

elections with which the petition was filed declares the petition 124123
invalid, the board of elections, within five days, shall notify 124124
the board of county commissioners and the tax commissioner of that 124125
declaration by certified mail. If the petition is declared to be 124126
invalid, the effective date of the tax or increased rate of tax 124127
levied by this section shall be the first day of a calendar 124128
quarter following the expiration of sixty-five days from the date 124129
the commissioner receives notice from the board of elections that 124130
the petition is invalid. 124131

(B)(1) A resolution that is not adopted as an emergency 124132
measure may direct the board of elections to submit the question 124133
of levying the tax or increasing the rate of tax to the electors 124134
of the county at a special election held on the date specified by 124135
the board of county commissioners in the resolution, provided that 124136
the election occurs not less than ninety days after a certified 124137
copy of such resolution is transmitted to the board of elections 124138
and the election is not held in February or August of any year. 124139
Upon transmission of the resolution to the board of elections, the 124140
board of county commissioners shall notify the tax commissioner in 124141
writing of the levy question to be submitted to the electors. No 124142
resolution adopted under this division shall go into effect unless 124143
approved by a majority of those voting upon it, and, except as 124144
provided in division (B)(3) of this section, shall become 124145
effective on the first day of a calendar quarter following the 124146
expiration of sixty-five days from the date the tax commissioner 124147
receives notice from the board of elections of the affirmative 124148
vote. 124149

(2) A resolution that is adopted as an emergency measure 124150
shall go into effect as provided in division (A) of this section, 124151
but may direct the board of elections to submit the question of 124152
repealing the tax or increase in the rate of the tax to the 124153
electors of the county at the next general election in the county 124154

occurring not less than ninety days after a certified copy of the 124155
resolution is transmitted to the board of elections. Upon 124156
transmission of the resolution to the board of elections, the 124157
board of county commissioners shall notify the tax commissioner in 124158
writing of the levy question to be submitted to the electors. The 124159
ballot question shall be the same as that prescribed in section 124160
5739.022 of the Revised Code. The board of elections shall notify 124161
the board of county commissioners and the tax commissioner of the 124162
result of the election immediately after the result has been 124163
declared. If a majority of the qualified electors voting on the 124164
question of repealing the tax or increase in the rate of the tax 124165
vote for repeal of the tax or repeal of the increase, the board of 124166
county commissioners, on the first day of a calendar quarter 124167
following the expiration of sixty-five days after the date the 124168
board and tax commissioner receive notice of the result of the 124169
election, shall, in the case of a repeal of the tax, cease to levy 124170
the tax, or, in the case of a repeal of an increase in the rate of 124171
the tax, cease to levy the increased rate and levy the tax at the 124172
rate at which it was imposed immediately prior to the increase in 124173
rate. 124174

(3) If a vendor that is registered with the central 124175
electronic registration system provided for in section 5740.05 of 124176
the Revised Code makes a sale in this state by printed catalog and 124177
the consumer computed the tax on the sale based on local rates 124178
published in the catalog, any tax levied or repealed or rate 124179
changed under this section shall not apply to such a sale until 124180
the first day of a calendar quarter following the expiration of 124181
one hundred twenty days from the date of notice by the tax 124182
commissioner pursuant to division (H) of this section. 124183

(C) If a resolution is rejected at a referendum or if a 124184
resolution adopted after January 1, 1982, as an emergency measure 124185
is repealed by the electors pursuant to division (B)(2) of this 124186

section or section 5739.022 of the Revised Code, then for one year 124187
after the date of the election at which the resolution was 124188
rejected or repealed the board of county commissioners may not 124189
adopt any resolution authorized by this section as an emergency 124190
measure. 124191

(D) The board of county commissioners, at any time while a 124192
tax levied under this section is in effect, may by resolution 124193
reduce the rate at which the tax is levied to a lower rate 124194
authorized by this section. Any reduction in the rate at which the 124195
tax is levied shall be made effective on the first day of a 124196
calendar quarter next following the sixty-fifth day after a 124197
certified copy of the resolution is delivered to the tax 124198
commissioner. 124199

(E) The tax on every retail sale subject to a tax levied 124200
pursuant to this section shall be in addition to the tax levied by 124201
section 5739.02 of the Revised Code and any tax levied pursuant to 124202
section 5739.023 or 5739.026 of the Revised Code. 124203

A county that levies a tax pursuant to this section shall 124204
levy a tax at the same rate pursuant to section 5741.021 of the 124205
Revised Code. 124206

The additional tax levied by the county shall be collected 124207
pursuant to section 5739.025 of the Revised Code. If the 124208
additional tax or some portion thereof is levied for the purpose 124209
of criminal and administrative justice services, the revenue from 124210
the tax, or the amount or rate apportioned to that purpose, shall 124211
be credited to a special fund created in the county treasury for 124212
receipt of that revenue. 124213

Any tax levied pursuant to this section is subject to the 124214
exemptions provided in section 5739.02 of the Revised Code and in 124215
addition shall not be applicable to sales not within the taxing 124216
power of a county under the Constitution of the United States or 124217

the Ohio Constitution. 124218

(F) For purposes of this section, a copy of a resolution is 124219
"certified" when it contains a written statement attesting that 124220
the copy is a true and exact reproduction of the original 124221
resolution. 124222

(G) If a board of commissioners intends to adopt a resolution 124223
to levy a tax in whole or in part for the purpose of criminal and 124224
administrative justice services, the board shall prepare and make 124225
available at the first public hearing at which the resolution is 124226
considered a statement containing the following information: 124227

(1) For each of the two preceding fiscal years, the amount of 124228
expenditures made by the county from the county general fund for 124229
the purpose of criminal and administrative justice services; 124230

(2) For the fiscal year in which the resolution is adopted, 124231
the board's estimate of the amount of expenditures to be made by 124232
the county from the county general fund for the purpose of 124233
criminal and administrative justice services; 124234

(3) For each of the two fiscal years after the fiscal year in 124235
which the resolution is adopted, the board's preliminary plan for 124236
expenditures to be made from the county general fund for the 124237
purpose of criminal and administrative justice services, both 124238
under the assumption that the tax will be imposed for that purpose 124239
and under the assumption that the tax would not be imposed for 124240
that purpose, and for expenditures to be made from the special 124241
fund created under division (E) of this section under the 124242
assumption that the tax will be imposed for that purpose. 124243

The board shall prepare the statement and the preliminary 124244
plan using the best information available to the board at the time 124245
the statement is prepared. Neither the statement nor the 124246
preliminary plan shall be used as a basis to challenge the 124247
validity of the tax in any court of competent jurisdiction, nor 124248

shall the statement or preliminary plan limit the authority of the 124249
board to appropriate, pursuant to section 5705.38 of the Revised 124250
Code, an amount different from that specified in the preliminary 124251
plan. 124252

(H) Upon receipt from a board of county commissioners of a 124253
certified copy of a resolution required by division (A) or (D) of 124254
this section, or from the board of elections of a notice of the 124255
results of an election required by division (A) or (B)(1) or (2) 124256
of this section, the tax commissioner shall provide notice of a 124257
tax rate change in a manner that is reasonably accessible to all 124258
affected vendors. The commissioner shall provide this notice at 124259
least sixty days prior to the effective date of the rate change. 124260
The commissioner, by rule, may establish the method by which 124261
notice will be provided. 124262

(I) As used in this section, "criminal and administrative 124263
justice services" means the exercise by the county sheriff of all 124264
powers and duties vested in that office by law; the exercise by 124265
the county prosecuting attorney of all powers and duties vested in 124266
that office by law; the exercise by any court in the county of all 124267
powers and duties vested in that court; the exercise by the clerk 124268
of the court of common pleas, any clerk of a municipal court 124269
having jurisdiction throughout the county, or the clerk of any 124270
county court of all powers and duties vested in the clerk by law 124271
except, in the case of the clerk of the court of common pleas, the 124272
titling of motor vehicles or watercraft pursuant to Chapter 1548. 124273
or 4505. of the Revised Code; the exercise by the county coroner 124274
of all powers and duties vested in that office by law; making 124275
payments to any other public agency or a private, nonprofit 124276
agency, the purposes of which in the county include the diversion, 124277
adjudication, detention, or rehabilitation of criminals or 124278
juvenile offenders; the operation and maintenance of any detention 124279
facility, as defined in section 2921.01 of the Revised Code; and 124280

the construction, acquisition, equipping, or repair of such a 124281
detention facility, including the payment of any debt charges 124282
incurred in the issuance of securities pursuant to Chapter 133. of 124283
the Revised Code for the purpose of constructing, acquiring, 124284
equipping, or repairing such a facility. 124285

Sec. 5739.022. (A) The question of repeal of either a county 124286
permissive tax or an increase in the rate of a county permissive 124287
tax that was adopted as an emergency measure pursuant to section 124288
5739.021 or 5739.026 of the Revised Code may be initiated by 124289
filing with the board of elections of the county not less than 124290
ninety days before the general election in any year a petition 124291
requesting that an election be held on the question. The question 124292
of repealing an increase in the rate of the county permissive tax 124293
shall be submitted to the electors as a separate question from the 124294
repeal of the tax in effect prior to the increase in the rate. Any 124295
petition filed under this section shall be signed by qualified 124296
electors residing in the county equal in number to ten per cent of 124297
those voting for governor at the most recent gubernatorial 124298
election. 124299

After determination by it that the petition is valid, the 124300
board of elections shall submit the question to the electors of 124301
the county at the next general election. The election shall be 124302
conducted, canvassed, and certified in the same manner as regular 124303
elections for county offices in the county. The board of elections 124304
shall notify the tax commissioner, in writing, of the election 124305
upon determining that the petition is valid. Notice of the 124306
election shall also be published in a newspaper of general 124307
circulation in the district once a week for two consecutive weeks, 124308
or as provided in section 7.16 of the Revised Code, prior to the 124309
election, ~~and, if.~~ If the board of elections operates and 124310
maintains a web site, the board of elections shall post notice of 124311
the election on its web site for thirty days prior to the 124312

election. The notice shall state the purpose, time, and place of 124313
the election. The form of the ballot cast at the election shall be 124314
prescribed by the secretary of state; however, the ballot question 124315
shall read, "shall the tax (or, increase in the rate of the tax) 124316
be retained? 124317

	Yes
	No

"

124318
124319
124320
124321
The question covered by the petition shall be submitted as a 124322
separate proposition, but it may be printed on the same ballot 124323
with any other proposition submitted at the same election other 124324
than the election of officers. 124325

(B) If a majority of the qualified electors voting on the 124326
question of repeal of either a county permissive tax or an 124327
increase in the rate of a county permissive tax approve the 124328
repeal, the board of elections shall notify the board of county 124329
commissioners and the tax commissioner of the result of the 124330
election immediately after the result has been declared. The board 124331
of county commissioners shall, on the first day of the calendar 124332
quarter following the expiration of sixty-five days after the date 124333
the board and the tax commissioner receive the notice, in the case 124334
of a repeal of a county permissive tax, cease to levy the tax, or, 124335
in the case of a repeal of an increase in the rate of a county 124336
permissive tax, levy the tax at the rate at which it was imposed 124337
immediately prior to the increase in rate and cease to levy the 124338
increased rate. 124339

(C) Upon receipt from a board of elections of a notice of the 124340
results of an election required by division (B) of this section, 124341
the tax commissioner shall provide notice of a tax repeal or rate 124342
change in a manner that is reasonably accessible to all affected 124343

vendors. The commissioner shall provide this notice at least sixty 124344
days prior to the effective date of the rate change. The 124345
commissioner, by rule, may establish the method by which notice 124346
will be provided. 124347

(D) If a vendor that is registered with the central 124348
electronic registration system provided for in section 5740.05 of 124349
the Revised Code makes a sale in this state by printed catalog and 124350
the consumer computed the tax on the sale based on local rates 124351
published in the catalog, any tax repealed or rate changed under 124352
this section shall not apply to such a sale until the first day of 124353
a calendar quarter following the expiration of one hundred twenty 124354
days from the date of notice by the tax commissioner pursuant to 124355
division (C) of this section. 124356

Sec. 5739.026. (A) A board of county commissioners may levy a 124357
tax of one-fourth or one-half of one per cent on every retail sale 124358
in the county, except sales of watercraft and outboard motors 124359
required to be titled pursuant to Chapter 1548. of the Revised 124360
Code and sales of motor vehicles, and may increase an existing 124361
rate of one-fourth of one per cent to one-half of one per cent, to 124362
pay the expenses of administering the tax and, except as provided 124363
in division (A)(6) of this section, for any one or more of the 124364
following purposes provided that the aggregate levy for all such 124365
purposes does not exceed one-half of one per cent: 124366

(1) To provide additional revenues for the payment of bonds 124367
or notes issued in anticipation of bonds issued by a convention 124368
facilities authority established by the board of county 124369
commissioners under Chapter 351. of the Revised Code and to 124370
provide additional operating revenues for the convention 124371
facilities authority; 124372

(2) To provide additional revenues for a transit authority 124373
operating in the county; 124374

(3) To provide additional revenue for the county's general fund;	124375 124376
(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;	124377 124378 124379 124380 124381
(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133. of the Revised Code for the acquisition, construction, equipping, or repair of the specific permanent improvement or class or group of permanent improvements;	124382 124383 124384 124385 124386 124387 124388 124389 124390 124391
(6) To provide revenue for the implementation and operation of a 9-1-1 system in the county. If the tax is levied or the rate increased exclusively for such purpose, the tax shall not be levied or the rate increased for more than five years. At the end of the last year the tax is levied or the rate increased, any balance remaining in the special fund established for such purpose shall remain in that fund and be used exclusively for such purpose until the fund is completely expended, and, notwithstanding section 5705.16 of the Revised Code, the board of county commissioners shall not petition for the transfer of money from such special fund, and the tax commissioner shall not approve such a petition.	124392 124393 124394 124395 124396 124397 124398 124399 124400 124401 124402 124403
If the tax is levied or the rate increased for such purpose for more than five years, the board of county commissioners also shall levy the tax or increase the rate of the tax for one or more	124404 124405 124406

of the purposes described in divisions (A)(1) to (5) of this 124407
section and shall prescribe the method for allocating the revenues 124408
from the tax each year in the manner required by division (C) of 124409
this section. 124410

(7) To provide additional revenue for the operation or 124411
maintenance of a detention facility, as that term is defined under 124412
division (F) of section 2921.01 of the Revised Code; 124413

(8) To provide revenue to finance the construction or 124414
renovation of a sports facility, but only if the tax is levied for 124415
that purpose in the manner prescribed by section 5739.028 of the 124416
Revised Code. 124417

As used in division (A)(8) of this section: 124418

(a) "Sports facility" means a facility intended to house 124419
major league professional athletic teams. 124420

(b) "Constructing" or "construction" includes providing 124421
fixtures, furnishings, and equipment. 124422

(9) To provide additional revenue for the acquisition of 124423
agricultural easements, as defined in section 5301.67 of the 124424
Revised Code; to pay principal, interest, and premium on bonds 124425
issued under section 133.60 of the Revised Code; and for the 124426
supervision and enforcement of agricultural easements held by the 124427
county; 124428

(10) To provide revenue for the provision of ambulance, 124429
paramedic, or other emergency medical services. 124430

Pursuant to section 755.171 of the Revised Code, a board of 124431
county commissioners may pledge and contribute revenue from a tax 124432
levied for the purpose of division (A)(5) of this section to the 124433
payment of debt charges on bonds issued under section 755.17 of 124434
the Revised Code. 124435

The rate of tax shall be a multiple of one-fourth of one per 124436

cent, unless a portion of the rate of an existing tax levied under 124437
section 5739.023 of the Revised Code has been reduced, and the 124438
rate of tax levied under this section has been increased, pursuant 124439
to section 5739.028 of the Revised Code, in which case the 124440
aggregate of the rates of tax levied under this section and 124441
section 5739.023 of the Revised Code shall be a multiple of 124442
one-fourth of one per cent. The tax shall be levied and the rate 124443
increased pursuant to a resolution adopted by a majority of the 124444
members of the board. The board shall deliver a certified copy of 124445
the resolution to the tax commissioner, not later than the 124446
sixty-fifth day prior to the date on which the tax is to become 124447
effective, which shall be the first day of a calendar quarter. 124448

Prior to the adoption of any resolution to levy the tax or to 124449
increase the rate of tax exclusively for the purpose set forth in 124450
division (A)(3) of this section, the board of county commissioners 124451
shall conduct two public hearings on the resolution, the second 124452
hearing to be no fewer than three nor more than ten days after the 124453
first. Notice of the date, time, and place of the hearings shall 124454
be given by publication in a newspaper of general circulation in 124455
the county, or as provided in section 7.16 of the Revised Code, 124456
once a week on the same day of the week for two consecutive weeks, 124457
~~the.~~ The second publication being shall be no fewer than ten nor 124458
more than thirty days prior to the first hearing. Except as 124459
provided in division (E) of this section, the resolution shall be 124460
subject to a referendum as provided in sections 305.31 to 305.41 124461
of the Revised Code. If the resolution is adopted as an emergency 124462
measure necessary for the immediate preservation of the public 124463
peace, health, or safety, it must receive an affirmative vote of 124464
all of the members of the board of county commissioners and shall 124465
state the reasons for the necessity. 124466

If the tax is for more than one of the purposes set forth in 124467
divisions (A)(1) to (7), (9), and (10) of this section, or is 124468

exclusively for one of the purposes set forth in division (A)(1), 124469
(2), (4), (5), (6), (7), (9), or (10) of this section, the 124470
resolution shall not go into effect unless it is approved by a 124471
majority of the electors voting on the question of the tax. 124472

(B) The board of county commissioners shall adopt a 124473
resolution under section 351.02 of the Revised Code creating the 124474
convention facilities authority, or under section 307.283 of the 124475
Revised Code creating the community improvements board, before 124476
adopting a resolution levying a tax for the purpose of a 124477
convention facilities authority under division (A)(1) of this 124478
section or for the purpose of a community improvements board under 124479
division (A)(4) of this section. 124480

(C)(1) If the tax is to be used for more than one of the 124481
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 124482
this section, the board of county commissioners shall establish 124483
the method that will be used to determine the amount or proportion 124484
of the tax revenue received by the county during each year that 124485
will be distributed for each of those purposes, including, if 124486
applicable, provisions governing the reallocation of a convention 124487
facilities authority's allocation if the authority is dissolved 124488
while the tax is in effect. The allocation method may provide that 124489
different proportions or amounts of the tax shall be distributed 124490
among the purposes in different years, but it shall clearly 124491
describe the method that will be used for each year. Except as 124492
otherwise provided in division (C)(2) of this section, the 124493
allocation method established by the board is not subject to 124494
amendment during the life of the tax. 124495

(2) Subsequent to holding a public hearing on the proposed 124496
amendment, the board of county commissioners may amend the 124497
allocation method established under division (C)(1) of this 124498
section for any year, if the amendment is approved by the 124499
governing board of each entity whose allocation for the year would 124500

be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds

or notes are outstanding, no reduction of the county's allocation 124533
of the tax shall be made for any year, except to the extent that 124534
the reduced county allocation is sufficient to meet the debt 124535
service requirements for that year on the bonds or notes. 124536

(D)(1) The resolution levying the tax or increasing the rate 124537
of tax shall state the rate of the tax or the rate of the 124538
increase; the purpose or purposes for which it is to be levied; 124539
the number of years for which it is to be levied or that it is for 124540
a continuing period of time; the allocation method required by 124541
division (C) of this section; and if required to be submitted to 124542
the electors of the county under division (A) of this section, the 124543
date of the election at which the proposal shall be submitted to 124544
the electors of the county, which shall be not less than ninety 124545
days after the certification of a copy of the resolution to the 124546
board of elections and, if the tax is to be levied exclusively for 124547
the purpose set forth in division (A)(3) of this section, shall 124548
not occur in February or August of any year. Upon certification of 124549
the resolution to the board of elections, the board of county 124550
commissioners shall notify the tax commissioner in writing of the 124551
levy question to be submitted to the electors. If approved by a 124552
majority of the electors, the tax shall become effective on the 124553
first day of a calendar quarter next following the sixty-fifth day 124554
following the date the board of county commissioners and tax 124555
commissioner receive from the board of elections the certification 124556
of the results of the election, except as provided in division (E) 124557
of this section. 124558

(2)(a) A resolution specifying that the tax is to be used 124559
exclusively for the purpose set forth in division (A)(3) of this 124560
section that is not adopted as an emergency measure may direct the 124561
board of elections to submit the question of levying the tax or 124562
increasing the rate of the tax to the electors of the county at a 124563
special election held on the date specified by the board of county 124564

commissioners in the resolution, provided that the election occurs 124565
not less than ninety days after the resolution is certified to the 124566
board of elections and the election is not held in February or 124567
August of any year. Upon certification of the resolution to the 124568
board of elections, the board of county commissioners shall notify 124569
the tax commissioner in writing of the levy question to be 124570
submitted to the electors. No resolution adopted under division 124571
(D)(2)(a) of this section shall go into effect unless approved by 124572
a majority of those voting upon it and, except as provided in 124573
division (E) of this section, not until the first day of a 124574
calendar quarter following the expiration of sixty-five days from 124575
the date the tax commissioner receives notice from the board of 124576
elections of the affirmative vote. 124577

(b) A resolution specifying that the tax is to be used 124578
exclusively for the purpose set forth in division (A)(3) of this 124579
section that is adopted as an emergency measure shall become 124580
effective as provided in division (A) of this section, but may 124581
direct the board of elections to submit the question of repealing 124582
the tax or increase in the rate of the tax to the electors of the 124583
county at the next general election in the county occurring not 124584
less than ninety days after the resolution is certified to the 124585
board of elections. Upon certification of the resolution to the 124586
board of elections, the board of county commissioners shall notify 124587
the tax commissioner in writing of the levy question to be 124588
submitted to the electors. The ballot question shall be the same 124589
as that prescribed in section 5739.022 of the Revised Code. The 124590
board of elections shall notify the board of county commissioners 124591
and the tax commissioner of the result of the election immediately 124592
after the result has been declared. If a majority of the qualified 124593
electors voting on the question of repealing the tax or increase 124594
in the rate of the tax vote for repeal of the tax or repeal of the 124595
increase, the board of county commissioners, on the first day of a 124596
calendar quarter following the expiration of sixty-five days after 124597

the date the board and tax commissioner received notice of the 124598
result of the election, shall, in the case of a repeal of the tax, 124599
cease to levy the tax, or, in the case of a repeal of an increase 124600
in the rate of the tax, cease to levy the increased rate and levy 124601
the tax at the rate at which it was imposed immediately prior to 124602
the increase in rate. 124603

