the west line of 124992
said 10.544 acre tract, and the west line of said 2.36 acre tract, 124993
North 03°24 '08" West a distance of 956.68 feet to a 5/8 inch iron 124994
pin set; 124995

Thence with an easterly line of said 8.338 acre tract, the 124996
westerly line of said 24.36 acre tract, and the north line of said 124997
2.36 acre tract, North 49°49'38" East a distance of 275.99 feet to 124998
a capped 5/8 inch Iron Pin found stamped "LJB"; 124999

Thence with the east line of said 8.338 acre tract and the 125000
west line of a 24.36 acre tract, North 00°32'15" East a distance 125001
of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and 125002
the TRUE POINT OF BEGINNING, containing 45.3599 acres more or 125003
less. Subject to all easements, agreements and right of ways of 125004
record. 125005

The basis of bearings for this description is the easterly 125006

line of Parcel 2, South 00°32'15 West, as recorded in the 125007
Wilmington Woods Plat as recorded in Plat Book 134, Page 3A; 125008

All iron pins set in the above boundary description are 5/8" 125009
(O.D.) 30" long with a plastic cap stamped "LJB" 125010

(B)(1) Consideration for conveyance of the real estate 125011
described in division (A) of this section is the transfer to the 125012
state at no cost of 8.9874 acres adjacent to the remaining Twin 125013
Valley Behavioral Healthcare/Dayton Campus, subject to the 125014
following conditions: 125015

(a) Within one hundred eighty days after conveyance of the 125016
real estate described in division (A) of this section, grantee at 125017
its own cost shall complete construction of a new western 125018
extension off of Mapleview Avenue to provide a new entrance 125019
roadway to the remaining Twin Valley Behavioral Healthcare/Dayton 125020
Campus and provide an easement to the state for full utilization 125021
of the roadway for the benefit of the remaining Twin Valley 125022
Behavioral Healthcare/Dayton Campus until the property described 125023
in division (B)(1) of this section is transferred to the state. 125024

(b) Within three hundred forty days after the occupancy of 125025
the New Belmont High School, grantee shall demolish and 125026
environmentally restore the 8.9874 acres being transferred to the 125027
state. 125028

(2) In lieu of the transfer of the 8.9874 acres, if the 125029
Director of Mental Health determines that the grantee has 125030
insufficiently performed its construction, demolition, and 125031
environmental restoration obligations specified in division (B)(1) 125032
of this section, the grantee, as consideration, shall pay a 125033
purchase price of \$1,175,000.00 to the state, which is the 125034
appraised value of the 45.3599 acres described in division (A) of 125035
the section less the cost of demolition, site, and utility work. 125036

(C) The real estate described in division (A) of this section 125037

shall be conveyed as an entire tract and not in parcels. 125038

(D) Upon transfer of the 8.9874 acres to the state or payment 125039
of the purchase price, the Auditor of State, with the assistance 125040
of the Attorney General, shall prepare a deed to the real estate 125041
described in division (A) of this section. The deed shall state 125042
the consideration and shall be executed by the Governor in the 125043
name of the state, countersigned by the Secretary of State, sealed 125044
with the Great Seal of the State, presented in the Office of the 125045
Auditor of State for recording, and delivered to the grantee. The 125046
grantee shall present the deed for recording in the Office of the 125047
Montgomery County Recorder. 125048

(E) The grantee shall pay all costs associated with 125049
conveyance of the real estate described in division (A) of this 125050
section, including recordation costs of the deed. 125051

(F) If the payment of \$1,175,000.00 is made in lieu of the 125052
transfer of the 8.9874 acres to the state, the proceeds of the 125053
conveyance of the real estate described in division (A) of this 125054
section shall be deposited into the state treasury to the credit 125055
of the Department of Mental Health Trust Fund created by section 125056
5119.18 of the Revised Code and the easement described in division 125057
(B)(1)(a) of this section shall become a permanent easement. 125058

(G) The grantee shall not, during any period that any bonds 125059
issued by the state to finance or refinance all or a portion of 125060
the real estate described in division (A) of this section are 125061
outstanding, use any portion of the real estate for a private 125062
business use without the prior written consent of the state. 125063