(c) A board of county commissioners, by resolution, may 124604
reduce the rate of a tax levied exclusively for the purpose set 124605
forth in division (A)(3) of this section to a lower rate 124606
authorized by this section. Any such reduction shall be made 124607
effective on the first day of the calendar quarter next following 124608
the sixty-fifth day after the tax commissioner receives a 124609
certified copy of the resolution from the board. 124610

(E) If a vendor that is registered with the central 124611
electronic registration system provided for in section 5740.05 of 124612
the Revised Code makes a sale in this state by printed catalog and 124613
the consumer computed the tax on the sale based on local rates 124614
published in the catalog, any tax levied or repealed or rate 124615
changed under this section shall not apply to such a sale until 124616
the first day of a calendar quarter following the expiration of 124617
one hundred twenty days from the date of notice by the tax 124618
commissioner pursuant to division (G) of this section. 124619

(F) The tax levied pursuant to this section shall be in 124620
addition to the tax levied by section 5739.02 of the Revised Code 124621
and any tax levied pursuant to section 5739.021 or 5739.023 of the 124622
Revised Code. 124623

A county that levies a tax pursuant to this section shall 124624
levy a tax at the same rate pursuant to section 5741.023 of the 124625
Revised Code. 124626

The additional tax levied by the county shall be collected 124627
pursuant to section 5739.025 of the Revised Code. 124628

Any tax levied pursuant to this section is subject to the 124629
exemptions provided in section 5739.02 of the Revised Code and in 124630
addition shall not be applicable to sales not within the taxing 124631
power of a county under the Constitution of the United States or 124632
the Ohio Constitution. 124633

(G) Upon receipt from a board of county commissioners of a 124634
certified copy of a resolution required by division (A) of this 124635
section, or from the board of elections a notice of the results of 124636
an election required by division (D)(1), (2)(a), (b), or (c) of 124637
this section, the tax commissioner shall provide notice of a tax 124638
rate change in a manner that is reasonably accessible to all 124639
affected vendors. The commissioner shall provide this notice at 124640
least sixty days prior to the effective date of the rate change. 124641
The commissioner, by rule, may establish the method by which 124642
notice will be provided. 124643

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 124644
has paid taxes to the treasurer of state or the treasurer of 124645
state's agent, or to the tax commissioner or the commissioner's 124646
agent, the commissioner shall refund to the vendor the amount of 124647
taxes paid if the vendor has refunded to the consumer the full 124648
amount of taxes the consumer paid illegally or erroneously or if 124649
the vendor has illegally or erroneously billed the consumer but 124650
has not collected the taxes from the consumer. 124651

(B) When, pursuant to this chapter, a consumer has paid taxes 124652
directly to the treasurer of state or the treasurer of state's 124653
agent, or to the tax commissioner or the commissioner's agent, and 124654
the payment or assessment was illegal or erroneous, the 124655
commissioner shall refund to the consumer the full amount of 124656
illegal or erroneous taxes paid. 124657

(C) The commissioner shall refund to the consumer taxes paid 124658
illegally or erroneously to a vendor only if: 124659

(1) The commissioner has not refunded the tax to the vendor 124660
and the vendor has not refunded the tax to the consumer; or 124661

(2) The consumer has received a refund from a manufacturer or 124662
other person, other than the vendor, of the full purchase price, 124663
but not the tax, paid to the vendor in settlement of a complaint 124664
by the consumer about the property or service purchased. 124665

The commissioner may require the consumer to obtain or the 124666
vendor to provide a written statement confirming that the vendor 124667
has not refunded the tax to the consumer and has not filed an 124668
application for refund of the tax with the commissioner. 124669

(D) ~~An~~ Subject to division (E) of this section, an 124670
application for refund shall be filed with the tax commissioner on 124671
the form prescribed by the commissioner within four years from the 124672
date of the illegal or erroneous payment of the tax, unless the 124673
vendor or consumer waives the time limitation under division 124674
(A)(3) of section 5739.16 of the Revised Code. If the time 124675
limitation is waived, the refund application period shall be 124676
extended for the same period as the waiver. 124677

(E) An application for refund shall be filed in accordance 124678
with division (D) of this section unless a person is subject to an 124679
assessment that is subject to the time limit of division (B) of 124680
section 5703.58 of the Revised Code for a tax not reported and 124681
paid between the four-year time limit described in division (D) of 124682
this section and the seven-year limit described in division (B) of 124683
section 5703.58 of the Revised Code, in which case the person may 124684
file an application within six months after the date the 124685
assessment is issued. Any refund allowed under this division shall 124686
not exceed the amount of the assessment due for the same period. 124687

(F) On the filing of an application for a refund, the 124688
commissioner shall determine the amount of refund to which the 124689
applicant is entitled. If the amount is not less than that 124690

claimed, the commissioner shall certify that amount to the 124691
director of budget and management and the treasurer of state for 124692
payment from the tax refund fund created by section 5703.052 of 124693
the Revised Code. If the amount is less than that claimed, the 124694
commissioner shall proceed in accordance with section 5703.70 of 124695
the Revised Code. 124696

~~(F)~~(G) When a refund is granted under this section, it shall 124697
include interest thereon as provided by section 5739.132 of the 124698
Revised Code. 124699

Sec. 5739.101. (A) The legislative authority of a municipal 124700
corporation, by ordinance, or of a township, by resolution, may 124701
declare the municipal corporation or township to be a resort area 124702
for the purposes of this section, if all of the following criteria 124703
are met: 124704

(1) According to statistics published by the federal 124705
government based on data compiled during the most recent decennial 124706
census of the United States, at least sixty-two per cent of total 124707
housing units in the municipal corporation or township are 124708
classified as "for seasonal, recreational, or occasional use"; 124709

(2) Entertainment and recreation facilities are provided 124710
within the municipal corporation or township that are primarily 124711
intended to provide seasonal leisure time activities for persons 124712
other than permanent residents of the municipal corporation or 124713
township; 124714

(3) The municipal corporation or township experiences 124715
seasonal peaks of employment and demand for government services as 124716
a direct result of the seasonal population increase. 124717

(B) For the purpose of providing revenue for its general 124718
fund, the legislative authority of a municipal corporation or 124719
township, in its ordinance or resolution declaring itself a resort 124720

area under this section, may levy a tax on the privilege of 124721
engaging in the business of either of the following: 124722

(1) Making sales in the municipal corporation or township, 124723
whether wholesale or retail, but including sales of food only to 124724
the extent such sales are subject to the tax levied under section 124725
5739.02 of the Revised Code; 124726

(2) Intrastate transportation of passengers or property 124727
primarily to or from the municipal corporation or township by a 124728
railroad, watercraft, or motor vehicle subject to regulation by 124729
the public utilities commission, except not including 124730
transportation of passengers as part of a tour or cruise in which 124731
the passengers will stay in the municipal corporation or township 124732
for no more than one hour. 124733

The tax is imposed upon and shall be paid by the person 124734
making the sales or transporting the passengers or property. The 124735
rate of the tax shall be one-half, one, or one and one-half per 124736
cent of the person's gross receipts derived from making the sales 124737
or transporting the passengers or property to or from the 124738
municipal corporation or township. 124739

(C) The tax shall take effect on the first day of the month 124740
that begins at least sixty days after the effective date of the 124741
ordinance or resolution in which it is levied. The legislative 124742
authority shall certify copies of the ordinance or resolution to 124743
the tax commissioner and treasurer of state within five days after 124744
its adoption. In addition, one time each week during the two weeks 124745
following the adoption of the ordinance or resolution, the 124746
legislative authority shall cause to be published in a newspaper 124747
of general circulation in the municipal corporation or township or 124748
as provided in section 7.16 of the Revised Code, a notice 124749
explaining the tax and stating the rate of the tax, the date it 124750
will take effect, and that persons subject to the tax must 124751
register with the tax commissioner under section 5739.103 of the 124752

Revised Code. 124753

(D) No more than once a year, and subject to the rates 124754
prescribed in division (B) of this section, the legislative 124755
authority of the municipal corporation or township, by ordinance 124756
or resolution, may increase or decrease the rate of a tax levied 124757
under this section. The legislative authority, by ordinance or 124758
resolution, at any time may repeal such a tax. The legislative 124759
authority shall certify to the tax commissioner and treasurer of 124760
state copies of the ordinance or resolution repealing or changing 124761
the rate of the tax within five days after its adoption. In 124762
addition, one time each week during the two weeks following the 124763
adoption of the ordinance or resolution, the legislative authority 124764
shall cause to be published in a newspaper of general circulation 124765
in the municipal corporation or township or as provided in section 124766
7.16 of the Revised Code, notice of the repeal or change. 124767

Sec. 5739.19. The tax commissioner may revoke any retail 124768
vendor's license upon ascertaining that the vendor has no need for 124769
the license because the vendor is not engaged in making taxable 124770
retail sales. Notice of the revocation shall be delivered to the 124771
vendor personally or by certified mail, ~~return receipt requested~~ 124772
or by an alternative delivery service as authorized under section 124773
5703.37 of the Revised Code. The revocation shall be effective on 124774
the first day of the month following the expiration of fifteen 124775
days after the vendor received the notice of the revocation. 124776

The revocation of the vendor's license shall be stayed if, 124777
within fifteen days after receiving notice of the revocation, the 124778
vendor objects, in writing, to the revocation. The commissioner 124779
shall consider the written objections of the vendor and issue a 124780
final determination on the revocation of the vendor's license. The 124781
commissioner's final determination may be appealed to the board of 124782
tax appeals pursuant to section 5717.02 of the Revised Code. The 124783

revocation shall be effective on the first day of the month 124784
following the expiration of all time limits for appeal. 124785

Sec. 5739.30. (A) No person, including any officer, employee, 124786
or trustee of a corporation or business trust, shall fail to file 124787
any return or report required to be filed by this chapter, or file 124788
or cause to be filed any incomplete, false or fraudulent return, 124789
report, or statement, or aid or abet another in the filing of any 124790
false or fraudulent return, report, or statement. 124791
124792

(B) If any vendor required to file monthly returns under 124793
section 5739.12 of the Revised Code fails, on two consecutive 124794
months or on three or more months within a twelve-month period, to 124795
file such returns when due or to pay the tax thereon, or if any 124796
vendor authorized by the tax commissioner to file semiannual 124797
returns fails on two or more occasions within a twenty-four month 124798
period, to file such returns when due or to pay the tax due 124799
thereon, the commissioner may do any of the following: 124800

(1) Require the vendor to furnish security in an amount equal 124801
to the average tax liability of the vendor for a period of one 124802
year, as determined by the commissioner from a review of returns 124803
or other information pertaining to the vendor, which amount shall 124804
in no event be less than one thousand dollars. The security may be 124805
in the form of a corporate surety bond, satisfactory to the 124806
commissioner, conditioned upon payment of the tax due with the 124807
returns from the vendor. The security shall be filed within ten 124808
days following the vendor's receipt of the notice from the 124809
commissioner of its requirements. 124810

(2) Suspend the license issued to the vendor pursuant to 124811
section 5739.17 of the Revised Code. The suspension shall be 124812
effective ten days after service of written notice to the vendor 124813
of the commissioner's intention to do so. The notice shall be 124814

served upon the vendor personally ~~or~~, by certified mail, or by an 124815
alternative delivery service as authorized under section 5703.37 124816
of the Revised Code. On the first day of the suspension, the 124817
commissioner shall cause to be posted, at every public entrance of 124818
the vendor's premises, a notice identifying the vendor and the 124819
location and informing the public that the vendor's license is 124820
under suspension and that no retail sales may be transacted at 124821
that location. No person, other than the commissioner or the 124822
commissioner's agent or employee, shall remove, cover, or deface 124823
the posted notice. No license which has been suspended under this 124824
section shall be reinstated, and no posted notice shall be 124825
removed, until the vendor has filed complete and correct returns 124826
for all periods in which no return had been filed and paid the 124827
full amount of the tax, penalties, and other charges due on those 124828
returns. 124829

A corporate surety bond filed under this section shall be 124830
returned to the vendor if, for a period of twelve consecutive 124831
months following the date the bond was filed, the vendor has filed 124832
all returns and remitted payment with them within the time 124833
prescribed in section 5739.12 of the Revised Code. 124834

Sec. 5747.01. Except as otherwise expressly provided or 124835
clearly appearing from the context, any term used in this chapter 124836
that is not otherwise defined in this section has the same meaning 124837
as when used in a comparable context in the laws of the United 124838
States relating to federal income taxes or if not used in a 124839
comparable context in those laws, has the same meaning as in 124840
section 5733.40 of the Revised Code. Any reference in this chapter 124841
to the Internal Revenue Code includes other laws of the United 124842
States relating to federal income taxes. 124843

As used in this chapter: 124844

(A) "Adjusted gross income" or "Ohio adjusted gross income" 124845

means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter.

"Undistributed net income of a trust" means the taxable income of 124877
the trust increased by (a)(i) the additions to adjusted gross 124878
income required under division (A) of this section and (ii) the 124879
personal exemptions allowed to the trust pursuant to section 124880
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 124881
deductions to adjusted gross income required under division (A) of 124882
this section, (ii) the amount of federal income taxes attributable 124883
to such income, and (iii) the amount of taxable income that has 124884
been included in the adjusted gross income of a beneficiary by 124885
reason of a prior accumulation distribution. Any undistributed net 124886
income included in the adjusted gross income of a beneficiary 124887
shall reduce the undistributed net income of the trust commencing 124888
with the earliest years of the accumulation period. 124889

(7) Deduct the amount of wages and salaries, if any, not 124890
otherwise allowable as a deduction but that would have been 124891
allowable as a deduction in computing federal adjusted gross 124892
income for the taxable year, had the targeted jobs credit allowed 124893
and determined under sections 38, 51, and 52 of the Internal 124894
Revenue Code not been in effect. 124895

(8) Deduct any interest or interest equivalent on public 124896
obligations and purchase obligations to the extent that the 124897
interest or interest equivalent is included in federal adjusted 124898
gross income. 124899

(9) Add any loss or deduct any gain resulting from the sale, 124900
exchange, or other disposition of public obligations to the extent 124901
that the loss has been deducted or the gain has been included in 124902
computing federal adjusted gross income. 124903

(10) Deduct or add amounts, as provided under section 5747.70 124904
of the Revised Code, related to contributions to variable college 124905
savings program accounts made or tuition units purchased pursuant 124906
to Chapter 3334. of the Revised Code. 124907

(11)(a) Deduct, to the extent not otherwise allowable as a 124908
deduction or exclusion in computing federal or Ohio adjusted gross 124909
income for the taxable year, the amount the taxpayer paid during 124910
the taxable year for medical care insurance and qualified 124911
long-term care insurance for the taxpayer, the taxpayer's spouse, 124912
and dependents. No deduction for medical care insurance under 124913
division (A)(11) of this section shall be allowed either to any 124914
taxpayer who is eligible to participate in any subsidized health 124915
plan maintained by any employer of the taxpayer or of the 124916
taxpayer's spouse, or to any taxpayer who is entitled to, or on 124917
application would be entitled to, benefits under part A of Title 124918
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 124919
301, as amended. For the purposes of division (A)(11)(a) of this 124920
section, "subsidized health plan" means a health plan for which 124921
the employer pays any portion of the plan's cost. The deduction 124922
allowed under division (A)(11)(a) of this section shall be the net 124923
of any related premium refunds, related premium reimbursements, or 124924
related insurance premium dividends received during the taxable 124925
year. 124926

(b) Deduct, to the extent not otherwise deducted or excluded 124927
in computing federal or Ohio adjusted gross income during the 124928
taxable year, the amount the taxpayer paid during the taxable 124929
year, not compensated for by any insurance or otherwise, for 124930
medical care of the taxpayer, the taxpayer's spouse, and 124931
dependents, to the extent the expenses exceed seven and one-half 124932
per cent of the taxpayer's federal adjusted gross income. 124933

(c) Deduct, to the extent not otherwise deducted or excluded 124934
in computing federal or Ohio adjusted gross income, any amount 124935
included in federal adjusted gross income under section 105 or not 124936
excluded under section 106 of the Internal Revenue Code solely 124937
because it relates to an accident and health plan for a person who 124938
otherwise would be a "qualifying relative" and thus a "dependent" 124939

under section 152 of the Internal Revenue Code but for the fact 124940
that the person fails to meet the income and support limitations 124941
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 124942

(d) For purposes of division (A)(11) of this section, 124943
"medical care" has the meaning given in section 213 of the 124944
Internal Revenue Code, subject to the special rules, limitations, 124945
and exclusions set forth therein, and "qualified long-term care" 124946
has the same meaning given in section 7702B(c) of the Internal 124947
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 124948
of this section, "dependent" includes a person who otherwise would 124949
be a "qualifying relative" and thus a "dependent" under section 124950
152 of the Internal Revenue Code but for the fact that the person 124951
fails to meet the income and support limitations under section 124952
152(d)(1)(B) and (C) of the Internal Revenue Code. 124953

(12)(a) Deduct any amount included in federal adjusted gross 124954
income solely because the amount represents a reimbursement or 124955
refund of expenses that in any year the taxpayer had deducted as 124956
an itemized deduction pursuant to section 63 of the Internal 124957
Revenue Code and applicable United States department of the 124958
treasury regulations. The deduction otherwise allowed under 124959
division (A)(12)(a) of this section shall be reduced to the extent 124960
the reimbursement is attributable to an amount the taxpayer 124961
deducted under this section in any taxable year. 124962

(b) Add any amount not otherwise included in Ohio adjusted 124963
gross income for any taxable year to the extent that the amount is 124964
attributable to the recovery during the taxable year of any amount 124965
deducted or excluded in computing federal or Ohio adjusted gross 124966
income in any taxable year. 124967

(13) Deduct any portion of the deduction described in section 124968
1341(a)(2) of the Internal Revenue Code, for repaying previously 124969
reported income received under a claim of right, that meets both 124970
of the following requirements: 124971

(a) It is allowable for repayment of an item that was	124972
included in the taxpayer's adjusted gross income for a prior	124973
taxable year and did not qualify for a credit under division (A)	124974
or (B) of section 5747.05 of the Revised Code for that year;	124975
(b) It does not otherwise reduce the taxpayer's adjusted	124976
gross income for the current or any other taxable year.	124977
(14) Deduct an amount equal to the deposits made to, and net	124978
investment earnings of, a medical savings account during the	124979
taxable year, in accordance with section 3924.66 of the Revised	124980
Code. The deduction allowed by division (A)(14) of this section	124981
does not apply to medical savings account deposits and earnings	124982
otherwise deducted or excluded for the current or any other	124983
taxable year from the taxpayer's federal adjusted gross income.	124984
(15)(a) Add an amount equal to the funds withdrawn from a	124985
medical savings account during the taxable year, and the net	124986
investment earnings on those funds, when the funds withdrawn were	124987
used for any purpose other than to reimburse an account holder	124988
for, or to pay, eligible medical expenses, in accordance with	124989
section 3924.66 of the Revised Code;	124990
(b) Add the amounts distributed from a medical savings	124991
account under division (A)(2) of section 3924.68 of the Revised	124992
Code during the taxable year.	124993
(16) Add any amount claimed as a credit under section	124994
5747.059 of the Revised Code to the extent that such amount	124995
satisfies either of the following:	124996
(a) The amount was deducted or excluded from the computation	124997
of the taxpayer's federal adjusted gross income as required to be	124998
reported for the taxpayer's taxable year under the Internal	124999
Revenue Code;	125000
(b) The amount resulted in a reduction of the taxpayer's	125001
federal adjusted gross income as required to be reported for any	125002

of the taxpayer's taxable years under the Internal Revenue Code. 125003

(17) Deduct the amount contributed by the taxpayer to an 125004
individual development account program established by a county 125005
department of job and family services pursuant to sections 329.11 125006
to 329.14 of the Revised Code for the purpose of matching funds 125007
deposited by program participants. On request of the tax 125008
commissioner, the taxpayer shall provide any information that, in 125009
the tax commissioner's opinion, is necessary to establish the 125010
amount deducted under division (A)(17) of this section. 125011

(18) Beginning in taxable year 2001 but not for any taxable 125012
year beginning after December 31, 2005, if the taxpayer is married 125013
and files a joint return and the combined federal adjusted gross 125014
income of the taxpayer and the taxpayer's spouse for the taxable 125015
year does not exceed one hundred thousand dollars, or if the 125016
taxpayer is single and has a federal adjusted gross income for the 125017
taxable year not exceeding fifty thousand dollars, deduct amounts 125018
paid during the taxable year for qualified tuition and fees paid 125019
to an eligible institution for the taxpayer, the taxpayer's 125020
spouse, or any dependent of the taxpayer, who is a resident of 125021
this state and is enrolled in or attending a program that 125022
culminates in a degree or diploma at an eligible institution. The 125023
deduction may be claimed only to the extent that qualified tuition 125024
and fees are not otherwise deducted or excluded for any taxable 125025
year from federal or Ohio adjusted gross income. The deduction may 125026
not be claimed for educational expenses for which the taxpayer 125027
claims a credit under section 5747.27 of the Revised Code. 125028

(19) Add any reimbursement received during the taxable year 125029
of any amount the taxpayer deducted under division (A)(18) of this 125030
section in any previous taxable year to the extent the amount is 125031
not otherwise included in Ohio adjusted gross income. 125032

(20)(a)(i) Add five-sixths of the amount of depreciation 125033
expense allowed by subsection (k) of section 168 of the Internal 125034

Revenue Code, including the taxpayer's proportionate or 125035
distributive share of the amount of depreciation expense allowed 125036
by that subsection to a pass-through entity in which the taxpayer 125037
has a direct or indirect ownership interest. 125038

(ii) Add five-sixths of the amount of qualifying section 179 125039
depreciation expense, including a person's proportionate or 125040
distributive share of the amount of qualifying section 179 125041
depreciation expense allowed to any pass-through entity in which 125042
the person has a direct or indirect ownership. For the purposes of 125043
this division, "qualifying section 179 depreciation expense" means 125044
the difference between (I) the amount of depreciation expense 125045
directly or indirectly allowed to the taxpayer under section 179 125046
of the Internal Revenue Code, and (II) the amount of depreciation 125047
expense directly or indirectly allowed to the taxpayer under 125048
section 179 of the Internal Revenue Code as that section existed 125049
on December 31, 2002. 125050

The tax commissioner, under procedures established by the 125051
commissioner, may waive the add-backs related to a pass-through 125052
entity if the taxpayer owns, directly or indirectly, less than 125053
five per cent of the pass-through entity. 125054

(b) Nothing in division (A)(20) of this section shall be 125055
construed to adjust or modify the adjusted basis of any asset. 125056

(c) To the extent the add-back required under division 125057
(A)(20)(a) of this section is attributable to property generating 125058
nonbusiness income or loss allocated under section 5747.20 of the 125059
Revised Code, the add-back shall be situated to the same location 125060
as the nonbusiness income or loss generated by the property for 125061
the purpose of determining the credit under division (A) of 125062
section 5747.05 of the Revised Code. Otherwise, the add-back shall 125063
be apportioned, subject to one or more of the four alternative 125064
methods of apportionment enumerated in section 5747.21 of the 125065
Revised Code. 125066

(d) For the purposes of division (A) of this section, net operating loss carryback and carryforward shall not include five-sixths of the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one-fifth of the amount so added for each of the five succeeding taxable years.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation resulted in or increased a federal net operating loss carryback or carryforward to a taxable year to which division (A)(20)(d) of this section does not apply.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded 125098
in computing federal or Ohio adjusted gross income for the taxable 125099
year, the amount the taxpayer received during the taxable year as 125100
a death benefit paid by the adjutant general under section 5919.33 125101
of the Revised Code. 125102

(24) Deduct, to the extent included in federal adjusted gross 125103
income and not otherwise allowable as a deduction or exclusion in 125104
computing federal or Ohio adjusted gross income for the taxable 125105
year, military pay and allowances received by the taxpayer during 125106
the taxable year for active duty service in the United States 125107
army, air force, navy, marine corps, or coast guard or reserve 125108
components thereof or the national guard. The deduction may not be 125109
claimed for military pay and allowances received by the taxpayer 125110
while the taxpayer is stationed in this state. 125111

(25) Deduct, to the extent not otherwise allowable as a 125112
deduction or exclusion in computing federal or Ohio adjusted gross 125113
income for the taxable year and not otherwise compensated for by 125114
any other source, the amount of qualified organ donation expenses 125115
incurred by the taxpayer during the taxable year, not to exceed 125116
ten thousand dollars. A taxpayer may deduct qualified organ 125117
donation expenses only once for all taxable years beginning with 125118
taxable years beginning in 2007. 125119

For the purposes of division (A)(25) of this section: 125120

(a) "Human organ" means all or any portion of a human liver, 125121
pancreas, kidney, intestine, or lung, and any portion of human 125122
bone marrow. 125123

(b) "Qualified organ donation expenses" means travel 125124
expenses, lodging expenses, and wages and salary forgone by a 125125
taxpayer in connection with the taxpayer's donation, while living, 125126
of one or more of the taxpayer's human organs to another human 125127
being. 125128

(26) Deduct, to the extent not otherwise deducted or excluded 125129
in computing federal or Ohio adjusted gross income for the taxable 125130
year, amounts received by the taxpayer as retired military 125131
personnel pay for service in the United States army, navy, air 125132
force, coast guard, or marine corps or reserve components thereof, 125133
or the national guard, or received by the surviving spouse or 125134
former spouse of such a taxpayer under the survivor benefit plan 125135
on account of such a taxpayer's death. If the taxpayer receives 125136
income on account of retirement paid under the federal civil 125137
service retirement system or federal employees retirement system, 125138
or under any successor retirement program enacted by the congress 125139
of the United States that is established and maintained for 125140
retired employees of the United States government, and such 125141
retirement income is based, in whole or in part, on credit for the 125142
taxpayer's military service, the deduction allowed under this 125143
division shall include only that portion of such retirement income 125144
that is attributable to the taxpayer's military service, to the 125145
extent that portion of such retirement income is otherwise 125146
included in federal adjusted gross income and is not otherwise 125147
deducted under this section. Any amount deducted under division 125148
(A)(26) of this section is not included in a taxpayer's adjusted 125149
gross income for the purposes of section 5747.055 of the Revised 125150
Code. No amount may be deducted under division (A)(26) of this 125151
section on the basis of which a credit was claimed under section 125152
5747.055 of the Revised Code. 125153

(27) Deduct, to the extent not otherwise deducted or excluded 125154
in computing federal or Ohio adjusted gross income for the taxable 125155
year, the amount the taxpayer received during the taxable year 125156
from the military injury relief fund created in section 5101.98 of 125157
the Revised Code. 125158

(28) Deduct, to the extent not otherwise deducted or excluded 125159
in computing federal or Ohio adjusted gross income for the taxable 125160

year, the amount the taxpayer received as a veterans bonus during 125161
the taxable year from the Ohio department of veterans services as 125162
authorized by Section 2r of Article VIII, Ohio Constitution. 125163

(29) Deduct, to the extent not otherwise deducted or excluded 125164
in computing federal or Ohio adjusted gross income for the taxable 125165
year, any loss from wagering transactions that is allowed as an 125166
itemized deduction under section 165 of the Internal Revenue Code 125167
and that the taxpayer deducted in computing federal taxable 125168
income. 125169

(30) Deduct, to the extent not otherwise deducted or excluded 125170
in computing federal or Ohio adjusted gross income for the taxable 125171
year, any income derived from providing public services under a 125172
contract through a project owned by the state, as described in 125173
section 126.604 of the Revised Code or derived from a transfer 125174
agreement or from the enterprise transferred under that agreement 125175
under section 4313.02 of the Revised Code. 125176

(B) "Business income" means income, including gain or loss, 125177
arising from transactions, activities, and sources in the regular 125178
course of a trade or business and includes income, gain, or loss 125179
from real property, tangible property, and intangible property if 125180
the acquisition, rental, management, and disposition of the 125181
property constitute integral parts of the regular course of a 125182
trade or business operation. "Business income" includes income, 125183
including gain or loss, from a partial or complete liquidation of 125184
a business, including, but not limited to, gain or loss from the 125185
sale or other disposition of goodwill. 125186

(C) "Nonbusiness income" means all income other than business 125187
income and may include, but is not limited to, compensation, rents 125188
and royalties from real or tangible personal property, capital 125189
gains, interest, dividends and distributions, patent or copyright 125190
royalties, or lottery winnings, prizes, and awards. 125191

(D) "Compensation" means any form of remuneration paid to an employee for personal services.	125192 125193
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	125194 125195 125196
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	125197 125198
(G) "Individual" means any natural person.	125199
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	125200 125201
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	125202 125203 125204
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	125205 125206
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	125207 125208 125209 125210
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	125211 125212 125213
For the purposes of division (I)(3) of this section:	125214
(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:	125215 125216 125217 125218 125219 125220
(i) A person, a court, or a governmental entity or	125221

instrumentality on account of the death of a decedent, but only if 125222
the trust is described in division (I)(3)(e)(i) or (ii) of this 125223
section; 125224

(ii) A person who was domiciled in this state for the 125225
purposes of this chapter when the person directly or indirectly 125226
transferred assets to an irrevocable trust, but only if at least 125227
one of the trust's qualifying beneficiaries is domiciled in this 125228
state for the purposes of this chapter during all or some portion 125229
of the trust's current taxable year; 125230

(iii) A person who was domiciled in this state for the 125231
purposes of this chapter when the trust document or instrument or 125232
part of the trust document or instrument became irrevocable, but 125233
only if at least one of the trust's qualifying beneficiaries is a 125234
resident domiciled in this state for the purposes of this chapter 125235
during all or some portion of the trust's current taxable year. If 125236
a trust document or instrument became irrevocable upon the death 125237
of a person who at the time of death was domiciled in this state 125238
for purposes of this chapter, that person is a person described in 125239
division (I)(3)(a)(iii) of this section. 125240

(b) A trust is irrevocable to the extent that the transferor 125241
is not considered to be the owner of the net assets of the trust 125242
under sections 671 to 678 of the Internal Revenue Code. 125243

(c) With respect to a trust other than a charitable lead 125244
trust, "qualifying beneficiary" has the same meaning as "potential 125245
current beneficiary" as defined in section 1361(e)(2) of the 125246
Internal Revenue Code, and with respect to a charitable lead trust 125247
"qualifying beneficiary" is any current, future, or contingent 125248
beneficiary, but with respect to any trust "qualifying 125249
beneficiary" excludes a person or a governmental entity or 125250
instrumentality to any of which a contribution would qualify for 125251
the charitable deduction under section 170 of the Internal Revenue 125252
Code. 125253

(d) For the purposes of division (I)(3)(a) of this section, 125254
the extent to which a trust consists directly or indirectly, in 125255
whole or in part, of assets, net of any related liabilities, that 125256
were transferred directly or indirectly, in whole or part, to the 125257
trust by any of the sources enumerated in that division shall be 125258
ascertained by multiplying the fair market value of the trust's 125259
assets, net of related liabilities, by the qualifying ratio, which 125260
shall be computed as follows: 125261

(i) The first time the trust receives assets, the numerator 125262
of the qualifying ratio is the fair market value of those assets 125263
at that time, net of any related liabilities, from sources 125264
enumerated in division (I)(3)(a) of this section. The denominator 125265
of the qualifying ratio is the fair market value of all the 125266
trust's assets at that time, net of any related liabilities. 125267

(ii) Each subsequent time the trust receives assets, a 125268
revised qualifying ratio shall be computed. The numerator of the 125269
revised qualifying ratio is the sum of (1) the fair market value 125270
of the trust's assets immediately prior to the subsequent 125271
transfer, net of any related liabilities, multiplied by the 125272
qualifying ratio last computed without regard to the subsequent 125273
transfer, and (2) the fair market value of the subsequently 125274
transferred assets at the time transferred, net of any related 125275
liabilities, from sources enumerated in division (I)(3)(a) of this 125276
section. The denominator of the revised qualifying ratio is the 125277
fair market value of all the trust's assets immediately after the 125278
subsequent transfer, net of any related liabilities. 125279

(iii) Whether a transfer to the trust is by or from any of 125280
the sources enumerated in division (I)(3)(a) of this section shall 125281
be ascertained without regard to the domicile of the trust's 125282
beneficiaries. 125283

(e) For the purposes of division (I)(3)(a)(i) of this 125284
section: 125285

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the

transferor and either the decedent or the estate of the decedent 125317
at any time prior to the date of the decedent's death, and the 125318
decedent was domiciled in this state at the time of death for 125319
purposes of the taxes levied under Chapter 5731. of the Revised 125320
Code. 125321

(iv) The transfer is made to a trust on account of a 125322
contractual relationship existing directly or indirectly between 125323
the transferor and another person who at the time of the 125324
decedent's death was domiciled in this state for purposes of this 125325
chapter. 125326

(v) The transfer is made to a trust on account of the will of 125327
a testator who was domiciled in this state at the time of the 125328
testator's death for purposes of the taxes levied under Chapter 125329
5731. of the Revised Code. 125330

(vi) The transfer is made to a trust created by or caused to 125331
be created by a court, and the trust was directly or indirectly 125332
created in connection with or as a result of the death of an 125333
individual who, for purposes of the taxes levied under Chapter 125334
5731. of the Revised Code, was domiciled in this state at the time 125335
of the individual's death. 125336

(g) The tax commissioner may adopt rules to ascertain the 125337
part of a trust residing in this state. 125338

(J) "Nonresident" means an individual or estate that is not a 125339
resident. An individual who is a resident for only part of a 125340
taxable year is a nonresident for the remainder of that taxable 125341
year. 125342

(K) "Pass-through entity" has the same meaning as in section 125343
5733.04 of the Revised Code. 125344

(L) "Return" means the notifications and reports required to 125345
be filed pursuant to this chapter for the purpose of reporting the 125346
tax due and includes declarations of estimated tax when so 125347

required. 125348

(M) "Taxable year" means the calendar year or the taxpayer's 125349
fiscal year ending during the calendar year, or fractional part 125350
thereof, upon which the adjusted gross income is calculated 125351
pursuant to this chapter. 125352

(N) "Taxpayer" means any person subject to the tax imposed by 125353
section 5747.02 of the Revised Code or any pass-through entity 125354
that makes the election under division (D) of section 5747.08 of 125355
the Revised Code. 125356

(O) "Dependents" means dependents as defined in the Internal 125357
Revenue Code and as claimed in the taxpayer's federal income tax 125358
return for the taxable year or which the taxpayer would have been 125359
permitted to claim had the taxpayer filed a federal income tax 125360
return. 125361

(P) "Principal county of employment" means, in the case of a 125362
nonresident, the county within the state in which a taxpayer 125363
performs services for an employer or, if those services are 125364
performed in more than one county, the county in which the major 125365
portion of the services are performed. 125366

(Q) As used in sections 5747.50 to 5747.55 of the Revised 125367
Code: 125368

(1) "Subdivision" means any county, municipal corporation, 125369
park district, or township. 125370

(2) "Essential local government purposes" includes all 125371
functions that any subdivision is required by general law to 125372
exercise, including like functions that are exercised under a 125373
charter adopted pursuant to the Ohio Constitution. 125374

(R) "Overpayment" means any amount already paid that exceeds 125375
the figure determined to be the correct amount of the tax. 125376

(S) "Taxable income" or "Ohio taxable income" applies only to 125377

estates and trusts, and means federal taxable income, as defined	125378
and used in the Internal Revenue Code, adjusted as follows:	125379
(1) Add interest or dividends, net of ordinary, necessary,	125380
and reasonable expenses not deducted in computing federal taxable	125381
income, on obligations or securities of any state or of any	125382
political subdivision or authority of any state, other than this	125383
state and its subdivisions and authorities, but only to the extent	125384
that such net amount is not otherwise includible in Ohio taxable	125385
income and is described in either division (S)(1)(a) or (b) of	125386
this section:	125387
(a) The net amount is not attributable to the S portion of an	125388
electing small business trust and has not been distributed to	125389
beneficiaries for the taxable year;	125390
(b) The net amount is attributable to the S portion of an	125391
electing small business trust for the taxable year.	125392
(2) Add interest or dividends, net of ordinary, necessary,	125393
and reasonable expenses not deducted in computing federal taxable	125394
income, on obligations of any authority, commission,	125395
instrumentality, territory, or possession of the United States to	125396
the extent that the interest or dividends are exempt from federal	125397
income taxes but not from state income taxes, but only to the	125398
extent that such net amount is not otherwise includible in Ohio	125399
taxable income and is described in either division (S)(1)(a) or	125400
(b) of this section;	125401
(3) Add the amount of personal exemption allowed to the	125402
estate pursuant to section 642(b) of the Internal Revenue Code;	125403
(4) Deduct interest or dividends, net of related expenses	125404
deducted in computing federal taxable income, on obligations of	125405
the United States and its territories and possessions or of any	125406
authority, commission, or instrumentality of the United States to	125407
the extent that the interest or dividends are exempt from state	125408

taxes under the laws of the United States, but only to the extent 125409
that such amount is included in federal taxable income and is 125410
described in either division (S)(1)(a) or (b) of this section; 125411

(5) Deduct the amount of wages and salaries, if any, not 125412
otherwise allowable as a deduction but that would have been 125413
allowable as a deduction in computing federal taxable income for 125414
the taxable year, had the targeted jobs credit allowed under 125415
sections 38, 51, and 52 of the Internal Revenue Code not been in 125416
effect, but only to the extent such amount relates either to 125417
income included in federal taxable income for the taxable year or 125418
to income of the S portion of an electing small business trust for 125419
the taxable year; 125420

(6) Deduct any interest or interest equivalent, net of 125421
related expenses deducted in computing federal taxable income, on 125422
public obligations and purchase obligations, but only to the 125423
extent that such net amount relates either to income included in 125424
federal taxable income for the taxable year or to income of the S 125425
portion of an electing small business trust for the taxable year; 125426

(7) Add any loss or deduct any gain resulting from sale, 125427
exchange, or other disposition of public obligations to the extent 125428
that such loss has been deducted or such gain has been included in 125429
computing either federal taxable income or income of the S portion 125430
of an electing small business trust for the taxable year; 125431

(8) Except in the case of the final return of an estate, add 125432
any amount deducted by the taxpayer on both its Ohio estate tax 125433
return pursuant to section 5731.14 of the Revised Code, and on its 125434
federal income tax return in determining federal taxable income; 125435

(9)(a) Deduct any amount included in federal taxable income 125436
solely because the amount represents a reimbursement or refund of 125437
expenses that in a previous year the decedent had deducted as an 125438
itemized deduction pursuant to section 63 of the Internal Revenue 125439

Code and applicable treasury regulations. The deduction otherwise 125440
allowed under division (S)(9)(a) of this section shall be reduced 125441
to the extent the reimbursement is attributable to an amount the 125442
taxpayer or decedent deducted under this section in any taxable 125443
year. 125444

(b) Add any amount not otherwise included in Ohio taxable 125445
income for any taxable year to the extent that the amount is 125446
attributable to the recovery during the taxable year of any amount 125447
deducted or excluded in computing federal or Ohio taxable income 125448
in any taxable year, but only to the extent such amount has not 125449
been distributed to beneficiaries for the taxable year. 125450

(10) Deduct any portion of the deduction described in section 125451
1341(a)(2) of the Internal Revenue Code, for repaying previously 125452
reported income received under a claim of right, that meets both 125453
of the following requirements: 125454

(a) It is allowable for repayment of an item that was 125455
included in the taxpayer's taxable income or the decedent's 125456
adjusted gross income for a prior taxable year and did not qualify 125457
for a credit under division (A) or (B) of section 5747.05 of the 125458
Revised Code for that year. 125459

(b) It does not otherwise reduce the taxpayer's taxable 125460
income or the decedent's adjusted gross income for the current or 125461
any other taxable year. 125462

(11) Add any amount claimed as a credit under section 125463
5747.059 of the Revised Code to the extent that the amount 125464
satisfies either of the following: 125465

(a) The amount was deducted or excluded from the computation 125466
of the taxpayer's federal taxable income as required to be 125467
reported for the taxpayer's taxable year under the Internal 125468
Revenue Code; 125469

(b) The amount resulted in a reduction in the taxpayer's 125470

federal taxable income as required to be reported for any of the 125471
taxpayer's taxable years under the Internal Revenue Code. 125472

(12) Deduct any amount, net of related expenses deducted in 125473
computing federal taxable income, that a trust is required to 125474
report as farm income on its federal income tax return, but only 125475
if the assets of the trust include at least ten acres of land 125476
satisfying the definition of "land devoted exclusively to 125477
agricultural use" under section 5713.30 of the Revised Code, 125478
regardless of whether the land is valued for tax purposes as such 125479
land under sections 5713.30 to 5713.38 of the Revised Code. If the 125480
trust is a pass-through entity investor, section 5747.231 of the 125481
Revised Code applies in ascertaining if the trust is eligible to 125482
claim the deduction provided by division (S)(12) of this section 125483
in connection with the pass-through entity's farm income. 125484

Except for farm income attributable to the S portion of an 125485
electing small business trust, the deduction provided by division 125486
(S)(12) of this section is allowed only to the extent that the 125487
trust has not distributed such farm income. Division (S)(12) of 125488
this section applies only to taxable years of a trust beginning in 125489
2002 or thereafter. 125490

(13) Add the net amount of income described in section 641(c) 125491
of the Internal Revenue Code to the extent that amount is not 125492
included in federal taxable income. 125493

(14) Add or deduct the amount the taxpayer would be required 125494
to add or deduct under division (A)(20) or (21) of this section if 125495
the taxpayer's Ohio taxable income were computed in the same 125496
manner as an individual's Ohio adjusted gross income is computed 125497
under this section. In the case of a trust, division (S)(14) of 125498
this section applies only to any of the trust's taxable years 125499
beginning in 2002 or thereafter. 125500

(T) "School district income" and "school district income tax" 125501

have the same meanings as in section 5748.01 of the Revised Code. 125502

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 125503
of this section, "public obligations," "purchase obligations," and 125504
"interest or interest equivalent" have the same meanings as in 125505
section 5709.76 of the Revised Code. 125506

(V) "Limited liability company" means any limited liability 125507
company formed under Chapter 1705. of the Revised Code or under 125508
the laws of any other state. 125509

(W) "Pass-through entity investor" means any person who, 125510
during any portion of a taxable year of a pass-through entity, is 125511
a partner, member, shareholder, or equity investor in that 125512
pass-through entity. 125513

(X) "Banking day" has the same meaning as in section 1304.01 125514
of the Revised Code. 125515

(Y) "Month" means a calendar month. 125516

(Z) "Quarter" means the first three months, the second three 125517
months, the third three months, or the last three months of the 125518
taxpayer's taxable year. 125519

(AA)(1) "Eligible institution" means a state university or 125520
state institution of higher education as defined in section 125521
3345.011 of the Revised Code, or a private, nonprofit college, 125522
university, or other post-secondary institution located in this 125523
state that possesses a certificate of authorization issued by the 125524
Ohio board of regents pursuant to Chapter 1713. of the Revised 125525
Code or a certificate of registration issued by the state board of 125526
career colleges and schools under Chapter 3332. of the Revised 125527
Code. 125528

(2) "Qualified tuition and fees" means tuition and fees 125529
imposed by an eligible institution as a condition of enrollment or 125530
attendance, not exceeding two thousand five hundred dollars in 125531

each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of 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, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust

recognizes the gain or loss. 125563

Any gain or loss that is not a qualifying trust amount is 125564
modified business income, qualifying investment income, or 125565
modified nonbusiness income, as the case may be. 125566

(3) "Modified nonbusiness income" means a trust's Ohio 125567
taxable income other than modified business income, other than the 125568
qualifying trust amount, and other than qualifying investment 125569
income, as defined in section 5747.012 of the Revised Code, to the 125570
extent such qualifying investment income is not otherwise part of 125571
modified business income. 125572

(4) "Modified Ohio taxable income" applies only to trusts, 125573
and means the sum of the amounts described in divisions (BB)(4)(a) 125574
to (c) of this section: 125575

(a) The fraction, calculated under section 5747.013, and 125576
applying section 5747.231 of the Revised Code, multiplied by the 125577
sum of the following amounts: 125578

(i) The trust's modified business income; 125579

(ii) The trust's qualifying investment income, as defined in 125580
section 5747.012 of the Revised Code, but only to the extent the 125581
qualifying investment income does not otherwise constitute 125582
modified business income and does not otherwise constitute a 125583
qualifying trust amount. 125584

(b) The qualifying trust amount multiplied by a fraction, the 125585
numerator of which is the sum of the book value of the qualifying 125586
investee's physical assets in this state on the last day of the 125587
qualifying investee's fiscal or calendar year ending immediately 125588
prior to the day on which the trust recognizes the qualifying 125589
trust amount, and the denominator of which is the sum of the book 125590
value of the qualifying investee's total physical assets 125591
everywhere on the last day of the qualifying investee's fiscal or 125592
calendar year ending immediately prior to the day on which the 125593

trust recognizes the qualifying trust amount. If, for a taxable 125594
year, the trust recognizes a qualifying trust amount with respect 125595
to more than one qualifying investee, the amount described in 125596
division (BB)(4)(b) of this section shall equal the sum of the 125597
products so computed for each such qualifying investee. 125598