As used in this division: 125064

"Private business use" means use, directly or indirectly, in 125065
a trade or business carried on by any private person other than 125066
use as a member of, and on the same basis as, the general public. 125067
Any activity carried on by a private person who is not a natural 125068

person shall be presumed to be a trade or business. 125069

"Private person" means any natural person or any artificial 125070
person, including a corporation, partnership, limited liability 125071
company, trust, or other entity and including the United States or 125072
any agency or instrumentality of the United States, but excluding 125073
any state, territory, or possession of the United States, the 125074
District of Columbia, or any political subdivision thereof that is 125075
referred to as a "State or local governmental unit" in Treasury 125076
Regulation § 1.103-1(a) and any person that is acting solely and 125077
directly as an officer or employee of or on behalf of any such 125078
governmental unit. 125079

(H) This section expires two years after its effective date. 125080

Section 757.10. (A) This section is intended as remedial 125081
legislation authorizing the exemption of airport property for 125082
which a port authority applied for tax exemption, but was denied 125083
because the applicant was a lessee and not the owner of the 125084
property, as required under section 5715.27 of the Revised Code as 125085
that section existed before its amendment by Sub. H.B. 160 of the 125086
127th General Assembly. 125087

(B) As used in this section: 125088

(1) "Eligible year" means any year for which taxes, 125089
penalties, and interest could have been remitted or abated, and 125090
the property placed on the exempt tax list, under a previous 125091
application for exemption if the application had not been 125092
dismissed as provided under division (A) of this section. 125093

(2) "Qualified property" means real property owned by a 125094
subdivision of this state, leased to a port authority created 125095
under Chapter 4582. of the Revised Code, and used as an airport, 125096
and that currently qualifies for exemption from taxation under any 125097
section of the Revised Code, but for which the application for 125098

exemption for an eligible year was dismissed by the Tax Commissioner as provided in division (A) of this section. 125099
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(3) "Subdivision," "taxing authority," and "taxing unit" have the same meanings as in section 5705.01 of the Revised Code. 125101
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(C) Notwithstanding section 5713.081 of the Revised Code, if an application for exemption from and abatement or remission of property taxes for qualified property was dismissed because of failure to comply with Chapter 5713., or section 5715.27 of the Revised Code as that section existed before its amendment by Sub. H.B. 160 of the 127th General Assembly, the current owner of qualified property, on or before January 1, 2010, may file with the Tax Commissioner an application requesting that the property be placed on the exempt tax list and that all paid or unpaid taxes, penalties, and interest on the property be abated or remitted, as appropriate, for each eligible year. The application shall be filed on the form prescribed by the Commissioner under section 5715.27 of the Revised Code. The owner shall include with the application a copy of the Commissioner's final determination dismissing the previous application and the certificate issued by the county treasurer under division (F) of this section. Failure to include the Commissioner's final determination that dismissed the previous application for exemption or the treasurer's certificate shall result in dismissal of the application filed under this section. 125103
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(D) Upon receiving an application under this section, the Tax Commissioner shall determine if the applicant and the applicant's property satisfy the requirements for exemption, abatement, and remission under this section. If the requirements are satisfied, the Commissioner shall issue an order directing the auditor to place the property on the exempt tax list of the county and ordering that all paid or unpaid taxes, penalties, and interest be abated or remitted for every eligible year the property was 125123
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qualified property. If the Commissioner determines that the 125131
property does not satisfy the requirements for exemption for one 125132
or more years, the Commissioner shall deny the application for 125133
those years and certify the finding to the county treasurer of the 125134
county in which the property is located for collection of all 125135
taxes, penalties, and interest and distribution thereof to the 125136
appropriate subdivisions. Tax payments for eligible years shall 125137
not be considered unpaid taxes for purposes of establishing 125138
jurisdiction to consider an application under this section. 125139