(c)(i) With respect to a trust or portion of a trust that is 125599
a resident as ascertained in accordance with division (I)(3)(d) of 125600
this section, its modified nonbusiness income. 125601

(ii) With respect to a trust or portion of a trust that is 125602
not a resident as ascertained in accordance with division 125603
(I)(3)(d) of this section, the amount of its modified nonbusiness 125604
income satisfying the descriptions in divisions (B)(2) to (5) of 125605
section 5747.20 of the Revised Code, except as otherwise provided 125606
in division (BB)(4)(c)(ii) of this section. With respect to a 125607
trust or portion of a trust that is not a resident as ascertained 125608
in accordance with division (I)(3)(d) of this section, the trust's 125609
portion of modified nonbusiness income recognized from the sale, 125610
exchange, or other disposition of a debt interest in or equity 125611
interest in a section 5747.212 entity, as defined in section 125612
5747.212 of the Revised Code, without regard to division (A) of 125613
that section, shall not be allocated to this state in accordance 125614
with section 5747.20 of the Revised Code but shall be apportioned 125615
to this state in accordance with division (B) of section 5747.212 125616
of the Revised Code without regard to division (A) of that 125617
section. 125618

If the allocation and apportionment of a trust's income under 125619
divisions (BB)(4)(a) and (c) of this section do not fairly 125620
represent the modified Ohio taxable income of the trust in this 125621
state, the alternative methods described in division (C) of 125622
section 5747.21 of the Revised Code may be applied in the manner 125623
and to the same extent provided in that section. 125624

(5)(a) Except as set forth in division (BB)(5)(b) of this 125625

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 with 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.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another

pass-through entity, and "lower level pass-through entity" means 125658
that other pass-through entity. 125659

An upper level pass-through entity, whether or not it is also 125660
a qualifying investee, is deemed to own, on the last day of the 125661
upper level pass-through entity's calendar or fiscal year, the 125662
proportionate share of the lower level pass-through entity's 125663
physical assets that the lower level pass-through entity directly 125664
or indirectly owns on the last day of the lower level pass-through 125665
entity's calendar or fiscal year ending within or with the last 125666
day of the upper level pass-through entity's fiscal or calendar 125667
year. If the upper level pass-through entity directly and 125668
indirectly owns less than fifty per cent of the equity of the 125669
lower level pass-through entity on each day of the upper level 125670
pass-through entity's calendar or fiscal year in which or with 125671
which ends the calendar or fiscal year of the lower level 125672
pass-through entity and if, based upon clear and convincing 125673
evidence, complete information about the location and cost of the 125674
physical assets of the lower pass-through entity is not available 125675
to the upper level pass-through entity, then solely for purposes 125676
of ascertaining if a gain or loss constitutes a qualifying trust 125677
amount, the upper level pass-through entity shall be deemed as 125678
owning no equity of the lower level pass-through entity for each 125679
day during the upper level pass-through entity's calendar or 125680
fiscal year in which or with which ends the lower level 125681
pass-through entity's calendar or fiscal year. Nothing in division 125682
(BB)(5)(a)(iii) of this section shall be construed to provide for 125683
any deduction or exclusion in computing any trust's Ohio taxable 125684
income. 125685

(b) With respect to a trust that is not a resident for the 125686
taxable year and with respect to a part of a trust that is not a 125687
resident for the taxable year, "qualifying investee" for that 125688
taxable year does not include a C corporation if both of the 125689

following apply:	125690
(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.	125691 125692 125693 125694
(ii) Such gain or loss constitutes nonbusiness income.	125695
(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.	125696 125697 125698 125699
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	125700 125701
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	125702 125703
(EE)(1) For the purposes of division (EE) of this section:	125704
(a) "Qualifying person" means any person other than a qualifying corporation.	125705 125706
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	125707 125708 125709
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	125710 125711 125712 125713
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	125714 125715 125716 125717
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly	125718 125719

or indirectly owned by any qualifying corporation. 125720

(FF) For purposes of this chapter and Chapter 5751. of the 125721
Revised Code: 125722

(1) "Trust" does not include a qualified pre-income tax 125723
trust. 125724

(2) A "qualified pre-income tax trust" is any pre-income tax 125725
trust that makes a qualifying pre-income tax trust election as 125726
described in division (FF)(3) of this section. 125727

(3) A "qualifying pre-income tax trust election" is an 125728
election by a pre-income tax trust to subject to the tax imposed 125729
by section 5751.02 of the Revised Code the pre-income tax trust 125730
and all pass-through entities of which the trust owns or controls, 125731
directly, indirectly, or constructively through related interests, 125732
five per cent or more of the ownership or equity interests. The 125733
trustee shall notify the tax commissioner in writing of the 125734
election on or before April 15, 2006. The election, if timely 125735
made, shall be effective on and after January 1, 2006, and shall 125736
apply for all tax periods and tax years until revoked by the 125737
trustee of the trust. 125738

(4) A "pre-income tax trust" is a trust that satisfies all of 125739
the following requirements: 125740

(a) The document or instrument creating the trust was 125741
executed by the grantor before January 1, 1972; 125742

(b) The trust became irrevocable upon the creation of the 125743
trust; and 125744

(c) The grantor was domiciled in this state at the time the 125745
trust was created. 125746

Sec. 5747.058. (A) A refundable income tax credit granted by 125747
the tax credit authority under section 122.17 or division (B)(2) 125748
or (3) of section 122.171 of the Revised Code may be claimed under 125749

this chapter, in the order required under section 5747.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the taxable year. The refundable credit shall not be claimed for any taxable years ending with or following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.171 of the Revised Code.

(B) A nonrefundable income tax credit granted by the tax credit authority under division (B)(1) of section 122.171 of the Revised Code may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code.

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 125782
shall certify the difference to the director of budget and 125783
management and treasurer of state for payment to the taxpayer in 125784
accordance with section 5747.11 of the Revised Code. For the 125785
purpose of any subsequent determination of the taxpayer's net tax 125786
payment, the contribution shall be considered a part of the refund 125787
paid to the taxpayer. 125788

(B) The tax commissioner shall provide a space on the income 125789
tax return form in which a taxpayer may indicate that the taxpayer 125790
wishes to make a donation in accordance with this section. The tax 125791
commissioner shall also print in the instructions accompanying the 125792
income tax return form a description of the purposes for which the 125793
natural areas and preserves fund, the nongame and endangered 125794
wildlife fund, ~~and~~ the military injury relief fund, and the Ohio 125795
historical society income tax contribution fund were created and 125796
the use of moneys from the income tax refund contribution system 125797
established in this section. No person shall designate on the 125798
person's income tax return any part of a refund claimed under 125799
section 5747.11 of the Revised Code as a contribution to any fund 125800
other than the natural areas and preserves fund, the nongame and 125801
endangered wildlife fund, the military injury relief fund, ~~or all~~ 125802
~~of those funds~~ the Ohio historical society income tax contribution 125803
fund. 125804

(C) The money collected under the income tax refund 125805
contribution system established in this section shall be deposited 125806
by the tax commissioner into the natural areas and preserves fund, 125807
the nongame and endangered wildlife fund, ~~and~~ the military injury 125808
relief fund, and the Ohio historical society income tax 125809
contribution fund in the amounts designated on the tax returns. 125810

(D) No later than the thirtieth day of September each year, 125811
the tax commissioner shall determine the total amount contributed 125812
to each fund under this section during the preceding eight months, 125813

any adjustments to prior months, and the cost to the department of 125814
taxation of administering the income tax refund contribution 125815
system during that eight-month period. The commissioner shall make 125816
an additional determination no later than the thirty-first day of 125817
January of each year of the total amount contributed to each fund 125818
under this section during the preceding four calendar months, any 125819
adjustments to prior years made during that four-month period, and 125820
the cost to the department of taxation of administering the income 125821
tax contribution system during that period. The cost of 125822
administering the income tax contribution system shall be 125823
certified by the tax commissioner to the director of budget and 125824
management, who shall transfer an amount equal to ~~one-third~~ 125825
one-fourth of such administrative costs from the natural areas and 125826
preserves fund, ~~one-third~~ one-fourth of such costs from the 125827
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 125828
such costs from the military injury relief fund, and one-fourth of 125829
such costs from the Ohio historical society income tax 125830
contribution fund to the litter control and natural resource tax 125831
administration fund, which is hereby created, provided that the 125832
moneys that the department receives to pay the cost of 125833
administering the income tax refund contribution system in any 125834
year shall not exceed two and one-half per cent of the total 125835
amount contributed under that system during that year. 125836

(E)(1) The director of natural resources, in January of every 125837
odd-numbered year, shall report to the general assembly on the 125838
effectiveness of the income tax refund contribution system as it 125839
pertains to the natural areas and preserves fund and the nongame 125840
and endangered wildlife fund. The report shall include the amount 125841
of money contributed to each fund in each of the previous five 125842
years, the amount of money contributed directly to each fund in 125843
addition to or independently of the income tax refund contribution 125844
system in each of the previous five years, and the purposes for 125845
which the money was expended. 125846

(2) The director of job and family services and the director 125847
of the Ohio historical society, in January of every odd-numbered 125848
year, each shall report to the general assembly on the 125849
effectiveness of the income tax refund contribution system as it 125850
pertains to the military injury relief fund and the Ohio 125851
historical society income tax contribution fund, respectively. The 125852
report shall include the amount of money contributed to the fund 125853
in each of the previous five years, the amount of money 125854
contributed directly to the fund in addition to or independently 125855
of the income tax refund contribution system in each of the 125856
previous five years, and the purposes for which the money was 125857
expended. 125858

Sec. 5747.451. (A) The mere retirement from business or 125859
voluntary dissolution of a domestic or foreign qualifying entity 125860
does not exempt it from the requirements to make reports as 125861
required under sections 5747.42 to 5747.44 or to pay the taxes 125862
imposed under section 5733.41 or 5747.41 of the Revised Code. If 125863
any qualifying entity subject to the taxes imposed under section 125864
5733.41 or 5747.41 of the Revised Code sells its business or stock 125865
of merchandise or quits its business, the taxes required to be 125866
paid prior to that time, together with any interest or penalty 125867
thereon, become due and payable immediately, and the qualifying 125868
entity shall make a final return within fifteen days after the 125869
date of selling or quitting business. The successor of the 125870
qualifying entity shall withhold a sufficient amount of the 125871
purchase money to cover the amount of such taxes, interest, and 125872
penalties due and unpaid until the qualifying entity produces a 125873
receipt from the tax commissioner showing that the taxes, 125874
interest, and penalties have been paid, or a certificate 125875
indicating that no taxes are due. If the purchaser of the business 125876
or stock of goods fails to withhold purchase money, the purchaser 125877
is personally liable for the payment of the taxes, interest, and 125878

penalties accrued and unpaid during the operation of the business 125879
by the qualifying entity. If the amount of those taxes, interest, 125880
and penalty unpaid at the time of the purchase exceeds the total 125881
purchase money, the tax commissioner may adjust the qualifying 125882
entity's liability for those taxes, interest, and penalty, or 125883
adjust the responsibility of the purchaser to pay that liability, 125884
in a manner calculated to maximize the collection of those 125885
liabilities. 125886

(B) Annually, on the last day of each qualifying taxable year 125887
of a qualifying entity, the taxes imposed under section 5733.41 or 125888
5747.41 of the Revised Code, together with any penalties 125889
subsequently accruing thereon, become a lien on all property in 125890
this state of the qualifying entity, whether such property is 125891
employed by the qualifying entity in the prosecution of its 125892
business or is in the hands of an assignee, trustee, or receiver 125893
for the benefit of the qualifying entity's creditors and 125894
investors. The lien shall continue until those taxes, together 125895
with any penalties subsequently accruing, are paid. 125896

Upon failure of such a qualifying entity to pay those taxes 125897
on the day fixed for payment, the treasurer of state shall 125898
thereupon notify the tax commissioner, and the commissioner may 125899
file in the office of the county recorder in each county in this 125900
state in which the qualifying entity owns or has a beneficial 125901
interest in real estate, notice of the lien containing a brief 125902
description of such real estate. No fee shall be charged for such 125903
a filing. The lien is not valid as against any mortgagee, 125904
purchaser, or judgment creditor whose rights have attached prior 125905
to the time the notice is so filed in the county in which the real 125906
estate which is the subject of such mortgage, purchase, or 125907
judgment lien is located. The notice shall be recorded in a book 125908
kept by the recorder, called the qualifying entity tax lien 125909
record, and indexed under the name of the qualifying entity 125910

charged with the tax. When the tax, together with any penalties 125911
subsequently accruing thereon, have been paid, the tax 125912
commissioner shall furnish to the qualifying entity an 125913
acknowledgment of such payment that the qualifying entity may 125914
record with the recorder of each county in which notice of such 125915
lien has been filed, for which recording the recorder shall charge 125916
and receive a fee of two dollars. 125917

(C) In addition to all other remedies for the collection of 125918
any taxes or penalties due under law, whenever any taxes, 125919
interest, or penalties due from any qualifying entity under 125920
section 5733.41 of the Revised Code or this chapter have remained 125921
unpaid for a period of ninety days, or whenever any qualifying 125922
entity has failed for a period of ninety days to make any report 125923
or return required by law, or to pay any penalty for failure to 125924
make or file such report or return, the attorney general, upon the 125925
request of the tax commissioner, shall file a petition in the 125926
court of common pleas in the county of the state in which such 125927
qualifying entity has its principal place of business for a 125928
judgment for the amount of the taxes, interest, or penalties 125929
appearing to be due, the enforcement of any lien in favor of the 125930
state, and an injunction to restrain such qualifying entity and 125931
its officers, directors, and managing agents from the transaction 125932
of any business within this state, other than such acts as are 125933
incidental to liquidation or winding up, until the payment of such 125934
taxes, interest, and penalties, and the costs of the proceeding 125935
fixed by the court, or the making and filing of such report or 125936
return. 125937

The petition shall be in the name of the state. Any of the 125938
qualifying entities having its principal places of business in the 125939
county may be joined in one suit. On the motion of the attorney 125940
general, the court of common pleas shall enter an order requiring 125941
all defendants to answer by a day certain, and may appoint a 125942

special master commissioner to take testimony, with such other 125943
power and authority as the court confers, and permitting process 125944
to be served by registered mail and by publication in a newspaper 125945
of general circulation ~~published~~ in the county, which publication 125946
need not be made more than once, setting forth the name of each 125947
delinquent qualifying entity, the matter in which the qualifying 125948
entity is delinquent, the names of its officers, directors, and 125949
managing agents, if set forth in the petition, and the amount of 125950
any taxes, fees, or penalties claimed to be owing by the 125951
qualifying entity. 125952

All or any of the trustees or other fiduciaries, officers, 125953
directors, investors, beneficiaries, or managing agents of any 125954
qualifying entity may be joined as defendants with the qualifying 125955
entity. 125956

If it appears to the court upon hearing that any qualifying 125957
entity that is a party to the proceeding is indebted to the state 125958
for taxes imposed under section 5733.41 or 5747.41 of the Revised 125959
Code, or interest or penalties thereon, judgment shall be entered 125960
therefor with interest; and if it appears that any qualifying 125961
entity has failed to make or file any report or return, a 125962
mandatory injunction may be issued against the qualifying entity, 125963
its trustees or other fiduciaries, officers, directors, and 125964
managing agents, enjoining them from the transaction of any 125965
business within this state, other than acts incidental to 125966
liquidation or winding up, until the making and filing of all 125967
proper reports or returns and until the payment in full of all 125968
taxes, interest, and penalties. 125969

If the trustees or other fiduciaries, officers, directors, 125970
investors, beneficiaries, or managing agents of a qualifying 125971
entity are not made parties in the first instance, and a judgment 125972
or an injunction is rendered or issued against the qualifying 125973
entity, those officers, directors, investors, or managing agents 125974

may be made parties to such proceedings upon the motion of the attorney general, and, upon notice to them of the form and terms of such injunction, they shall be bound thereby as fully as if they had been made parties in the first instance.

In any action authorized by this division, a statement of the tax commissioner, or the secretary of state, when duly certified, shall be prima-facie evidence of the amount of taxes, interest, or penalties due from any qualifying entity, or of the failure of any qualifying entity to file with the commissioner or the secretary of state any report required by law, and any such certificate of the commissioner or the secretary of state may be required in evidence in any such proceeding.

On the application of any defendant and for good cause shown, the court may order a separate hearing of the issues as to any defendant.

The costs of the proceeding shall be apportioned among the parties as the court deems proper.

The court in such proceeding may make, enter, and enforce such other judgments and orders and grant such other relief as is necessary or incidental to the enforcement of the claims and lien of the state.

In the performance of the duties enjoined upon the attorney general by this division, the attorney general may direct any prosecuting attorney to bring an action, as authorized by this division, in the name of the state with respect to any delinquent qualifying entities within the prosecuting attorney's county, and like proceedings and orders shall be had as if such action were instituted by the attorney general.

(D) If any qualifying entity fails to make and file the reports or returns required under this chapter, or to pay the penalties provided by law for failure to make and file such

reports or returns for a period of ninety days after the time 126006
prescribed by this chapter, the attorney general, on the request 126007
of the tax commissioner, shall commence an action in quo warranto 126008
in the court of appeals of the county in which that qualifying 126009
entity has its principal place of business to forfeit and annul 126010
its privileges and franchises. If the court is satisfied that any 126011
such qualifying entity is in default, it shall render judgment 126012
ousting such qualifying entity from the exercise of its privileges 126013
and franchises within this state, and shall otherwise proceed as 126014
provided in sections 2733.02 to 2733.39 of the Revised Code. 126015

Sec. 5747.46. As used in sections 5747.46 and 5747.47 of the 126016
Revised Code: 126017

(A) "Year's fund balance" means the amount credited to the 126018
public library fund during a calendar year. 126019

(B) "Distribution year" means the calendar year during which 126020
a year's fund balance is distributed under section 5747.47 of the 126021
Revised Code. 126022

(C) "CPI" means the consumer price index for all urban 126023
consumers (United States city average, all items), prepared by the 126024
United States department of labor, bureau of labor statistics. 126025

(D) "Inflation factor" means the quotient obtained by 126026
dividing the CPI for May of the year preceding the distribution 126027
year by the CPI for May of the second preceding year. If the 126028
quotient so obtained is less than one, the inflation factor shall 126029
equal one. 126030

(E) "Population" means whichever of the following has most 126031
recently been issued, as of the first day of June preceding the 126032
distribution year: 126033

(1) The most recent decennial census figures that include 126034
population figures for each county in the state; 126035

(2) The most current issue of "Current Population Reports: Local Population Estimates" issued by the United States bureau of the census that contains population estimates for each county in the state and the state. 126036
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(F) "County's equalization ratio for a distribution year" means a percentage computed for that county as follows: 126040
126041

(1) Square the per cent that the county's population is of the state's population; 126042
126043

(2) Divide the product so obtained by the per cent that the county's total entitlement for the preceding year is of all counties' total entitlements for the preceding year; 126044
126045
126046

(3) Divide the quotient so obtained by the sum of the quotients so obtained for all counties. 126047
126048

(G) "Total entitlement" means, with respect to a distribution year, the sum of a county's guaranteed share plus its share of the excess. For the 2012 distribution year, "total entitlement" equals the sum of payments made to a county public library fund during that year. 126049
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(1) "Guaranteed share" means, for a distribution year, the product obtained by multiplying a county's total entitlement for the preceding distribution year by the ~~inflation~~ inflation factor. If the sum of the guaranteed shares for all counties exceeds the year's fund balance, the guaranteed shares of all counties shall be reduced by a percentage that will result in the sum of such guaranteed shares being equal to the year's fund balance. 126054
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(2) "Share of excess" means, for a distribution year, the product obtained by multiplying a county's equalization ratio by the difference between the year's fund balance and the sum of the guaranteed shares for all counties. If the sum of the guaranteed shares for all counties exceeds the year's fund balance the share 126062
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of the excess for all counties is zero. 126067

(H) "Net distribution" means the sum of the payments made to 126068
a county's public library fund during a distribution year, 126069
adjusted as follows: 126070

(1) If the county received an overpayment during the 126071
preceding distribution year, add the amount of the overpayment; 126072

(2) If the county received an underpayment during the 126073
preceding distribution year, deduct the amount of the 126074
underpayment. 126075

(I) "Overpayment" or "underpayment" for a distribution year 126076
means the amount by which the net distribution to a county's 126077
public library fund during that distribution year exceeded or was 126078
less than the county's total entitlement for that year. 126079

All computations made under this section shall be rounded to 126080
the nearest one-hundredth of one per cent. 126081

Sec. 5747.51. (A) On or before the twenty-fifth day of July 126082
of each year, the tax commissioner shall make and certify to the 126083
county auditor of each county an estimate of the amount of the 126084
local government fund to be allocated to the undivided local 126085
government fund of each county for the ensuing calendar year ~~and~~ 126086
~~the estimated amount to be received by the undivided local~~ 126087
~~government fund of each county from the taxes levied pursuant to~~ 126088
~~section 5707.03 of the Revised Code for the ensuing calendar year.~~ 126089

(B) At each annual regular session of the county budget 126090
commission convened pursuant to section 5705.27 of the Revised 126091
Code, each auditor shall present to the commission the certificate 126092
of the commissioner, the annual tax budget and estimates, and the 126093
records showing the action of the commission in its last preceding 126094
regular session. ~~The estimates shown on the certificate of the~~ 126095
~~commissioner of the amount to be allocated from the local~~ 126096

~~government fund and the amount to be received from taxes levied~~ 126097
~~pursuant to section 5707.03 of the Revised Code shall be combined~~ 126098
~~into one total comprising the estimate of the undivided local~~ 126099
~~government fund of the county.~~ The commission, after extending to 126100
the representatives of each subdivision an opportunity to be 126101
heard, under oath administered by any member of the commission, 126102
and considering all the facts and information presented to it by 126103
the auditor, shall determine the amount of the undivided local 126104
government fund needed by and to be apportioned to each 126105
subdivision for current operating expenses, as shown in the tax 126106
budget of the subdivision. This determination shall be made 126107
pursuant to divisions (C) to (I) of this section, unless the 126108
commission has provided for a formula pursuant to section 5747.53 126109
of the Revised Code. 126110

Nothing in this section prevents the budget commission, for 126111
the purpose of apportioning the undivided local government fund, 126112
from inquiring into the claimed needs of any subdivision as stated 126113
in its tax budget, or from adjusting claimed needs to reflect 126114
actual needs. For the purposes of this section, "current operating 126115
expenses" means the lawful expenditures of a subdivision, except 126116
those for permanent improvements and except payments for interest, 126117
sinking fund, and retirement of bonds, notes, and certificates of 126118
indebtedness of the subdivision. 126119