(E) The county auditor shall notify the county treasurer that 125140
any tax payments for eligible years that have not been distributed 125141
shall be held in a special fund pending a decision by the Tax 125142
Commissioner on an application filed under this section. No 125143
subdivision or other taxing unit is entitled to advance payment of 125144
such amounts under section 321.34 of the Revised Code. After the 125145
Commissioner issues a decision, the county auditor shall either 125146
remit the taxes, penalties, and interest to the applicant if the 125147
application is approved or distribute the taxes, penalties, and 125148
interest to the proper taxing authorities if the application for 125149
exemption is denied. 125150

(F) Upon request by the applicant, the county treasurer shall 125151
determine whether all taxes, penalties, and interest that were 125152
levied for all tax years that are not eligible years and whether 125153
all special assessments charged against the property have been 125154
paid in full. If so, the treasurer shall issue a certificate to 125155
the applicant stating that all such amounts have been paid, or, if 125156
not, the certificate shall list the tax years for which such 125157
taxes, penalties, interest, and special assessments remain unpaid. 125158

Section 759.10. Notwithstanding division (B)(1) of section 125159
5919.34 of the Revised Code, the number of participants in the 125160
Ohio National Guard Scholarship Program for the summer term 125161

occurring in the year 2009 shall be limited to the equivalent of 125162
one thousand full-time participants. 125163

Section 761.10. A wild, scenic, or recreational river area 125164
that was declared as such by the Director of Natural Resources 125165
under Chapter 1517. of the Revised Code prior to the effective 125166
date of this section shall retain its declaration as a wild, 125167
scenic, or recreational river area for purposes of sections 125168
1547.81 to 1547.84 of the Revised Code, as amended by this act. In 125169
addition, an advisory council for a wild, scenic, or recreational 125170
river area that was appointed by the Director under Chapter 1517. 125171
of the Revised Code prior to the effective date of this section 125172
shall continue to be the advisory council for the applicable wild, 125173
scenic, or recreational river area for purposes of sections 125174
1547.81 to 1547.84 of the Revised Code, as amended by this act. 125175
125176

Section 803.10. Section 1751.14 of the Revised Code, as 125177
amended by this act, shall apply only to policies, contracts, and 125178
agreements that are delivered, issued for delivery, or renewed in 125179
this state on or after July 1, 2010; section 3923.24 of the 125180
Revised Code, as amended by this act, shall apply only to policies 125181
of sickness and accident insurance and plans of health coverage 125182
that are established or modified in this state on or after July 1, 125183
2010; and section 3923.241, as enacted by this act, shall apply 125184
only to public employee health plans established or modified in 125185
this state on or after July 1, 2010. 125186

Section 803.12. Sections 1739.05, 1751.68, and 3923.84 of the 125187
Revised Code as amended or enacted by this act shall apply only to 125188
policies, contracts, agreements, or plans that are delivered, 125189
issued for delivery, or renewed in this state on or after six 125190
months after the effective date of this section. 125191

Section 803.20. Sections 718.04 and 5747.01 of the Revised Code, as amended by this act, first apply to taxable years beginning on or after January 1, 2010.

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Section 5747.113 of the Revised Code, as amended by this act, first applies to taxable years beginning on or after January 1, 2009.

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Section 803.30. In anticipation of the amendments to section 124.134 of the Revised Code taking effect on August 30, 2009, the Director of Administrative Services shall determine an additional, prorated amount of vacation leave for employees who are in their fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of service to receive as a result of the transition occurring on that date. The additional, prorated amount shall be such that the affected employees are not harmed as a result of the transition, and shall be added to the vacation leave balances of the affected employees on August 30, 2009.

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Section 806.10. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

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Section 809.10. An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2011, unless its context clearly indicates otherwise.

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Section 812.10. Except as otherwise provided in this act, the

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amendment, enactment, or repeal by this act of a section is 125220
subject to the referendum under Ohio Constitution, Article II, 125221
Section 1c and therefore takes effect on the ninety-first day 125222
after this act is filed with the Secretary of State or, if a later 125223
effective date is specified below, on that date. 125224

The amendments by this act to sections 3733.02 and 4781.06 of 125225
the Revised Code take effect January 1, 2010. 125226

The amendment, enactment, or repeal by this act of sections 125227
4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 125228
4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 125229
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 125230
4781.25, and 4781.99 of the Revised Code takes effect July 1, 125231
2010. 125232

The enactment of sections 122.12 and 122.121 of the Revised 125233
Code takes effect July 1, 2011. 125234

The amendment or enactment of sections 1739.05, 1751.14, 125235
3923.24, 3923.241, 5743.15, 5743.61, and 5747.01 of the Revised 125236
Code takes effect January 1, 2010. 125237

The enactment of section 3903.77 of the Revised Code takes 125238
effect one year after the effective date specified in the first 125239
paragraph of this section. 125240

The enactment of section 4113.11 of the Revised Code takes 125241
effect January 1, 2011. 125242

Sections 803.10 and 803.20 of this act take effect January 1, 125243
2010. 125244

Section 812.20. The amendment, enactment, or repeal by this 125245
act of the sections listed below is exempt from the referendum 125246
because it is or relates to an appropriation for current expenses 125247
within the meaning of Ohio Constitution, Article II, Section 1d 125248
and section 1.471 of the Revised Code, or defines a tax levy 125249

within the meaning of Ohio Constitution, Article II, Section 1d, 125250
and therefore takes effect immediately when this act becomes law 125251
or, if a later effective date is specified below, on that date. 125252

Sections 117.54, 121.40, 121.401, 121.402, 124.03, 124.15, 125253
124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 125254
124.386, 124.392, 124.821, 124.822, 124.86, 126.05, 131.33, 125255
145.298, 307.79, 319.301, 319.302, 319.54, 321.24, 323.156, 125256
504.21, 901.20, 901.91, 903.082, 903.11, 903.25, 905.32, 905.33, 125257
905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 905.56, 125258
905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 921.06, 125259
921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 125260
923.46, 927.51, 927.52, 927.53, 927.54, 927.56, 927.69, 927.70, 125261
927.701, 927.71, 927.74, 943.16, 1501.01, 1501.05, 1501.07, 125262
1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 125263
1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 125264
1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 125265
1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 125266
1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 125267
1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 125268
1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 125269
1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 125270
1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 125271
1541.03, 1707.37, 3301.073, 3301.0718, 3301.122, 3301.68, 3301.82, 125272
3302.031, 3302.05, 3302.07, 3306.01, 3306.011, 3306.012, 3306.02, 125273
3306.03, 3306.031, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 125274
3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 125275
3306.13, 3306.14, 3306.15, 3306.16, 3306.17, 3306.18, 3306.19, 125276
3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 3306.291, 125277
3306.292, 3306.30, 3306.31, 3306.32, 3306.321, 3306.33, 3306.34, 125278
3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 125279
3306.55, 3306.56, 3306.57, 3307.31, 3307.64, 3309.41, 3309.48, 125280
3309.51, 3310.08, 3310.09, 3310.41, 3311.0510, 3311.06, 3311.19, 125281

3311.21, 3311.29, 3311.52, 3311.76, 3313.483, 3313.55, 3313.64, 125282
3313.642, 3313.843, 3313.98, 3313.981, 3314.028, 3314.075, 125283
3314.083, 3314.084, 3314.085, 3314.087, 3314.091, 3314.10, 125284
3314.13, 3314.35, 3316.041, 3316.06, 3316.20, 3317.011, 3317.018, 125285
3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 125286
3317.0210, 3317.0211, 3317.03, 3317.031, 3317.04, 3317.05, 125287
3317.051, 3317.053, 3317.061, 3317.063, 3317.081, 3317.082, 125288
3317.10, 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 125289
3318.051, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 3323.14, 125290
3323.142, 3324.05, 3326.21, 3326.31, 3326.32, 3326.33, 3326.34, 125291
3326.38, 3326.51, 3327.02, 3327.04, 3327.05, 3329.16, 3333.04, 125292
3333.122, 3333.27, 3333.28, 3333.61, 3333.62, 3333.66, 3333.73, 125293
3333.83, 3333.91, 3349.242, 3353.20, 3365.01, 3704.14, 3704.143, 125294
3705.24, 3706.04, 3706.35, 3712.03, 3714.073, 3718.03, 3733.43, 125295
3745.015, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3901.3812, 125296
3923.90, 3923.91, 4117.02, 4117.12, 4117.24, 4501.29, 4503.068, 125297
4503.10, 4505.06, 5101.073, 5107.58, 5111.65, 5111.651, 5111.688, 125298
5111.689, 5111.874, 5111.875, 5112.40, 5112.41, 5112.42, 5112.43, 125299
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 5123.0412, 125300
5126.05, 5126.24, 5703.80, 5715.26, 5725.18, 5727.84, 5729.03, 125301
5739.01, 5739.03, 5739.033, 5739.051, and 6111.044 of the Revised 125302
Code. 125303