(C) The commission shall determine the combined total of the 126120
estimated expenditures, including transfers, from the general fund 126121
and any special funds other than special funds established for 126122
road and bridge; street construction, maintenance, and repair; 126123
state highway improvement; and gas, water, sewer, and electric 126124
public utilities operated by a subdivision, as shown in the 126125
subdivision's tax budget for the ensuing calendar year. 126126

(D) From the combined total of expenditures calculated 126127
pursuant to division (C) of this section, the commission shall 126128

deduct the following expenditures, if included in these funds in	126129
the tax budget:	126130
(1) Expenditures for permanent improvements as defined in	126131
division (E) of section 5705.01 of the Revised Code;	126132
(2) In the case of counties and townships, transfers to the	126133
road and bridge fund, and in the case of municipalities, transfers	126134
to the street construction, maintenance, and repair fund and the	126135
state highway improvement fund;	126136
(3) Expenditures for the payment of debt charges;	126137
(4) Expenditures for the payment of judgments.	126138
(E) In addition to the deductions made pursuant to division	126139
(D) of this section, revenues accruing to the general fund and any	126140
special fund considered under division (C) of this section from	126141
the following sources shall be deducted from the combined total of	126142
expenditures calculated pursuant to division (C) of this section:	126143
(1) Taxes levied within the ten-mill limitation, as defined	126144
in section 5705.02 of the Revised Code;	126145
(2) The budget commission allocation of estimated county	126146
public library fund revenues to be distributed pursuant to section	126147
5747.48 of the Revised Code;	126148
(3) Estimated unencumbered balances as shown on the tax	126149
budget as of the thirty-first day of December of the current year	126150
in the general fund, but not any estimated balance in any special	126151
fund considered in division (C) of this section;	126152
(4) Revenue, including transfers, shown in the general fund	126153
and any special funds other than special funds established for	126154
road and bridge; street construction, maintenance, and repair;	126155
state highway improvement; and gas, water, sewer, and electric	126156
public utilities, from all other sources except those that a	126157
subdivision receives from an additional tax or service charge	126158

voted by its electorate or receives from special assessment or 126159
revenue bond collection. For the purposes of this division, where 126160
the charter of a municipal corporation prohibits the levy of an 126161
income tax, an income tax levied by the legislative authority of 126162
such municipal corporation pursuant to an amendment of the charter 126163
of that municipal corporation to authorize such a levy represents 126164
an additional tax voted by the electorate of that municipal 126165
corporation. For the purposes of this division, any measure 126166
adopted by a board of county commissioners pursuant to section 126167
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 126168
including those measures upheld by the electorate in a referendum 126169
conducted pursuant to section 322.021, 324.021, 4504.021, or 126170
5739.022 of the Revised Code, shall not be considered an 126171
additional tax voted by the electorate. 126172

Subject to division (G) of section 5705.29 of the Revised 126173
Code, money in a reserve balance account established by a county, 126174
township, or municipal corporation under section 5705.13 of the 126175
Revised Code shall not be considered an unencumbered balance or 126176
revenue under division (E)(3) or (4) of this section. Money in a 126177
reserve balance account established by a township under section 126178
5705.132 of the Revised Code shall not be considered an 126179
unencumbered balance or revenue under division (E)(3) or (4) of 126180
this section. 126181

If a county, township, or municipal corporation has created 126182
and maintains a nonexpendable trust fund under section 5705.131 of 126183
the Revised Code, the principal of the fund, and any additions to 126184
the principal arising from sources other than the reinvestment of 126185
investment earnings arising from such a fund, shall not be 126186
considered an unencumbered balance or revenue under division 126187
(E)(3) or (4) of this section. Only investment earnings arising 126188
from investment of the principal or investment of such additions 126189
to principal may be considered an unencumbered balance or revenue 126190

under those divisions. 126191

(F) The total expenditures calculated pursuant to division 126192
(C) of this section, less the deductions authorized in divisions 126193
(D) and (E) of this section, shall be known as the "relative need" 126194
of the subdivision, for the purposes of this section. 126195

(G) The budget commission shall total the relative need of 126196
all participating subdivisions in the county, and shall compute a 126197
relative need factor by dividing the total estimate of the 126198
undivided local government fund by the total relative need of all 126199
participating subdivisions. 126200

(H) The relative need of each subdivision shall be multiplied 126201
by the relative need factor to determine the proportionate share 126202
of the subdivision in the undivided local government fund of the 126203
county; provided, that the maximum proportionate share of a county 126204
shall not exceed the following maximum percentages of the total 126205
estimate of the undivided local government fund governed by the 126206
relationship of the percentage of the population of the county 126207
that resides within municipal corporations within the county to 126208
the total population of the county as reported in the reports on 126209
population in Ohio by the department of development as of the 126210
twentieth day of July of the year in which the tax budget is filed 126211
with the budget commission: 126212

Percentage of municipal	Percentage share of the county	126213
population within the county:	shall not exceed:	

126214

Less than forty-one per cent	Sixty per cent	126215
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Forty-one per cent or more but	Fifty per cent	126216
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less than eighty-one per cent

Eighty-one per cent or more	Thirty per cent	126217
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Where the proportionate share of the county exceeds the 126218
limitations established in this division, the budget commission 126219
shall adjust the proportionate shares determined pursuant to this 126220

division so that the proportionate share of the county does not 126221
exceed these limitations, and it shall increase the proportionate 126222
shares of all other subdivisions on a pro rata basis. In counties 126223
having a population of less than one hundred thousand, not less 126224
than ten per cent shall be distributed to the townships therein. 126225

(I) The proportionate share of each subdivision in the 126226
undivided local government fund determined pursuant to division 126227
(H) of this section for any calendar year shall not be less than 126228
the product of the average of the percentages of the undivided 126229
local government fund of the county as apportioned to that 126230
subdivision for the calendar years 1968, 1969, and 1970, 126231
multiplied by the total amount of the undivided local government 126232
fund of the county apportioned pursuant to former section 5735.23 126233
of the Revised Code for the calendar year 1970. For the purposes 126234
of this division, the total apportioned amount for the calendar 126235
year 1970 shall be the amount actually allocated to the county in 126236
1970 from the state collected intangible tax as levied by section 126237
5707.03 of the Revised Code and distributed pursuant to section 126238
5725.24 of the Revised Code, plus the amount received by the 126239
county in the calendar year 1970 pursuant to division (B)(1) of 126240
former section 5739.21 of the Revised Code, and distributed 126241
pursuant to former section 5739.22 of the Revised Code. If the 126242
total amount of the undivided local government fund for any 126243
calendar year is less than the amount of the undivided local 126244
government fund apportioned pursuant to former section 5739.23 of 126245
the Revised Code for the calendar year 1970, the minimum amount 126246
guaranteed to each subdivision for that calendar year pursuant to 126247
this division shall be reduced on a basis proportionate to the 126248
amount by which the amount of the undivided local government fund 126249
for that calendar year is less than the amount of the undivided 126250
local government fund apportioned for the calendar year 1970. 126251

(J) On the basis of such apportionment, the county auditor 126252

shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of the subdivisions and the amount each is to receive from the undivided local government fund and the percentage share of each subdivision, in a newspaper or newspapers of countywide circulation, and send a copy of such allocation to the tax commissioner.

The county auditor shall also send by certified mail, return receipt requested, a copy of such allocation to the fiscal officer of each subdivision entitled to participate in the allocation of the undivided local government fund of the county. This copy shall constitute the official notice of the commission action referred to in section 5705.37 of the Revised Code.

All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision.

If a municipal corporation maintains a municipal university, such municipal university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to such municipal corporation from the total local government fund, however created and constituted, in such amount as requested by the board of trustees, provided such sum does not exceed nine per cent of the total amount paid to the municipal corporation.

If any public official fails to maintain the records required 126284
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 126285
issued by the tax commissioner, the auditor of state, or the 126286
treasurer of state pursuant to such sections, or fails to comply 126287
with any law relating to the enforcement of such sections, the 126288
local government fund money allocated to the county may be 126289
withheld until such time as the public official has complied with 126290
such sections or such law or the rules issued pursuant thereto. 126291

Sec. 5747.81. (A) Any term used in this section that is 126292
defined in section 122.86 of the Revised Code has the same meaning 126293
as defined in that section. 126294

(B) For the purpose of encouraging new capital investment in 126295
small businesses in this state and thereby promoting the economic 126296
welfare of all Ohioans, a nonrefundable credit is allowed against 126297
the tax imposed by section 5747.02 of the Revised Code for a 126298
taxpayer to whom a small business investment certificate was 126299
issued under section 122.86 of the Revised Code if the taxpayer 126300
did not sell or otherwise dispose of the qualifying investment 126301
before the conclusion of the applicable holding period and if the 126302
small business enterprise on the basis of which the certificate 126303
was issued is included in the register maintained under division 126304
(D) of section 122.86 of the Revised Code. 126305

The credit shall be claimed for the taxpayer's taxable year 126306
that includes the last day of the holding period of the qualifying 126307
investment. If the certificate was issued to a pass-through entity 126308
that made the qualifying investment, a taxpayer that holds a 126309
direct or indirect equity interest in the pass-through entity on 126310
the last day of the entity's taxable year that includes the last 126311
day of the holding period may claim the taxpayer's distributive or 126312
proportionate share of the credit for the taxpayer's taxable year 126313
that includes the last day of the entity's taxable year. 126314

The credit equals the amount of the taxpayer's qualifying investment as indicated on the certificate multiplied by ten per cent. If a taxpayer claims a credit on the basis of more than one small business investment certificate issued for the same fiscal biennium, including a certificate issued to a pass-through entity in which the taxpayer owns an equity interest, the total amount of credit claimed by the taxpayer on the basis of all such certificates shall not exceed one million dollars. If a taxpayer and the taxpayer's spouse file a joint return under section 5747.08 of the Revised Code, the credit shall be computed on the basis of the total qualifying investments made by both spouses or by any pass-through entities in which either spouse owns an equity interest, but the total amount of credit claimed on the basis of all certificates issued to the spouses or to such pass-through entities for a fiscal biennium shall not exceed two million dollars.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due for the taxable year, the excess may be carried forward and applied against the tax due for not more than seven succeeding taxable years, provided that the amount applied to the tax due for any taxable year shall be subtracted from the amount available to carry forward to succeeding years.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	126346 126347
(4) The dependent care credit under section 5747.054 of the Revised Code;	126348 126349
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	126350 126351
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	126352 126353
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	126354 126355
(8) The low-income credit under section 5747.056 of the Revised Code;	126356 126357
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	126358 126359
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	126360 126361
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	126362 126363
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	126364 126365
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	126366 126367
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	126368 126369
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	126370 126371
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	126372 126373
(17) The credit for adoption of a minor child under section	126374

5747.37 of the Revised Code;	126375
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	126376 126377
(19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	126378 126379
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	126380 126381
(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;	126382 126383 126384
(22) The job training credit under section 5747.39 of the Revised Code;	126385 126386
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	126387 126388
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	126389 126390
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	126391 126392
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	126393 126394
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	126395 126396
(28) The export sales credit under section 5747.057 <u>small business investment credit under section 5747.81</u> of the Revised Code;	126397 126398 126399
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	126400 126401
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	126402 126403

(31) The research and development credit under section 5747.331 of the Revised Code;	126404 126405
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	126406 126407
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	126408 126409
(34) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	126410 126411
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	126412 126413
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	126414 126415 126416
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	126417 126418
(38) The refundable credit for tax withheld under section 5747.063 of the Revised Code;	126419 126420
(39) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	126421 126422 126423
(40) The refundable motion picture production credit under section 5747.66 of the Revised Code.	126424 126425
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to	126426 126427 126428 126429 126430 126431 126432 126433

claim, directly or indirectly, a credit more than once for a taxable year.	126434 126435
Sec. 5748.01. As used in this chapter:	126436
(A) "School district income tax" means an income tax adopted under one of the following:	126437 126438
(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;	126439 126440 126441
(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;	126442 126443
(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	126444 126445
(4) Section 5748.021 of the Revised Code;	126446
(5) Section 5748.081 of the Revised Code;	126447
<u>(6) Section 5748.09 of the Revised Code.</u>	126448
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	126449 126450
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	126451 126452
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	126453 126454
(E) "Taxable income" means:	126455
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	126456 126457
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;	126458 126459 126460 126461

(b) Wages, salaries, tips, and other employee compensation to 126462
the extent included in Ohio adjusted gross income as defined in 126463
section 5747.01 of the Revised Code, and net earnings from 126464
self-employment, as defined in section 1402(a) of the Internal 126465
Revenue Code, to the extent included in Ohio adjusted gross 126466
income. 126467

(2) In the case of an estate, taxable income for the taxable 126468
year as defined in division (S) of section 5747.01 of the Revised 126469
Code. 126470

(F) "Resident" of the school district means: 126471

(1) An individual who is a resident of this state as defined 126472
in division (I) of section 5747.01 of the Revised Code during all 126473
or a portion of the taxable year and who, during all or a portion 126474
of such period of state residency, is domiciled in the school 126475
district or lives in and maintains a permanent place of abode in 126476
the school district; 126477

(2) An estate of a decedent who, at the time of death, was 126478
domiciled in the school district. 126479

(G) "School district income" means: 126480

(1) With respect to an individual, the portion of the taxable 126481
income of an individual that is received by the individual during 126482
the portion of the taxable year that the individual is a resident 126483
of the school district and the school district income tax is in 126484
effect in that school district. An individual may have school 126485
district income with respect to more than one school district. 126486

(2) With respect to an estate, the taxable income of the 126487
estate for the portion of the taxable year that the school 126488
district income tax is in effect in that school district. 126489

(H) "Taxpayer" means an individual or estate having school 126490
district income upon which a school district income tax is 126491

imposed. 126492

(I) "School district purposes" means any of the purposes for 126493
which a tax may be levied pursuant to section 5705.21 of the 126494
Revised Code, including the combined purposes authorized by 126495
section 5705.217 of the Revised Code. 126496

Sec. 5748.02. (A) The board of education of any school 126497
district, except a joint vocational school district, may declare, 126498
by resolution, the necessity of raising annually a specified 126499
amount of money for school district purposes. The resolution shall 126500
specify whether the income that is to be subject to the tax is 126501
taxable income of individuals and estates as defined in divisions 126502
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 126503
taxable income of individuals as defined in division (E)(1)(b) of 126504
that section. A copy of the resolution shall be certified to the 126505
tax commissioner no later than one hundred days prior to the date 126506
of the election at which the board intends to propose a levy under 126507
this section. Upon receipt of the copy of the resolution, the tax 126508
commissioner shall estimate both of the following: 126509

(1) The property tax rate that would have to be imposed in 126510
the current year by the district to produce an equivalent amount 126511
of money; 126512

(2) The income tax rate that would have had to have been in 126513
effect for the current year to produce an equivalent amount of 126514
money from a school district income tax. 126515

Within ten days of receiving the copy of the board's 126516
resolution, the commissioner shall prepare these estimates and 126517
certify them to the board. Upon receipt of the certification, the 126518
board may adopt a resolution proposing an income tax under 126519
division (B) of this section at the estimated rate contained in 126520
the certification rounded to the nearest one-fourth of one per 126521
cent. The commissioner's certification applies only to the board's 126522

proposal to levy an income tax at the election for which the board 126523
requested the certification. If the board intends to submit a 126524
proposal to levy an income tax at any other election, it shall 126525
request another certification for that election in the manner 126526
prescribed in this division. 126527

(B)(1) Upon the receipt of a certification from the tax 126528
commissioner under division (A) of this section, a majority of the 126529
members of a board of education may adopt a resolution proposing 126530
the levy of an annual tax for school district purposes on school 126531
district income. The proposed levy may be for a continuing period 126532
of time or for a specified number of years. The resolution shall 126533
set forth the purpose for which the tax is to be imposed, the rate 126534
of the tax, which shall be the rate set forth in the 126535
commissioner's certification rounded to the nearest one-fourth of 126536
one per cent, the number of years the tax will be levied or that 126537
it will be levied for a continuing period of time, the date on 126538
which the tax shall take effect, which shall be the first day of 126539
January of any year following the year in which the question is 126540
submitted, and the date of the election at which the proposal 126541
shall be submitted to the electors of the district, which shall be 126542
on the date of a primary, general, or special election the date of 126543
which is consistent with section 3501.01 of the Revised Code. The 126544
resolution shall specify whether the income that is to be subject 126545
to the tax is taxable income of individuals and estates as defined 126546
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 126547
Code or taxable income of individuals as defined in division 126548
(E)(1)(b) of that section. The specification shall be the same as 126549
the specification in the resolution adopted and certified under 126550
division (A) of this section. 126551

If the tax is to be levied for current expenses and permanent 126552
improvements, the resolution shall apportion the annual rate of 126553
the tax. The apportionment may be the same or different for each 126554

year the tax is levied, but the respective portions of the rate 126555
actually levied each year for current expenses and for permanent 126556
improvements shall be limited by the apportionment. 126557

If the board of education currently imposes an income tax 126558
pursuant to this chapter that is due to expire and a question is 126559
submitted under this section for a proposed income tax to take 126560
effect upon the expiration of the existing tax, the board may 126561
specify in the resolution that the proposed tax renews the 126562
expiring tax. Two or more expiring income taxes may be renewed 126563
under this paragraph if the taxes are due to expire on the same 126564
date. If the tax rate being proposed is no higher than the total 126565
tax rate imposed by the expiring tax or taxes, the resolution may 126566
state that the proposed tax is not an additional income tax. 126567

(2) A board of education adopting a resolution under division 126568
(B)(1) of this section proposing a school district income tax for 126569
a continuing period of time and limited to the purpose of current 126570
expenses may propose in that resolution to reduce the rate or 126571
rates of one or more of the school district's property taxes 126572
levied for a continuing period of time in excess of the ten-mill 126573
limitation for the purpose of current expenses. The reduction in 126574
the rate of a property tax may be any amount, expressed in mills 126575
per one dollar in valuation, not exceeding the rate at which the 126576
tax is authorized to be levied. The reduction in the rate of a tax 126577
shall first take effect for the tax year that includes the day on 126578
which the school district income tax first takes effect, and shall 126579
continue for each tax year that both the school district income 126580
tax and the property tax levy are in effect. 126581

In addition to the matters required to be set forth in the 126582
resolution under division (B)(1) of this section, a resolution 126583
containing a proposal to reduce the rate of one or more property 126584
taxes shall state for each such tax the maximum rate at which it 126585
currently may be levied and the maximum rate at which the tax 126586

could be levied after the proposed reduction, expressed in mills 126587
per one dollar in valuation, and that the tax is levied for a 126588
continuing period of time. 126589

If a board of education proposes to reduce the rate of one or 126590
more property taxes under division (B)(2) of this section, the 126591
board, when it makes the certification required under division (A) 126592
of this section, shall designate the specific levy or levies to be 126593
reduced, the maximum rate at which each levy currently is 126594
authorized to be levied, and the rate by which each levy is 126595
proposed to be reduced. The tax commissioner, when making the 126596
certification to the board under division (A) of this section, 126597
also shall certify the reduction in the total effective tax rate 126598
for current expenses for each class of property that would have 126599
resulted if the proposed reduction in the rate or rates had been 126600
in effect the previous tax year. As used in this paragraph, 126601
"effective tax rate" has the same meaning as in section 323.08 of 126602
the Revised Code. 126603

(C) A resolution adopted under division (B) of this section 126604
shall go into immediate effect upon its passage, and no 126605
publication of the resolution shall be necessary other than that 126606
provided for in the notice of election. Immediately after its 126607
adoption and at least ninety days prior to the election at which 126608
the question will appear on the ballot, a copy of the resolution 126609
shall be certified to the board of elections of the proper county, 126610
which shall submit the proposal to the electors on the date 126611
specified in the resolution. The form of the ballot shall be as 126612
provided in section 5748.03 of the Revised Code. Publication of 126613
notice of the election shall be made in ~~one or more newspapers~~ a 126614
newspaper of general circulation in the county once a week for two 126615
consecutive weeks, or as provided in section 7.16 of the Revised 126616
Code, prior to the election, ~~and, if.~~ If the board of elections 126617
operates and maintains a web site, the board of elections shall 126618

post notice of the election on its web site for thirty days prior 126619
to the election. The notice shall contain the time and place of 126620
the election and the question to be submitted to the electors. The 126621
question covered by the resolution shall be submitted as a 126622
separate proposition, but may be printed on the same ballot with 126623
any other proposition submitted at the same election, other than 126624
the election of officers. 126625

(D) No board of education shall submit the question of a tax 126626
on school district income to the electors of the district more 126627
than twice in any calendar year. If a board submits the question 126628
twice in any calendar year, one of the elections on the question 126629
shall be held on the date of the general election. 126630

(E)(1) No board of education may submit to the electors of 126631
the district the question of a tax on school district income on 126632
the taxable income of individuals as defined in division (E)(1)(b) 126633
of section 5748.01 of the Revised Code if that tax would be in 126634
addition to an existing tax on the taxable income of individuals 126635
and estates as defined in divisions (E)(1)(a) and (2) of that 126636
section. 126637

(2) No board of education may submit to the electors of the 126638
district the question of a tax on school district income on the 126639
taxable income of individuals and estates as defined in divisions 126640
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 126641
tax would be in addition to an existing tax on the taxable income 126642
of individuals as defined in division (E)(1)(b) of that section. 126643

Sec. 5748.021. A board of education that levies a tax under 126644
section 5748.02 of the Revised Code on the school district income 126645
of individuals and estates as defined in divisions (G) and 126646
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 126647
declare, at any time, by a resolution adopted by a majority of its 126648
members, the necessity of raising annually a specified amount of 126649

money for school district purposes by replacing the existing tax 126650
with a tax on the school district income of individuals as defined 126651
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 126652
Revised Code. The specified amount of money to be raised annually 126653
may be the same as, or more or less than, the amount of money 126654
raised annually by the existing tax. 126655

The board shall certify a copy of the resolution to the tax 126656
commissioner not later than the eighty-fifth day before the date 126657
of the election at which the board intends to propose the 126658
replacement to the electors of the school district. Not later than 126659
the tenth day after receiving the resolution, the tax commissioner 126660
shall estimate the tax rate that would be required in the school 126661
district annually to raise the amount of money specified in the 126662
resolution. The tax commissioner shall certify the estimate to the 126663
board. 126664

Upon receipt of the tax commissioner's estimate, the board 126665
may propose, by a resolution adopted by a majority of its members, 126666
to replace the existing tax on the school district income of 126667
individuals and estates as defined in divisions (G) and (E)(1)(a) 126668
and (2) of section 5748.01 of the Revised Code with the levy of an 126669
annual tax on the school district income of individuals as defined 126670
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 126671
Revised Code. In the resolution, the board shall specify the rate 126672
of the replacement tax, whether the replacement tax is to be 126673
levied for a specified number of years or for a continuing time, 126674
the specific school district purposes for which the replacement 126675
tax is to be levied, the date on which the replacement tax will 126676
begin to be levied, the date of the election at which the question 126677
of the replacement is to be submitted to the electors of the 126678
school district, that the existing tax will cease to be levied and 126679
the replacement tax will begin to be levied if the replacement is 126680
approved by a majority of the electors voting on the replacement, 126681

and that if the replacement is not approved by a majority of the electors voting on the replacement the existing tax will remain in effect under its original authority for the remainder of its previously approved term. The resolution goes into immediate effect upon its adoption. Publication of the resolution is not necessary, and the information that will be provided in the notice of election is sufficient notice. At least seventy-five days before the date of the election at which the question of the replacement will be submitted to the electors of the school district, the board shall certify a copy of the resolution to the board of elections.