The amendment by this act to section 124.134 of the Revised 125304
Code takes effect on August 30, 2009. 125305

The amendment, enactment, or repeal of sections 173.70, 125306
173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 125307
173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 125308
173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 125309
173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 125310
173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 125311
173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 125312
173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875, 125313

173.876, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 173.99, 125314
3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 125315
3721.55, 3721.56, 4301.43, 5111.222, 5111.231, 5111.24, 5111.25, 125316
5112.30, 5112.31, 5112.37, 5112.371, and 5112.372 of the Revised 125317
Code takes effect July 1, 2009. 125318

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 125319
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 125320
Revised Code takes effect October 1, 2011. 125321

Sections of this act prefixed with section numbers in the 125322
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 125323
207.10.90, 241.20, 265.60.60, 265.70.20, 309.40.20, 309.50.30, 125324
313.20, 371.60.20, 371.70.20, 385.30, 399.20, 512.40, 523.10, 125325
701,20, 701.70, and 751.10 of this act. 125326

The amendment of Section 301.10.50 of H.B. 496 of the 127th 125327
General Assembly. 125328

The amendment of Section 153 of Am. Sub. H.B. 117 of the 125329
121st General Assembly. 125330

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 125331
309.30.60, and 309.30.70 of this act take effect July 1, 2009. 125332

Section 812.30. The sections that are listed in the left-hand 125333
column of the following table combine amendments by this act that 125334
are and that are not exempt from the referendum under Ohio 125335
Constitution, Article II, Sections 1c and 1d and section 1.471 of 125336
the Revised Code. 125337

The middle column identifies the amendments to the listed 125338
sections that are subject to the referendum under Ohio 125339
Constitution, Article II, Section 1c and therefore take effect on 125340
the ninety-first day after this act is filed with the Secretary of 125341
State or, if a later effective date is specified, on that date. 125342

The right-hand column identifies the amendments to the listed 125343

sections that are exempt from the referendum because they are or			125344
relate to an appropriation for current expenses within the meaning			125345
of Ohio Constitution, Article II, Section 1d and section 1.471 of			125346
the Revised Code, or define a tax levy within the meaning of Ohio			125347
Constitution, Article II, Section 1d, and therefore take effect			125348
immediately when this act becomes law or, if a later effective			125349
date is specified, on that date.			125350
Section of law	Amendments subject to referendum	Amendments exempt from referendum	125351
121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	125352
1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	125353
1521.06	All amendments except those described in the right-hand column	The amendments to division (A)	125354
1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	125355
3301.07	The amendment that strikes through original division (N)	All amendments except the amendment described in the middle column	125356
3313.6410	Division (A)	Division (B)	125357
3314.03	All amendments except the	Amendments to divisions	125358

	amendments to divisions (A)(8), (A)(11)(g), (A)(15), and (A)(23)	(A)(8), (A)(11)(g), (A)(15), and (A)(23)	
3314.08	The amendments to division (L) (J)(3); the amendments to division (M) (K) that follow "Revised Code"; and the amendments to division (Q) (N)(3)	All amendments except those described in the middle column	125359
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	125360
3317.01	Division (B)	All amendments except those in division (B)	125361
3333.38	All amendments except the amendment described in the right-hand column	The amendment to division (A)(2) that strikes through "3333.27,"	125362
3345.32	All amendments except the amendment described in the right-hand column	The amendment to division (D) that strikes through "3333.27,"	125363
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	125364
4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the	125365

division numbering in
divisions (C)(16) and
(17)