The replacement tax shall have the same specific school district purposes as the existing tax, and its rate shall be the same as the tax commissioner's estimate rounded to the nearest one-fourth of one per cent. The replacement tax shall begin to be levied on the first day of January of the year following the year in which the question of the replacement is submitted to and approved by the electors of the school district or on the first day of January of a later year, as specified in the resolution. The date of the election shall be the date of an otherwise scheduled primary, general, or special election.

The board of elections shall make arrangements to submit the question of the replacement to the electors of the school district on the date specified in the resolution. The board of elections shall publish notice of the election on the question of the replacement in one ~~or more newspapers~~ newspaper of general circulation in the school district once a week for four consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall set forth the question to be submitted to the electors and the time and place of the election thereon.

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same

ballot with other propositions that are submitted at the same 126714
election, other than the election of officers. The form of the 126715
ballot shall be substantially as follows: 126716

"Shall the existing tax of (state the rate) on the 126717
school district income of individuals and estates imposed by 126718
(state the name of the school district) be replaced by a tax of 126719
..... (state the rate) on the earned income of individuals 126720
residing in the school district for (state the number of 126721
years the tax is to be in effect or that it will be in effect for 126722
a continuing time), beginning (state the date the new tax 126723
will take effect), for the purpose of (state the specific 126724
school district purposes of the tax)? If the new tax is not 126725
approved, the existing tax will remain in effect under its 126726
original authority, for the remainder of its previously approved 126727
term. 126728

	For replacing the existing tax with the new tax	
	Against replacing the existing tax with the new tax	"

126729

126730

The board of elections shall conduct and canvass the election 126731
in the same manner as regular elections in the school district for 126732
the election of county officers. The board shall certify the 126733
results of the election to the board of education and to the tax 126734
commissioner. If a majority of the electors voting on the question 126735
vote in favor of the replacement, the existing tax shall cease to 126736
be levied, and the replacement tax shall begin to be levied, on 126737
the date specified in the ballot question. If a majority of the 126738
electors voting on the question vote against the replacement, the 126739
existing tax shall continue to be levied under its original 126740
authority, for the remainder of its previously approved term. 126741

A board of education may not submit the question of replacing 126742
a tax more than twice in a calendar year. If a board submits the 126743

question more than once, one of the elections at which the 126744
question is submitted shall be on the date of a general election. 126745

If a board of education later intends to renew a replacement 126746
tax levied under this section, it shall repeat the procedure 126747
outlined in this section to do so, the replacement tax then being 126748
levied being the "existing tax" and the renewed replacement tax 126749
being the "replacement tax." 126750

Sec. 5748.04. (A) The question of the repeal of a school 126751
district income tax levied for more than five years may be 126752
initiated not more than once in any five-year period by filing 126753
with the board of elections of the appropriate counties not later 126754
than ninety days before the general election in any year after the 126755
year in which it is approved by the electors a petition requesting 126756
that an election be held on the question. The petition shall be 126757
signed by qualified electors residing in the school district 126758
levying the income tax equal in number to ten per cent of those 126759
voting for governor at the most recent gubernatorial election. 126760

The board of elections shall determine whether the petition 126761
is valid, and if it so determines, it shall submit the question to 126762
the electors of the district at the next general election. The 126763
election shall be conducted, canvassed, and certified in the same 126764
manner as regular elections for county offices in the county. 126765
Notice of the election shall be published in a newspaper of 126766
general circulation in the district once a week for two 126767
consecutive weeks, or as provided in section 7.16 of the Revised 126768
Code, prior to the election, ~~and, if.~~ If the board of elections 126769
operates and maintains a web site, the board of elections shall 126770
post notice of the election on its web site for thirty days prior 126771
to the election. The notice shall state the purpose, time, and 126772
place of the election. The form of the ballot cast at the election 126773
shall be as follows: 126774

"Shall the annual income tax of per cent, currently
 levied on the school district income of individuals and estates by
 (state the name of the school district) for the purpose
 of (state purpose of the tax), be repealed?

	For repeal of the income tax	
	Against repeal of the income tax	"

(B)(1) If the tax is imposed on taxable income as defined in
 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
 currently is levied on the "earned income of individuals residing
 in the school district" in lieu of the "school district income of
 individuals and estates."

(2) If the rate of one or more property tax levies was
 reduced for the duration of the income tax levy pursuant to
 division (B)(2) of section 5748.02 of the Revised Code, the form
 of the ballot shall be modified by adding the following language
 immediately after "repealed": ", and shall the rate of an existing
 tax on property for the purpose of current expenses, which rate
 was reduced for the duration of the income tax, be INCREASED from
 mills to mills per one dollar of valuation beginning
 in (state the first year for which the rate of the property
 tax will increase)." In lieu of "for repeal of the income tax" and
 "against repeal of the income tax," the phrases "for the issue"
 and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for
 the duration of the income tax, the ballot language shall be
 modified accordingly to express the rates at which those taxes
 currently are levied and the rates to which the taxes would be
 increased.

(C) The question covered by the petition shall be submitted 126806
as a separate proposition, but it may be printed on the same 126807
ballot with any other proposition submitted at the same election 126808
other than the election of officers. If a majority of the 126809
qualified electors voting on the question vote in favor of it, the 126810
result shall be certified immediately after the canvass by the 126811
board of elections to the board of education of the school 126812
district and the tax commissioner, who shall thereupon, after the 126813
current year, cease to levy the tax, except that if notes have 126814
been issued pursuant to section 5748.05 of the Revised Code the 126815
tax commissioner shall continue to levy and collect under 126816
authority of the election authorizing the levy an annual amount, 126817
rounded upward to the nearest one-fourth of one per cent, as will 126818
be sufficient to pay the debt charges on the notes as they fall 126819
due. 126820

(D) If a school district income tax repealed pursuant to this 126821
section was approved in conjunction with a reduction in the rate 126822
of one or more school district property taxes as provided in 126823
division (B)(2) of section 5748.02 of the Revised Code, then each 126824
such property tax may be levied after the current year at the rate 126825
at which it could be levied prior to the reduction, subject to any 126826
adjustments required by the county budget commission pursuant to 126827
Chapter 5705. of the Revised Code. Upon the repeal of a school 126828
district income tax under this section, the board of education may 126829
resume levying a property tax, the rate of which has been reduced 126830
pursuant to a question approved under section 5748.02 of the 126831
Revised Code, at the rate the board originally was authorized to 126832
levy the tax. A reduction in the rate of a property tax under 126833
section 5748.02 of the Revised Code is a reduction in the rate at 126834
which a board of education may levy that tax only for the period 126835
during which a school district income tax is levied prior to any 126836
repeal pursuant to this section. The resumption of the authority 126837
to levy the tax upon such a repeal does not constitute a tax 126838

levied in excess of the one per cent limitation prescribed by 126839
Section 2 of Article XII, Ohio Constitution, or in excess of the 126840
ten-mill limitation. 126841

(E) This section does not apply to school district income tax 126842
levies that are levied for five or fewer years. 126843

Sec. 5748.05. After the approval by the electors of a 126844
resolution under section 5748.03 ~~or~~, 5748.08, or 5748.09 of the 126845
Revised Code to impose a school district income tax to provide an 126846
increase in current operating revenues or in current revenues for 126847
permanent improvements and prior to the time when the first 126848
payment to the district from the tax can be made, a board of 126849
education may anticipate a fraction of the proceeds of the tax and 126850
issue anticipation notes in an amount not exceeding fifty per cent 126851
of the total estimated proceeds of the tax to be collected for its 126852
first year of collection as estimated by the tax commissioner. The 126853
anticipation notes are Chapter 133. securities and shall be issued 126854
as provided in section 133.24 of the Revised Code as if property 126855
tax anticipation notes. The notes shall have principal payments 126856
during each year after their year of issuance over a period not to 126857
exceed five years and, if determined by the board of education, 126858
during the year of their issuance. The legislation authorizing 126859
issuance of the notes may also provide for the annual levy and 126860
collection of voted ad valorem property taxes levied for the 126861
applicable purpose for which the notes are issued and for the 126862
application of the proceeds of the levy to the extent necessary to 126863
pay annual debt charges on the notes. 126864

Sec. 5748.08. (A) The board of education of a city, local, or 126865
exempted village school district, at any time by a vote of 126866
two-thirds of all its members, may declare by resolution that it 126867
may be necessary for the school district to do all of the 126868
following: 126869

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income; 126870
126871

(2) Issue general obligation bonds for permanent improvements, stating in the resolution the necessity and purpose of the bond issue and the amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid; 126872
126873
126874
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126876

(3) Levy a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; 126877
126878

(4) Submit the question of the school district income tax and bond issue to the electors of the district at a special election. 126879
126880

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. 126881
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On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than one hundred five days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code. 126886
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(B) On receipt of the tax commissioner's and county auditor's 126900

certifications prepared under division (A) of this section, the 126901
board of education of the city, local, or exempted village school 126902
district, by a vote of two-thirds of all its members, may adopt a 126903
resolution proposing for a specified number of years or for a 126904
continuing period of time the levy of an annual tax for school 126905
district purposes on school district income and declaring that the 126906
amount of taxes that can be raised within the ten-mill limitation 126907
will be insufficient to provide an adequate amount for the present 126908
and future requirements of the school district; that it is 126909
necessary to issue general obligation bonds of the school district 126910
for specified permanent improvements and to levy an additional tax 126911
in excess of the ten-mill limitation to pay the debt charges on 126912
the bonds and any anticipatory securities; and that the question 126913
of the bonds and taxes shall be submitted to the electors of the 126914
school district at a special election, which shall not be earlier 126915
than ninety days after certification of the resolution to the 126916
board of elections, and the date of which shall be consistent with 126917
section 3501.01 of the Revised Code. The resolution shall specify 126918
all of the following: 126919

(1) The purpose for which the school district income tax is 126920
to be imposed and the rate of the tax, which shall be the rate set 126921
forth in the tax commissioner's certification rounded to the 126922
nearest one-fourth of one per cent; 126923

(2) Whether the income that is to be subject to the tax is 126924
taxable income of individuals and estates as defined in divisions 126925
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 126926
taxable income of individuals as defined in division (E)(1)(b) of 126927
that section. The specification shall be the same as the 126928
specification in the resolution adopted and certified under 126929
division (A) of this section. 126930

(3) The number of years the tax will be levied, or that it 126931
will be levied for a continuing period of time; 126932

(4) The date on which the tax shall take effect, which shall 126933
be the first day of January of any year following the year in 126934
which the question is submitted; 126935

(5) The county auditor's estimate of the average annual 126936
property tax rate required throughout the stated maturity of the 126937
bonds to pay debt charges on the bonds. 126938

(C) A resolution adopted under division (B) of this section 126939
shall go into immediate effect upon its passage, and no 126940
publication of the resolution shall be necessary other than that 126941
provided for in the notice of election. Immediately after its 126942
adoption and at least ninety days prior to the election at which 126943
the question will appear on the ballot, the board of education 126944
shall certify a copy of the resolution, along with copies of the 126945
auditor's estimate and its resolution under division (A) of this 126946
section, to the board of elections of the proper county. The board 126947
of education shall make the arrangements for the submission of the 126948
question to the electors of the school district, and the election 126949
shall be conducted, canvassed, and certified in the same manner as 126950
regular elections in the district for the election of county 126951
officers. 126952

The resolution shall be put before the electors as one ballot 126953
question, with a majority vote indicating approval of the school 126954
district income tax, the bond issue, and the levy to pay debt 126955
charges on the bonds and any anticipatory securities. The board of 126956
elections shall publish the notice of the election in ~~one or more~~ 126957
~~newspapers~~ a newspaper of general circulation in the school 126958
district once a week for two consecutive weeks, or as provided in 126959
section 7.16 of the Revised Code, prior to the election ~~and, if,~~ 126960
If the board of elections operates and maintains a web site, it 126961
also shall post notice of the election on its web site for thirty 126962
days prior to the election. The notice of election shall state all 126963
of the following: 126964

(1) The questions to be submitted to the electors;	126965
(2) The rate of the school district income tax;	126966
(3) The principal amount of the proposed bond issue;	126967
(4) The permanent improvements for which the bonds are to be issued;	126968 126969
(5) The maximum number of years over which the principal of the bonds may be paid;	126970 126971
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	126972 126973 126974
(7) The time and place of the special election.	126975
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	126976 126977
"Shall the school district be authorized to do both of the following:	126978 126979
(1) Impose an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates, for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?	126980 126981 126982 126983 126984 126985 126986
(2) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to	126987 126988 126989 126990 126991 126992 126993 126994

pay debt charges on any notes issued in anticipation of those 126995
 bonds? 126996

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

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 126998
 126999
 127000

(E) If the question submitted to electors proposes a school 127001
 district income tax only on the taxable income of individuals as 127002
 defined in division (E)(1)(b) of section 5748.01 of the Revised 127003
 Code, the form of the ballot shall be modified by stating that the 127004
 tax is to be levied on the "earned income of individuals residing 127005
 in the school district" in lieu of the "school district income of 127006
 individuals and of estates." 127007

(F) The board of elections promptly shall certify the results 127008
 of the election to the tax commissioner and the county auditor of 127009
 the county in which the school district is located. If a majority 127010
 of the electors voting on the question vote in favor of it, the 127011
 income tax and the applicable provisions of Chapter 5747. of the 127012
 Revised Code shall take effect on the date specified in the 127013
 resolution, and the board of education may proceed with issuance 127014
 of the bonds and with the levy and collection of the property 127015
 taxes to pay debt charges on the bonds, at the additional rate or 127016
 any lesser rate in excess of the ten-mill limitation. Any 127017
 securities issued by the board of education under this section are 127018
 Chapter 133. securities, as that term is defined in section 133.01 127019
 of the Revised Code. 127020

(G) After approval of a question under this section, the 127021
 board of education may anticipate a fraction of the proceeds of 127022
 the school district income tax in accordance with section 5748.05 127023
 of the Revised Code. Any anticipation notes under this division 127024
 shall be issued as provided in section 133.24 of the Revised Code, 127025

shall have principal payments during each year after the year of 127026
their issuance over a period not to exceed five years, and may 127027
have a principal payment in the year of their issuance. 127028

(H) The question of repeal of a school district income tax 127029
levied for more than five years may be initiated and submitted in 127030
accordance with section 5748.04 of the Revised Code. 127031

(I) No board of education shall submit a question under this 127032
section to the electors of the school district more than twice in 127033
any calendar year. If a board submits the question twice in any 127034
calendar year, one of the elections on the question shall be held 127035
on the date of the general election. 127036

Sec. 5748.081. A board of education of a school district 127037
that, under divisions (A)(1), (D)(1), and (E) of section 5748.08 127038
or under section 5748.09 of the Revised Code, levies a tax on the 127039
school district income of individuals and estates as defined in 127040
divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the 127041
Revised Code may replace that tax with a tax on the school 127042
district income of individuals as defined in divisions (G)(1) and 127043
(E)(1)(b) of section 5748.01 of the Revised Code by following the 127044
procedure outlined in, and subject to the conditions specified in, 127045
section 5748.021 of the Revised Code, as if the existing tax 127046
levied under section 5748.08 or 5748.09 were levied under section 127047
5748.02 of the Revised Code. The tax commissioner and the board of 127048
elections shall perform duties in response to the actions of the 127049
board of education under this section as directed in section 127050
5748.021 of the Revised Code. 127051

Sec. 5748.09. (A) The board of education of a city, local, or 127052
exempted village school district, at any time by a vote of 127053
two-thirds of all its members, may declare by resolution that it 127054
may be necessary for the school district to do all of the 127055

following: 127056

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income; 127057
127058

(2) Levy an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, stating in the resolution the amount of money to be raised each year for such purpose; 127059
127060
127061
127062

(3) Submit the question of the school district income tax and property tax to the electors of the district at a special election. 127063
127064
127065

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. 127066
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On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor not later than one hundred days prior to the date of the special election at which the board intends to propose the income tax and property tax. Not later than ten days after receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days after receipt of the resolution, the county auditor, in the same manner as required by section 5705.195 of the Revised Code, shall make the calculation specified in that section and certify it to the board. 127071
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(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school 127083
127084
127085

district, by a vote of two-thirds of all its members, may adopt a 127086
resolution declaring that the amount of taxes that can be raised 127087
by all tax levies the district is authorized to impose, when 127088
combined with state and federal revenues, will be insufficient to 127089
provide an adequate amount for the present and future requirements 127090
of the school district, and that it is therefore necessary to 127091
levy, for a specified number of years or for a continuing period 127092
of time, an annual tax for school district purposes on school 127093
district income, and to levy, for a specified number of years not 127094
exceeding ten or for a continuing period of time, an additional 127095
property tax in excess of the ten-mill limitation for the purpose 127096
of providing for the necessary requirements of the district, and 127097
declaring that the question of the school district income tax and 127098
property tax shall be submitted to the electors of the school 127099
district at a special election, which shall not be earlier than 127100
ninety days after certification of the resolution to the board of 127101
elections, and the date of which shall be consistent with section 127102
3501.01 of the Revised Code. The resolution shall specify all of 127103
the following: 127104

(1) The purpose for which the school district income tax is 127105
to be imposed and the rate of the tax, which shall be the rate set 127106
forth in the tax commissioner's certification rounded to the 127107
nearest one-fourth of one per cent; 127108

(2) Whether the income that is to be subject to the tax is 127109
taxable income of individuals and estates as defined in divisions 127110
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 127111
taxable income of individuals as defined in division (E)(1)(b) of 127112
that section. The specification shall be the same as the 127113
specification in the resolution adopted and certified under 127114
division (A) of this section. 127115

(3) The number of years the school district income tax will 127116
be levied, or that it will be levied for a continuing period of 127117

time; 127118

(4) The date on which the school district income tax shall 127119
take effect, which shall be the first day of January of any year 127120
following the year in which the question is submitted; 127121

(5) The amount of money it is necessary to raise for the 127122
purpose of providing for the necessary requirements of the 127123
district for each year the property tax is to be imposed; 127124

(6) The number of years the property tax will be levied, or 127125
that it will be levied for a continuing period of time; 127126

(7) The tax list upon which the property tax shall be first 127127
levied, which may be the current year's tax list; 127128

(8) The amount of the average tax levy, expressed in dollars 127129
and cents for each one hundred dollars of valuation as well as in 127130
mills for each one dollar of valuation, estimated by the county 127131
auditor under division (A) of this section. 127132

(C) A resolution adopted under division (B) of this section 127133
shall go into immediate effect upon its passage, and no 127134
publication of the resolution shall be necessary other than that 127135
provided for in the notice of election. Immediately after its 127136
adoption and at least ninety days prior to the election at which 127137
the question will appear on the ballot, the board of education 127138
shall certify a copy of the resolution, along with copies of the 127139
county auditor's certification and the resolution under division 127140
(A) of this section, to the board of elections of the proper 127141
county. The board of education shall make the arrangements for the 127142
submission of the question to the electors of the school district, 127143
and the election shall be conducted, canvassed, and certified in 127144
the same manner as regular elections in the district for the 127145
election of county officers. 127146

The resolution shall be put before the electors as one ballot 127147
question, with a majority vote indicating approval of the school 127148

district income tax and the property tax. The board of elections 127149
shall publish the notice of the election in a newspaper of general 127150
circulation in the school district once a week for two consecutive 127151
weeks, or as provided in section 7.16 of the Revised Code, prior 127152
to the election. If the board of elections operates and maintains 127153
a web site, also shall post notice of the election on its web site 127154
for thirty days prior to the election. The notice of election 127155
shall state all of the following: 127156

(1) The questions to be submitted to the electors as a single 127157
ballot question; 127158

(2) The rate of the school district income tax; 127159

(3) The number of years the school district income tax will 127160
be levied or that it will be levied for a continuing period of 127161
time; 127162

(4) The annual proceeds of the proposed property tax levy for 127163
the purpose of providing for the necessary requirements of the 127164
district; 127165

(5) The number of years during which the property tax levy 127166
shall be levied, or that it shall be levied for a continuing 127167
period of time; 127168

(6) The estimated average additional tax rate of the property 127169
tax, expressed in dollars and cents for each one hundred dollars 127170
of valuation as well as in mills for each one dollar of valuation, 127171
outside the limitation imposed by Section 2 of Article XII, Ohio 127172
Constitution, as certified by the county auditor; 127173

(7) The time and place of the special election. 127174

(D) The form of the ballot on a question submitted to the 127175
electors under this section shall be as follows: 127176

"Shall the school district be authorized to do both of 127177
the following: 127178

(1) Impose an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates, for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?

(2) Impose a property tax levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of (here insert annual amount the levy is to produce), estimated by the county auditor to average (here insert number of mills) mills for each one dollar of valuation, which amounts to (here insert rate expressed in dollars and cents) for each one hundred dollars of valuation, for (state the number of years the tax is to be imposed or that it will be imposed for a continuing period of time), commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)?

	<u>FOR THE INCOME TAX AND PROPERTY TAX</u>	
	<u>AGAINST THE INCOME TAX AND PROPERTY TAX</u>	"

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." 127209

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it: 127210
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(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution. 127214
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(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission. 127217
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(F)(1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. 127223
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(2) After the approval of a question under this section and prior to the time when the first tax collection from the property tax levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a 127231
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period not to exceed five years, and may have a principal payment 127240
in the year of their issuance. 127241

(G)(1) The question of repeal of a school district income tax 127242
levied for more than five years may be initiated and submitted in 127243
accordance with section 5748.04 of the Revised Code. 127244

(2) A property tax levy for a continuing period of time may 127245
be reduced in the manner provided under section 5705.261 of the 127246
Revised Code. 127247

(H) No board of education shall submit a question under this 127248
section to the electors of the school district more than twice in 127249
any calendar year. If a board submits the question twice in any 127250
calendar year, one of the elections on the question shall be held 127251
on the date of the general election. 127252

(I) If the electors of the school district approve a question 127253
under this section, and if the last calendar year the school 127254
district income tax is in effect and the last calendar year of 127255
collection of the property tax are the same, the board of 127256
education of the school district may propose to submit under this 127257
section the combined question of a school district income tax to 127258
take effect upon the expiration of the existing income tax and a 127259
property tax to be first collected in the calendar year after the 127260
calendar year of last collection of the existing property tax, and 127261
specify in the resolutions adopted under this section that the 127262
proposed taxes would renew the existing taxes. The form of the 127263
ballot on a question submitted to the electors under division (I) 127264
of this section shall be as follows: 127265

"Shall the school district be authorized to do both 127266
of the following: 127267

(1) Impose an annual income tax of (state the 127268
proposed rate of tax) on the school district income of individuals 127269
and of estates to renew an income tax expiring at the end of 127270

..... (state the last year the existing income tax may be levied) 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)?

(2) Impose a property tax levy renewing an existing levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of (here insert annual amount the levy is to produce), estimated by the county auditor to average (here insert number of mills) mills for each one dollar of valuation, which amounts to (here insert rate expressed in dollars and cents) for each one hundred dollars of valuation, for (state the number of years the tax is to be imposed or that it will be imposed for a continuing period of time), commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

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."

The question of a renewal levy under this division shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in February and August, during the last year the property tax levy to be renewed may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year.

(J) If the electors of the school district approve a question under this section, the board of education of the school district may propose to renew either or both of the existing taxes as individual ballot questions in accordance with section 5748.02 of the Revised Code for the school district income tax, or section 5705.194 of the Revised Code for the property tax.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined
company" and "public utility" have the same meanings as in section
5727.01 of the Revised Code.

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(3) A financial institution, as defined in section 5725.01 of
the Revised Code, that paid the corporation franchise tax charged
by division (D) of section 5733.06 of the Revised Code based on
one or more taxable years that include the entire tax period under
this chapter;

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(4) A dealer in intangibles, as defined in section 5725.01 of
the Revised Code, that paid the dealer in intangibles tax levied
by division (D) of section 5707.03 of the Revised Code based on
one or more measurement periods that include the entire tax period
under this chapter;

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(5) A financial holding company as defined in the "Bank
Holding Company Act," 12 U.S.C. 1841(p);

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(6) A bank holding company as defined in the "Bank Holding
Company Act," 12 U.S.C. 1841(a);

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(7) A savings and loan holding company as defined in the
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging
only in activities or investments permissible for a financial
holding company under 12 U.S.C. 1843(k);

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(8) A person directly or indirectly owned by one or more
financial institutions, financial holding companies, bank holding
companies, or savings and loan holding companies described in
division (E)(3), (5), (6), or (7) of this section that is engaged
in activities permissible for a financial holding company under 12
U.S.C. 1843(k), except that any such person held pursuant to
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person
directly or indirectly owned by one or more insurance companies
described in division (E)(9) of this section that is authorized to

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do the business of insurance in this state. 127394

For the purposes of division (E)(8) of this section, a person 127395
owns another person under the following circumstances: 127396

(a) In the case of corporations issuing capital stock, one 127397
corporation owns another corporation if it owns fifty per cent or 127398
more of the other corporation's capital stock with current voting 127399
rights; 127400

(b) In the case of a limited liability company, one person 127401
owns the company if that person's membership interest, as defined 127402
in section 1705.01 of the Revised Code, is fifty per cent or more 127403
of the combined membership interests of all persons owning such 127404
interests in the company; 127405

(c) In the case of a partnership, trust, or other 127406
unincorporated business organization other than a limited 127407
liability company, one person owns the organization if, under the 127408
articles of organization or other instrument governing the affairs 127409
of the organization, that person has a beneficial interest in the 127410
organization's profits, surpluses, losses, or distributions of 127411
fifty per cent or more of the combined beneficial interests of all 127412
persons having such an interest in the organization; 127413

(d) In the case of multiple ownership, the ownership 127414
interests of more than one person may be aggregated to meet the 127415
fifty per cent ownership tests in this division only when each 127416
such owner is described in division (E)(3), (5), (6), or (7) of 127417
this section and is engaged in activities permissible for a 127418
financial holding company under 12 U.S.C. 1843(k) or is a person 127419
directly or indirectly owned by one or more insurance companies 127420
described in division (E)(9) of this section that is authorized to 127421
do the business of insurance in this state. 127422

(9) A domestic insurance company or foreign insurance 127423
company, as defined in section 5725.01 of the Revised Code, that 127424

paid the insurance company premiums tax imposed by section 5725.18 127425
or Chapter 5729. of the Revised Code based on one or more 127426
measurement periods that include the entire tax period under this 127427
chapter; 127428

(10) A person that solely facilitates or services one or more 127429
securitizations or similar transactions for any person described 127430
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 127431
For purposes of this division, "securitization" means transferring 127432
one or more assets to one or more persons and then issuing 127433
securities backed by the right to receive payment from the asset 127434
or assets so transferred. 127435

(11) Except as otherwise provided in this division, a 127436
pre-income tax trust as defined in division (FF)(4) of section 127437
5747.01 of the Revised Code and any pass-through entity of which 127438
such pre-income tax trust owns or controls, directly, indirectly, 127439
or constructively through related interests, more than five per 127440
cent of the ownership or equity interests. If the pre-income tax 127441
trust has made a qualifying pre-income tax trust election under 127442
division (FF)(3) of section 5747.01 of the Revised Code, then the 127443
trust and the pass-through entities of which it owns or controls, 127444
directly, indirectly, or constructively through related interests, 127445
more than five per cent of the ownership or equity interests, 127446
shall not be excluded persons for purposes of the tax imposed 127447
under section 5751.02 of the Revised Code. 127448

(12) Nonprofit organizations or the state and its agencies, 127449
instrumentalities, or political subdivisions. 127450

(F) Except as otherwise provided in divisions (F)(2), (3), 127451
and (4) of this section, "gross receipts" means the total amount 127452
realized by a person, without deduction for the cost of goods sold 127453
or other expenses incurred, that contributes to the production of 127454
gross income of the person, including the fair market value of any 127455
property and any services received, and any debt transferred or 127456

forgiven as consideration.	127457
(1) The following are examples of gross receipts:	127458
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	127459 127460
(b) Amounts realized from the taxpayer's performance of services for another;	127461 127462
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	127463 127464
(d) Any combination of the foregoing amounts.	127465
(2) "Gross receipts" excludes the following amounts:	127466
(a) Interest income except interest on credit sales;	127467
(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;	127468 127469 127470 127471
(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.	127472 127473 127474 127475 127476 127477 127478 127479 127480 127481 127482 127483 127484 127485 127486

For the purposes of division (F)(2)(c) of this section, the actual 127487
transfer of title of real or tangible personal property to another 127488
entity is not a hedging transaction. 127489

(d) Proceeds received attributable to the repayment, 127490
maturity, or redemption of the principal of a loan, bond, mutual 127491
fund, certificate of deposit, or marketable instrument; 127492

(e) The principal amount received under a repurchase 127493
agreement or on account of any transaction properly characterized 127494
as a loan to the person; 127495

(f) Contributions received by a trust, plan, or other 127496
arrangement, any of which is described in section 501(a) of the 127497
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 127498
1, Subchapter (D) of the Internal Revenue Code applies; 127499

(g) Compensation, whether current or deferred, and whether in 127500
cash or in kind, received or to be received by an employee, former 127501
employee, or the employee's legal successor for services rendered 127502
to or for an employer, including reimbursements received by or for 127503
an individual for medical or education expenses, health insurance 127504
premiums, or employee expenses, or on account of a dependent care 127505
spending account, legal services plan, any cafeteria plan 127506
described in section 125 of the Internal Revenue Code, or any 127507
similar employee reimbursement; 127508

(h) Proceeds received from the issuance of the taxpayer's own 127509
stock, options, warrants, puts, or calls, or from the sale of the 127510
taxpayer's treasury stock; 127511

(i) Proceeds received on the account of payments from 127512
insurance policies, except those proceeds received for the loss of 127513
business revenue; 127514

(j) Gifts or charitable contributions received; membership 127515
dues received by trade, professional, homeowners', or condominium 127516
associations; and payments received for educational courses, 127517

meetings, meals, or similar payments to a trade, professional, or	127518
other similar association; and fundraising receipts received by	127519
any person when any excess receipts are donated or used	127520
exclusively for charitable purposes;	127521
(k) Damages received as the result of litigation in excess of	127522
amounts that, if received without litigation, would be gross	127523
receipts;	127524
(l) Property, money, and other amounts received or acquired	127525
by an agent on behalf of another in excess of the agent's	127526
commission, fee, or other remuneration;	127527
(m) Tax refunds, other tax benefit recoveries, and	127528
reimbursements for the tax imposed under this chapter made by	127529
entities that are part of the same combined taxpayer or	127530
consolidated elected taxpayer group, and reimbursements made by	127531
entities that are not members of a combined taxpayer or	127532
consolidated elected taxpayer group that are required to be made	127533
for economic parity among multiple owners of an entity whose tax	127534
obligation under this chapter is required to be reported and paid	127535
entirely by one owner, pursuant to the requirements of sections	127536
5751.011 and 5751.012 of the Revised Code;	127537
(n) Pension reversions;	127538
(o) Contributions to capital;	127539
(p) Sales or use taxes collected as a vendor or an	127540
out-of-state seller on behalf of the taxing jurisdiction from a	127541
consumer or other taxes the taxpayer is required by law to collect	127542
directly from a purchaser and remit to a local, state, or federal	127543
tax authority;	127544
(q) In the case of receipts from the sale of cigarettes or	127545
tobacco products by a wholesale dealer, retail dealer,	127546
distributor, manufacturer, or seller, all as defined in section	127547
5743.01 of the Revised Code, an amount equal to the federal and	127548

state excise taxes paid by any person on or for such cigarettes or 127549
tobacco products under subtitle E of the Internal Revenue Code or 127550
Chapter 5743. of the Revised Code; 127551

(r) In the case of receipts from the sale of motor fuel by a 127552
licensed motor fuel dealer, licensed retail dealer, or licensed 127553
permissive motor fuel dealer, all as defined in section 5735.01 of 127554
the Revised Code, an amount equal to federal and state excise 127555
taxes paid by any person on such motor fuel under section 4081 of 127556
the Internal Revenue Code or Chapter 5735. of the Revised Code; 127557

(s) In the case of receipts from the sale of beer or 127558
intoxicating liquor, as defined in section 4301.01 of the Revised 127559
Code, by a person holding a permit issued under Chapter 4301. or 127560
4303. of the Revised Code, an amount equal to federal and state 127561
excise taxes paid by any person on or for such beer or 127562
intoxicating liquor under subtitle E of the Internal Revenue Code 127563
or Chapter 4301. or 4305. of the Revised Code; 127564

(t) Receipts realized by a new motor vehicle dealer or used 127565
motor vehicle dealer, as defined in section 4517.01 of the Revised 127566
Code, from the sale or other transfer of a motor vehicle, as 127567
defined in that section, to another motor vehicle dealer for the 127568
purpose of resale by the transferee motor vehicle dealer, but only 127569
if the sale or other transfer was based upon the transferee's need 127570
to meet a specific customer's preference for a motor vehicle; 127571

(u) Receipts from a financial institution described in 127572
division (E)(3) of this section for services provided to the 127573
financial institution in connection with the issuance, processing, 127574
servicing, and management of loans or credit accounts, if such 127575
financial institution and the recipient of such receipts have at 127576
least fifty per cent of their ownership interests owned or 127577
controlled, directly or constructively through related interests, 127578
by common owners; 127579

(v) Receipts realized from administering anti-neoplastic 127580
drugs and other cancer chemotherapy, biologicals, therapeutic 127581
agents, and supportive drugs in a physician's office to patients 127582
with cancer; 127583

(w) Funds received or used by a mortgage broker that is not a 127584
dealer in intangibles, other than fees or other consideration, 127585
pursuant to a table-funding mortgage loan or warehouse-lending 127586
mortgage loan. Terms used in division (F)(2)(w) of this section 127587
have the same meanings as in section 1322.01 of the Revised Code, 127588
except "mortgage broker" means a person assisting a buyer in 127589
obtaining a mortgage loan for a fee or other consideration paid by 127590
the buyer or a lender, or a person engaged in table-funding or 127591
warehouse-lending mortgage loans that are first lien mortgage 127592
loans. 127593

(x) Property, money, and other amounts received by a 127594
professional employer organization, as defined in section 4125.01 127595
of the Revised Code, from a client employer, as defined in that 127596
section, in excess of the administrative fee charged by the 127597
professional employer organization to the client employer; 127598

(y) In the case of amounts retained as commissions by a 127599
permit holder under Chapter 3769. of the Revised Code, an amount 127600
equal to the amounts specified under that chapter that must be 127601
paid to or collected by the tax commissioner as a tax and the 127602
amounts specified under that chapter to be used as purse money; 127603

(z) Qualifying distribution center receipts. 127604

(i) For purposes of division (F)(2)(z) of this section: 127605

(I) "Qualifying distribution center receipts" means receipts 127606
of a supplier from qualified property that is delivered to a 127607
qualified distribution center, multiplied by a quantity that 127608
equals one minus the Ohio delivery percentage. 127609

(II) "Qualified property" means tangible personal property 127610

delivered to a qualified distribution center that is shipped to 127611
that qualified distribution center solely for further shipping by 127612
the qualified distribution center to another location in this 127613
state or elsewhere. "Further shipping" includes storing and 127614
repackaging such property into smaller or larger bundles, so long 127615
as such property is not subject to further manufacturing or 127616
processing. 127617

(III) "Qualified distribution center" means a warehouse or 127618
other similar facility in this state that, for the qualifying 127619
year, is operated by a person that is not part of a combined 127620
taxpayer group and that has a qualifying certificate. However, all 127621
warehouses or other similar facilities that are operated by 127622
persons in the same taxpayer group and that are located within one 127623
mile of each other shall be treated as one qualified distribution 127624
center. 127625

(IV) "Qualifying year" means the calendar year to which the 127626
qualifying certificate applies. 127627

(V) "Qualifying period" means the period of the first day of 127628
July of the second year preceding the qualifying year through the 127629
thirtieth day of June of the year preceding the qualifying year. 127630

(VI) "Qualifying certificate" means the certificate issued by 127631
the tax commissioner after the operator of a distribution center 127632
files an annual application with the commissioner. The application 127633
and annual fee shall be filed and paid for each qualified 127634
distribution center on or before the first day of September before 127635
the qualifying year or within forty-five days after the 127636
distribution center opens, whichever is later. 127637

The applicant must substantiate to the commissioner's 127638
satisfaction that, for the qualifying period, all persons 127639
operating the distribution center have more than fifty per cent of 127640
the cost of the qualified property shipped to a location such that 127641

it would be situated outside this state under the provisions of 127642
division (E) of section 5751.033 of the Revised Code. The 127643
applicant must also substantiate that the distribution center 127644
cumulatively had costs from its suppliers equal to or exceeding 127645
five hundred million dollars during the qualifying period. (For 127646
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 127647
excludes any person that is part of the consolidated elected 127648
taxpayer group, if applicable, of the operator of the qualified 127649
distribution center.) The commissioner may require the applicant 127650
to have an independent certified public accountant certify that 127651
the calculation of the minimum thresholds required for a qualified 127652
distribution center by the operator of a distribution center has 127653
been made in accordance with generally accepted accounting 127654
principles. The commissioner shall issue or deny the issuance of a 127655
certificate within sixty days after the receipt of the 127656
application. A denial is subject to appeal under section 5717.02 127657
of the Revised Code. If the operator files a timely appeal under 127658
section 5717.02 of the Revised Code, the operator shall be granted 127659
a qualifying certificate, provided that the operator is liable for 127660
any tax, interest, or penalty upon amounts claimed as qualifying 127661
distribution center receipts, other than those receipts exempt 127662
under division (C)(1) of section 5751.011 of the Revised Code, 127663
that would have otherwise not been owed by its suppliers if the 127664
qualifying certificate was valid. 127665

(VII) "Ohio delivery percentage" means the proportion of the 127666
total property delivered to a destination inside Ohio from the 127667
qualified distribution center during the qualifying period 127668
compared with total deliveries from such distribution center 127669
everywhere during the qualifying period. 127670

(ii) If the distribution center is new and was not open for 127671
the entire qualifying period, the operator of the distribution 127672
center may request that the commissioner grant a qualifying 127673

certificate. If the certificate is granted and it is later 127674
determined that more than fifty per cent of the qualified property 127675
during that year was not shipped to a location such that it would 127676
be situated outside of this state under the provisions of division 127677
(E) of section 5751.033 of the Revised Code or if it is later 127678
determined that the person that operates the distribution center 127679
had average monthly costs from its suppliers of less than forty 127680
million dollars during that year, then the operator of the 127681
distribution center shall be liable for any tax, interest, or 127682
penalty upon amounts claimed as qualifying distribution center 127683
receipts, other than those receipts exempt under division (C)(1) 127684
of section 5751.011 of the Revised Code, that would have not 127685
otherwise been owed by its suppliers during the qualifying year if 127686
the qualifying certificate was valid. (For purposes of division 127687
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 127688
is part of the consolidated elected taxpayer group, if applicable, 127689
of the operator of the qualified distribution center.) 127690

(iii) When filing an application for a qualifying certificate 127691
under division (F)(2)(z)(i)(VI) of this section, the operator of a 127692
qualified distribution center also shall provide documentation, as 127693
the commissioner requires, for the commissioner to ascertain the 127694
Ohio delivery percentage. The commissioner, upon issuing the 127695
qualifying certificate, also shall certify the Ohio delivery 127696
percentage. The operator of the qualified distribution center may 127697
appeal the commissioner's certification of the Ohio delivery 127698
percentage in the same manner as an appeal is taken from the 127699
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 127700
of this section. 127701

Within thirty days after all appeals have been exhausted, the 127702
operator of the qualified distribution center shall notify the 127703
affected suppliers of qualified property that such suppliers are 127704
required to file, within sixty days after receiving notice from 127705

the operator of the qualified distribution center, amended reports 127706
for the impacted calendar quarter or quarters or calendar year, 127707
whichever the case may be. Any additional tax liability or tax 127708
overpayment shall be subject to interest but shall not be subject 127709
to the imposition of any penalty so long as the amended returns 127710
are timely filed. The supplier of tangible personal property 127711
delivered to the qualified distribution center shall include in 127712
its report of taxable gross receipts the receipts from the total 127713
sales of property delivered to the qualified distribution center 127714
for the calendar quarter or calendar year, whichever the case may 127715
be, multiplied by the Ohio delivery percentage for the qualifying 127716
year. Nothing in division (F)(2)(z)(iii) of this section shall be 127717
construed as imposing liability on the operator of a qualified 127718
distribution center for the tax imposed by this chapter arising 127719
from any change to the Ohio delivery percentage. 127720

(iv) In the case where the distribution center is new and not 127721
open for the entire qualifying period, the operator shall make a 127722
good faith estimate of an Ohio delivery percentage for use by 127723
suppliers in their reports of taxable gross receipts for the 127724
remainder of the qualifying period. The operator of the facility 127725
shall disclose to the suppliers that such Ohio delivery percentage 127726
is an estimate and is subject to recalculation. By the due date of 127727
the next application for a qualifying certificate, the operator 127728
shall determine the actual Ohio delivery percentage for the 127729
estimated qualifying period and proceed as provided in division 127730
(F)(2)(z)(iii) of this section with respect to the calculation and 127731
recalculation of the Ohio delivery percentage. The supplier is 127732
required to file, within sixty days after receiving notice from 127733
the operator of the qualified distribution center, amended reports 127734
for the impacted calendar quarter or quarters or calendar year, 127735
whichever the case may be. Any additional tax liability or tax 127736
overpayment shall be subject to interest but shall not be subject 127737
to the imposition of any penalty so long as the amended returns 127738

are timely filed. 127739

(v) Qualifying certificates and Ohio delivery percentages 127740
issued by the commissioner shall be open to public inspection and 127741
shall be timely published by the commissioner. A supplier relying 127742
in good faith on a certificate issued under this division shall 127743
not be subject to tax on the qualifying distribution center 127744
receipts under division (F)(2)(z) of this section. A person 127745
receiving a qualifying certificate is responsible for paying the 127746
tax, interest, and penalty upon amounts claimed as qualifying 127747
distribution center receipts that would not otherwise have been 127748
owed by the supplier if the qualifying certificate were available 127749
when it is later determined that the qualifying certificate should 127750
not have been issued because the statutory requirements were in 127751
fact not met. 127752

(vi) The annual fee for a qualifying certificate shall be one 127753
hundred thousand dollars for each qualified distribution center. 127754
If a qualifying certificate is not issued, the annual fee is 127755
subject to refund after the exhaustion of all appeals provided for 127756
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 127757
under this division may be assessed in the same manner as the tax 127758
imposed under this chapter. The first one hundred thousand dollars 127759
of the annual application fees collected each calendar year shall 127760
be credited to the commercial activity tax administrative fund. 127761
The remainder of the annual application fees collected shall be 127762
distributed in the same manner required under section 5751.20 of 127763
the Revised Code. 127764

(vii) The tax commissioner may require that adequate security 127765
be posted by the operator of the distribution center on appeal 127766
when the commissioner disagrees that the applicant has met the 127767
minimum thresholds for a qualified distribution center as set 127768
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 127769
section. 127770

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;	127771 127772 127773
(bb) Cash discounts allowed and taken;	127774
(cc) Returns and allowances;	127775
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means 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 that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;	127776 127777 127778 127779 127780 127781 127782 127783 127784 127785 127786 127787 127788 127789
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	127790 127791 127792 127793
(ff) <u>Any receipts directly attributed to providing public services pursuant to sections 126.60 to 126.605 of the Revised Code, or any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.</u>	127794 127795 127796 127797 127798
(gg) Any receipts for which the tax imposed by this chapter is prohibited by the Constitution or laws of the United States or the Constitution of Ohio.	127799 127800 127801

~~(gg)~~(hh)(i) As used in this division: 127802

(I) "Qualified uranium receipts" means receipts from the 127803
sale, exchange, lease, loan, production, processing, or other 127804
disposition of uranium within a uranium enrichment zone certified 127805
by the tax commissioner under division (F)(2)(hh)(ii) of this 127806
section. "Qualified uranium receipts" does not include any 127807
receipts with a situs in this state outside a uranium enrichment 127808
zone certified by the tax commissioner under division 127809
(F)(2)(hh)(ii) of this section. 127810

(II) "Uranium enrichment zone" means all real property that 127811
is part of a uranium enrichment facility licensed by the United 127812
States nuclear regulatory commission and that was or is owned or 127813
controlled by the United States department of energy or its 127814
successor. 127815