5751.20 All amendments except The amendments to 125366
those described in the divisions (A)(2),
right-hand column (A)(3), and (B),
effective July 1, 2009

Section 812.40. The amendments by this act to sections 127.16 125367
and 2921.13 of the Revised Code are subject to the referendum and 125368
take effect as follows: 125369

(A) In the case of section 127.16 of the Revised Code, the 125370
amendment to division (D)(34) of the section takes effect on the 125371
ninety-first day after this act is filed with the Secretary of 125372
State, and the amendment to divisions (D)(35) and (36) of the 125373
section takes effect on July 1, 2009. 125374

(B) In the case of section 2921.13 of the Revised Code, the 125375
amendments take effect July 1, 2009. 125376

Section 812.50. The amendment by this act of section 4511.81 125377
of the Revised Code takes effect at the earliest time permitted by 125378
law that is on or after the date on which the section, as it 125379
results from Am. Sub. H.B. 320 of the 127th General Assembly, 125380
takes effect. 125381

Section 815.10. The General Assembly, applying the principle 125382
stated in division (B) of section 1.52 of the Revised Code that 125383
amendments are to be harmonized if reasonably capable of 125384
simultaneous operation, finds that the following sections, 125385
presented in this act as composites of the sections as amended by 125386
the acts indicated, are the resulting versions of the sections in 125387
effect prior to the effective date of the sections as presented in 125388
this act: 125389

Section 9.314 of the Revised Code as amended by Am. Sub. H.B. 106 and Sub. H.B. 204, both of the 125th General Assembly.	125390 125391
Section 109.572 of the Revised Code as amended by Sub. H.B. 195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General Assembly.	125392 125393 125394
Section 109.77 of the Revised Code as amended by Am. Sub. H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General Assembly.	125395 125396 125397
Section 121.37 of the Revised Code as amended by both Sub. H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly.	125398 125399
Section 122.075 of the Revised Code as amended by Sub. H.B. 245 and Sub. H.B. 251, both of the 126th General Assembly.	125400 125401
Section 149.43 of the Revised Code as amended by Am. Sub. H.B. 214 and Am. Sub. S.B. 248, both of the 127th General Assembly.	125402 125403 125404
Section 1511.01 of the Revised Code as amended by Am. Sub. S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly.	125405 125406
Section 1520.02 of the Revised Code as amended by Sub. H.B. 443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	125407 125408
Section 1547.99 of the Revised Code as amended by Am. Sub. S.B. 17 and Am. Sub. S.B. 271, both of the 127th General Assembly.	125409 125410 125411
Section 2913.46 of the Revised Code as amended by Am. Sub. S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the 121st General Assembly.	125412 125413 125414
Section 3313.614 of the Revised Code as amended by Am. Sub. H.B. 276 and Am. Sub. S.B. 311, both of the 126th General Assembly.	125415 125416 125417
Section 3313.64 of the Revised Code as amended by Am. Sub. H.B. 119 and Am. Sub. H.B. 214, both of the 127th General	125418 125419

Assembly.	125420
Section 3319.291 of the Revised Code as amended by Sub. H.B. 428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	125421 125422
Section 3733.02 of the Revised Code as amended by Am. Sub. H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	125423 125424
Section 4169.02 of the Revised Code as amended by Sub. H.B. 535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	125425 125426
Section 4169.04 of the Revised Code as amended by Am. Sub. H.B. 535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	125427 125428 125429
Section 4301.355 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	125430 125431
Section 4303.182 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	125432 125433
Section 4507.03 of the Revised Code as amended by Sub. S.B. 96 of the 120th General Assembly and Sub. H.B. 9 of the 127th General Assembly.	125434 125435 125436
Section 4763.05 of the Revised Code as amended by Am. Sub. H.B. 699 and Am. Sub. S.B. 223, both of the 126th General Assembly.	125437 125438 125439
Section 4767.08 of the Revised Code as amended by Am. Sub. H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly.	125440 125441