(ii) Any person that owns, leases, or operates real or 127816
tangible personal property constituting or located within a 127817
uranium enrichment zone may apply to the tax commissioner to have 127818
the uranium enrichment zone certified for the purpose of excluding 127819
qualified uranium receipts under division (F)(2)(hh) of this 127820
section. The application shall include such information that the 127821
tax commissioner prescribes. Within sixty days after receiving the 127822
application, the tax commissioner shall certify the zone for that 127823
purpose if the commissioner determines that the property qualifies 127824
as a uranium enrichment zone as defined in division (F)(2)(hh) of 127825
this section, or, if the tax commissioner determines that the 127826
property does not qualify, the commissioner shall deny the 127827
application or request additional information from the applicant. 127828
If the tax commissioner denies an application, the commissioner 127829
shall state the reasons for the denial. The applicant may appeal 127830
the denial of an application to the board of tax appeals pursuant 127831
to section 5717.02 of the Revised Code. If the applicant files a 127832
timely appeal, the tax commissioner shall conditionally certify 127833

the applicant's property. The conditional certification shall 127834
expire when all of the applicant's appeals are exhausted. Until 127835
final resolution of the appeal, the applicant shall retain the 127836
applicant's records in accordance with section 5751.12 of the 127837
Revised Code, notwithstanding any time limit on the preservation 127838
of records under that section. 127839

(ii) Amounts realized by licensed motor fuel dealers or 127840
licensed permissive motor fuel dealers from the exchange of 127841
petroleum products, including motor fuel, between such dealers, 127842
provided that delivery of the petroleum products occurs at a 127843
refinery, terminal, pipeline, or marine vessel and that the 127844
exchanging dealers agree neither dealer shall require monetary 127845
compensation from the other for the value of the exchanged 127846
petroleum products other than such compensation for differences in 127847
product location or grade. Division (F)(2)~~(g)~~(ii) of this section 127848
does not apply to amounts realized as a result of differences in 127849
location or grade of exchanged petroleum products or from 127850
handling, lubricity, dye, or other additive injections fees, 127851
pipeline security fees, or similar fees. As used in this division, 127852
"motor fuel," "licensed motor fuel dealer," "licensed permissive 127853
motor fuel dealer," and "terminal" have the same meanings as in 127854
section 5735.01 of the Revised Code. 127855

(3) In the case of a taxpayer when acting as a real estate 127856
broker, "gross receipts" includes only the portion of any fee for 127857
the service of a real estate broker, or service of a real estate 127858
salesperson associated with that broker, that is retained by the 127859
broker and not paid to an associated real estate salesperson or 127860
another real estate broker. For the purposes of this division, 127861
"real estate broker" and "real estate salesperson" have the same 127862
meanings as in section 4735.01 of the Revised Code. 127863

(4) A taxpayer's method of accounting for gross receipts for 127864
a tax period shall be the same as the taxpayer's method of 127865

accounting for federal income tax purposes for the taxpayer's 127866
federal taxable year that includes the tax period. If a taxpayer's 127867
method of accounting for federal income tax purposes changes, its 127868
method of accounting for gross receipts under this chapter shall 127869
be changed accordingly. 127870

(G) "Taxable gross receipts" means gross receipts sitused to 127871
this state under section 5751.033 of the Revised Code. 127872

(H) A person has "substantial nexus with this state" if any 127873
of the following applies. The person: 127874

(1) Owns or uses a part or all of its capital in this state; 127875

(2) Holds a certificate of compliance with the laws of this 127876
state authorizing the person to do business in this state; 127877

(3) Has bright-line presence in this state; 127878

(4) Otherwise has nexus with this state to an extent that the 127879
person can be required to remit the tax imposed under this chapter 127880
under the Constitution of the United States. 127881

(I) A person has "bright-line presence" in this state for a 127882
reporting period and for the remaining portion of the calendar 127883
year if any of the following applies. The person: 127884

(1) Has at any time during the calendar year property in this 127885
state with an aggregate value of at least fifty thousand dollars. 127886
For the purpose of division (I)(1) of this section, owned property 127887
is valued at original cost and rented property is valued at eight 127888
times the net annual rental charge. 127889

(2) Has during the calendar year payroll in this state of at 127890
least fifty thousand dollars. Payroll in this state includes all 127891
of the following: 127892

(a) Any amount subject to withholding by the person under 127893
section 5747.06 of the Revised Code; 127894

(b) Any other amount the person pays as compensation to an 127895

individual under the supervision or control of the person for work	127896
done in this state; and	127897
(c) Any amount the person pays for services performed in this	127898
state on its behalf by another.	127899
(3) Has during the calendar year taxable gross receipts of at	127900
least five hundred thousand dollars.	127901
(4) Has at any time during the calendar year within this	127902
state at least twenty-five per cent of the person's total	127903
property, total payroll, or total gross receipts.	127904
(5) Is domiciled in this state as an individual or for	127905
corporate, commercial, or other business purposes.	127906
(J) "Tangible personal property" has the same meaning as in	127907
section 5739.01 of the Revised Code.	127908
(K) "Internal Revenue Code" means the Internal Revenue Code	127909
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in	127910
this chapter that is not otherwise defined has the same meaning as	127911
when used in a comparable context in the laws of the United States	127912
relating to federal income taxes unless a different meaning is	127913
clearly required. Any reference in this chapter to the Internal	127914
Revenue Code includes other laws of the United States relating to	127915
federal income taxes.	127916
(L) "Calendar quarter" means a three-month period ending on	127917
the thirty-first day of March, the thirtieth day of June, the	127918
thirtieth day of September, or the thirty-first day of December.	127919
(M) "Tax period" means the calendar quarter or calendar year	127920
on the basis of which a taxpayer is required to pay the tax	127921
imposed under this chapter.	127922
(N) "Calendar year taxpayer" means a taxpayer for which the	127923
tax period is a calendar year.	127924
(O) "Calendar quarter taxpayer" means a taxpayer for which	127925

the tax period is a calendar quarter.	127926
(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:	127927 127928 127929
(1) A person receiving a fee to sell financial instruments;	127930
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	127931 127932 127933
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	127934 127935
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	127936 127937
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	127938 127939
(Q) "Received" includes amounts accrued under the accrual method of accounting.	127940 127941
(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.	127942 127943 127944 127945 127946 127947 127948
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:	127949 127950 127951
(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	127952 127953 127954

least fifty per cent, of the value of their ownership interests 127955
owned or controlled, directly or constructively through related 127956
interests, by common owners during all or any portion of the tax 127957
period, together with the common owners. 127958

A group making its initial election on the basis of the 127959
eighty per cent ownership test may change its election so that its 127960
consolidated elected taxpayer group is formed on the basis of the 127961
fifty per cent ownership test if all of the following are 127962
satisfied: 127963

(a) When the initial election was made, the group did not 127964
have any persons satisfying the fifty per cent ownership test; 127965

(b) One or more of the persons in the initial group 127966
subsequently acquires ownership interests in a person such that 127967
the fifty per cent ownership test is satisfied, the eighty per 127968
cent ownership test is not satisfied, and the acquired person 127969
would be required to be included in a combined taxpayer group 127970
under section 5751.012 of the Revised Code; 127971

(c) The group requests the change in a written request to the 127972
tax commissioner on or before the due date for filing the first 127973
return due under section 5751.051 of the Revised Code after the 127974
date of the acquisition; 127975

(d) The group has not previously changed its election. 127976

At the election of the group, all entities that are not 127977
incorporated or formed under the laws of a state or of the United 127978
States and that meet the consolidated elected ownership test shall 127979
either be included in the group or all shall be excluded from the 127980
group. If, at the time of registration, the group does not include 127981
any such entities that meet the consolidated elected ownership 127982
test, the group shall elect to either include or exclude the newly 127983
acquired entities before the due date of the first return due 127984
after the date of the acquisition. 127985

Each group shall notify the tax commissioner of the foregoing 127986
elections before the due date of the return for the period in 127987
which the election becomes binding. If fifty per cent of the value 127988
of a person's ownership interests is owned or controlled by each 127989
of two consolidated elected taxpayer groups formed under the fifty 127990
per cent ownership or control test, that person is a member of 127991
each group for the purposes of this section, and each group shall 127992
include in the group's taxable gross receipts fifty per cent of 127993
that person's taxable gross receipts. Otherwise, all of that 127994
person's taxable gross receipts shall be included in the taxable 127995
gross receipts of the consolidated elected taxpayer group of which 127996
the person is a member. In no event shall the ownership or control 127997
of fifty per cent of the value of a person's ownership interests 127998
by two otherwise unrelated groups form the basis for consolidating 127999
the groups into a single consolidated elected taxpayer group or 128000
permit any exclusion under division (C) of this section of taxable 128001
gross receipts between members of the two groups. Division (A)(3) 128002
of this section applies with respect to the elections described in 128003
this division. 128004

(2) The group makes the election to be treated as a 128005
consolidated elected taxpayer in the manner prescribed under 128006
division (D) of this section. 128007

(3) Subject to review and audit by the tax commissioner, the 128008
group agrees that all of the following apply: 128009

(a) The group shall file reports as a single taxpayer for at 128010
least the next eight calendar quarters following the election so 128011
long as at least two or more of the members of the group meet the 128012
requirements of division (A)(1) of this section. 128013

(b) Before the expiration of the eighth such calendar 128014
quarter, the group shall notify the commissioner if it elects to 128015
cancel its designation as a consolidated elected taxpayer. If the 128016
group does not so notify the tax commissioner, the election 128017

remains in effect for another eight calendar quarters. 128018

(c) If, at any time during any of those eight calendar 128019
quarters following the election, a former member of the group no 128020
longer meets the requirements under division (A)(1) of this 128021
section, that member shall report and pay the tax imposed under 128022
this chapter separately, as a member of a combined taxpayer, or, 128023
if the former member satisfies such requirements with respect to 128024
another consolidated elected group, as a member of that 128025
consolidated elected group. 128026

(d) The group agrees to the application of division (B) of 128027
this section. 128028

(B) A group of persons making the election under this section 128029
shall report and pay tax on all of the group's taxable gross 128030
receipts even if substantial nexus with this state does not exist 128031
for one or more persons in the group. 128032

(C)(1)(a) Members of a consolidated elected taxpayer group 128033
shall exclude gross receipts among persons included in the 128034
consolidated elected taxpayer group. 128035

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 128036
section, nothing in this section shall have the effect of 128037
requiring a consolidated elected taxpayer group to include gross 128038
receipts received by a person enumerated in divisions (E)(2) to 128039
(10) of section 5751.01 of the Revised Code if that person is a 128040
member of the group pursuant to the elections made by the group 128041
under division (A)(1) of this section. 128042

(c)(i) As used in division (C)(1)(c) of this section, "dealer 128043
transfer" means a transfer of property that satisfies both of the 128044
following: (I) the property is directly transferred by any means 128045
from one member of the group to another member of the group that 128046
is a dealer in intangibles but is not a qualifying dealer as 128047
defined in section ~~5725.24~~ 5707.031 of the Revised Code; and (II) 128048

the property is subsequently delivered by the dealer in 128049
intangibles to a person that is not a member of the group. 128050

(ii) In the event of a dealer transfer, a consolidated 128051
elected taxpayer group shall not exclude, under division (C) of 128052
this section, gross receipts from the transfer described in 128053
division (C)(1)(c)(i)(I) of this section. 128054

(2) Gross receipts related to the sale or transmission of 128055
electricity through the use of an intermediary regional 128056
transmission organization approved by the federal energy 128057
regulatory commission shall be excluded from taxable gross 128058
receipts under division (C)(1) of this section if all other 128059
requirements of that division are met, even if the receipts are 128060
from and to the same member of the group. 128061

(D) To make the election to be a consolidated elected 128062
taxpayer, a group of persons shall notify the tax commissioner of 128063
the election in the manner prescribed by the commissioner and pay 128064
the commissioner a registration fee equal to the lesser of two 128065
hundred dollars or twenty dollars for each person in the group. No 128066
additional fee shall be imposed for the addition of new members to 128067
the group once the group has remitted a fee in the amount of two 128068
hundred dollars. The election shall be made and the fee paid 128069
before the beginning of the first calendar quarter to which the 128070
election applies. The fee shall be collected and used in the same 128071
manner as provided in section 5751.04 of the Revised Code. 128072

The election shall be made on a form prescribed by the tax 128073
commissioner for that purpose and shall be signed by one or more 128074
individuals with authority, separately or together, to make a 128075
binding election on behalf of all persons in the group. 128076

Any person acquired or formed after the filing of the 128077
registration shall be included in the group if the person meets 128078
the requirements of division (A)(1) of this section, and the group 128079

shall notify the tax commissioner of any additions to the group 128080
with the next tax return it files with the commissioner. 128081

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 128082
the Revised Code: 128083

(1) "School district," "joint vocational school district," 128084
"local taxing unit," "recognized valuation," "fixed-rate levy," 128085
and "fixed-sum levy" have the same meanings as used in section 128086
5727.84 of the Revised Code. 128087

(2) "State education aid" for a school district means the 128088
following: 128089

(a) For fiscal years prior to fiscal year 2010, the sum of 128090
state aid amounts computed for the district under the following 128091
provisions, as they existed for the applicable fiscal year: 128092
division (A) of section 3317.022 of the Revised Code, including 128093
the amounts calculated under sections 3317.029 and 3317.0217 of 128094
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 128095
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 128096
divisions (L) and (N) of section 3317.024; section 3317.0216; and 128097
any unit payments for gifted student services paid under sections 128098
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 128099
for fiscal years 2008 and 2009, the amount computed for the 128100
district under Section 269.20.80 of H.B. 119 of the 127th general 128101
assembly and as that section subsequently may be amended shall be 128102
substituted for the amount computed under division (D) of section 128103
3317.022 of the Revised Code, and the amount computed under 128104
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 128105
that section subsequently may be amended shall be included. 128106

(b) For fiscal ~~year~~ years 2010 and ~~for each fiscal year~~ 128107
~~thereafter~~ 2011, the sum of the amounts computed under former 128108
sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 128109
3306.192 of the Revised Code-; 128110

<u>(c) For fiscal years 2012 and 2013, the amount paid in</u>	128111
<u>accordance with the section of H.B. 153 of the 129th general</u>	128112
<u>assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL</u>	128113
<u>SCHOOL DISTRICTS."</u>	128114
(3) "State education aid" for a joint vocational school	128115
district means the following:	128116
(a) For fiscal years prior to fiscal year 2010, the sum of	128117
the state aid computed for the district under division (N) of	128118
section 3317.024 and section 3317.16 of the Revised Code, except	128119
that, for fiscal years 2008 and 2009, the amount computed under	128120
Section 269.30.80 of H.B. 119 of the 127th general assembly and as	128121
that section subsequently may be amended shall be included.	128122
(b) For fiscal years 2010 and 2011, the amount paid in	128123
accordance with the section of this act <u>H.B. 1 of the 128th</u>	128124
<u>general assembly</u> entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL	128125
DISTRICTS."	128126
<u>(c) For fiscal years 2012 and 2013, the amount paid in</u>	128127
<u>accordance with the section of H.B. 153 of the 129th general</u>	128128
<u>assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."</u>	128129
(4) "State education aid offset" means the amount determined	128130
for each school district or joint vocational school district under	128131
division (A)(1) of section 5751.21 of the Revised Code.	128132
(5) "Machinery and equipment property tax value loss" means	128133
the amount determined under division (C)(1) of this section.	128134
(6) "Inventory property tax value loss" means the amount	128135
determined under division (C)(2) of this section.	128136
(7) "Furniture and fixtures property tax value loss" means	128137
the amount determined under division (C)(3) of this section.	128138
(8) "Machinery and equipment fixed-rate levy loss" means the	128139
amount determined under division (D)(1) of this section.	128140

- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 128141
128142
- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 128143
128144
- (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 128145
128146
128147
128148
- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 128149
128150
- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 128151
128152
128153
- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 128154
128155
128156
- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 128157
128158
128159
- (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 128160
128161
128162
128163
128164
128165
- (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. 128166
128167
128168
128169
- (18) "Telephone property tax value loss" means the amount 128170

determined under division (C)(4) of this section. 128171

(19) "Telephone property fixed-rate levy loss" means the 128172
amount determined under division (D)(4) of this section. 128173

(20) "Taxes charged and payable" means taxes charged and 128174
payable after the reduction required by section 319.301 of the 128175
Revised Code but before the reductions required by sections 128176
319.302 and 323.152 of the Revised Code. 128177

(21) "Median estate tax collections" means, in the case of a 128178
municipal corporation to which revenue from the taxes levied in 128179
Chapter 5731. of the Revised Code was distributed in each of 128180
calendar years 2006, 2007, 2008, and 2009, the median of those 128181
distributions. In the case of a municipal corporation to which no 128182
distributions were made in one or more of those years, "median 128183
estate tax collections" means zero. 128184

(22) "Total resources," in the case of a school district, 128185
means the sum of the amounts in divisions (A)(22)(a) to (h) of 128186
this section less any reduction required under division (A)(32) of 128187
this section. 128188

(a) The state education aid for fiscal year 2010; 128189

(b) The sum of the payments received by the school district 128190
in fiscal year 2010 for current expense levy losses pursuant to 128191
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 128192
section 5751.21 of the Revised Code, excluding the portion of such 128193
payments attributable to levies for joint vocational school 128194
district purposes; 128195

(c) The sum of fixed-sum levy loss payments received by the 128196
school district in fiscal year 2010 pursuant to division (E)(1) of 128197
section 5727.85 and division (E)(1) of section 5751.21 of the 128198
Revised Code for fixed-sum levies imposed for a purpose other than 128199
paying debt charges; 128200

<u>(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies imposed under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;</u>	128201
	128202
	128203
	128204
	128205
	128206
<u>(e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes;</u>	128207
	128208
	128209
	128210
	128211
<u>(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;</u>	128212
	128213
	128214
	128215
<u>(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;</u>	128216
	128217
<u>(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.</u>	128218
	128219
<u>(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.</u>	128220
	128221
	128222
	128223
<u>(a) The state education aid for fiscal year 2010;</u>	128224
<u>(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;</u>	128225
	128226
	128227
	128228
<u>(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of</u>	128229
	128230

<u>real and public utility property for current expense purposes for</u>	128231
<u>tax year 2008;</u>	128232
<u>(d) Fifty per cent of the joint vocational school district's</u>	128233
<u>taxes charged and payable against all property on the tax list of</u>	128234
<u>real and public utility property for current expenses for tax year</u>	128235
<u>2009;</u>	128236
<u>(e) Fifty per cent of a city, local, or exempted village</u>	128237
<u>school district's taxes charged and payable against all property</u>	128238
<u>on the tax list of real and public utility property for current</u>	128239
<u>expenses of the joint vocational school district for tax year</u>	128240
<u>2008;</u>	128241
<u>(f) Fifty per cent of a city, local, or exempted village</u>	128242
<u>school district's taxes charged and payable against all property</u>	128243
<u>on the tax list of real and public utility property for current</u>	128244
<u>expenses of the joint vocational school district for tax year</u>	128245
<u>2009;</u>	128246
<u>(g) The joint vocational school district's taxes charged and</u>	128247
<u>payable against all property on the general tax list of personal</u>	128248
<u>property for current expenses for tax year 2009.</u>	128249
<u>(24) "Total resources," in the case of county mental health</u>	128250
<u>and disability related functions, means the sum of the amounts in</u>	128251
<u>divisions (A)(24)(a) and (b) of this section less any reduction</u>	128252
<u>required under division (A)(32) of this section.</u>	128253
<u>(a) The sum of the payments received by the county for mental</u>	128254
<u>health and developmental disability related functions in calendar</u>	128255
<u>year 2010 under division (A)(1) of section 5727.86 and division</u>	128256
<u>(A)(1) and (2) of section 5751.22 of the Revised Code as they</u>	128257
<u>existed at that time;</u>	128258
<u>(b) With respect to taxes levied by the county for mental</u>	128259
<u>health and developmental disability related purposes, the taxes</u>	128260
<u>charged and payable for such purposes against all property on the</u>	128261

<u>tax list of real and public utility property for tax year 2009.</u>	128262
<u>(25) "Total resources," in the case of county senior services</u>	128263
<u>related functions, means the sum of the amounts in divisions</u>	128264
<u>(A)(25)(a) and (b) of this section less any reduction required</u>	128265
<u>under division (A)(32) of this section.</u>	128266
<u>(a) The sum of the payments received by the county for senior</u>	128267
<u>services related functions in calendar year 2010 under division</u>	128268
<u>(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section</u>	128269
<u>5751.22 of the Revised Code as they existed at that time;</u>	128270
<u>(b) With respect to taxes levied by the county for senior</u>	128271
<u>services related purposes, the taxes charged and payable for such</u>	128272
<u>purposes against all property on the tax list of real and public</u>	128273
<u>utility property for tax year 2009.</u>	128274
<u>(26) "Total resources," in the case of county children's</u>	128275
<u>services related functions, means the sum of the amounts in</u>	128276
<u>divisions (A)(26)(a) and (b) of this section less any reduction</u>	128277
<u>required under division (A)(32) of this section.</u>	128278
<u>(a) The sum of the payments received by the county for</u>	128279
<u>children's services related functions in calendar year 2010 under</u>	128280
<u>division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of</u>	128281
<u>section 5751.22 of the Revised Code as they existed at that time;</u>	128282
<u>(b) With respect to taxes levied by the county for children's</u>	128283
<u>services related purposes, the taxes charged and payable for such</u>	128284
<u>purposes against all property on the tax list of real and public</u>	128285
<u>utility property for tax year 2009.</u>	128286
<u>(27) "Total resources," in the case of county public health</u>	128287
<u>related functions, means the sum of the amounts in divisions</u>	128288
<u>(A)(27)(a) and (b) of this section less any reduction required</u>	128289
<u>under division (A)(32) of this section.</u>	128290
<u>(a) The sum of the payments received by the county for public</u>	128291

<u>health related functions in calendar year 2010 under division</u>	128292
<u>(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section</u>	128293
<u>5751.22 of the Revised Code as they existed at that time;</u>	128294
<u>(b) With respect to taxes levied by the county for public</u>	128295
<u>health related purposes, the taxes charged and payable for such</u>	128296
<u>purposes against all property on the tax list of real and public</u>	128297
<u>utility property for tax year 2009.</u>	128298
<u>(28) "Total resources," in the case of all county functions</u>	128299
<u>not included in divisions (A)(24) to (27) of this section, means</u>	128300
<u>the sum of the amounts in divisions (A)(28)(a) to (d) of this</u>	128301
<u>section less any reduction required under division (A)(32) of this</u>	128302
<u>section.</u>	128303
<u>(a) The sum of the payments received by the county for all</u>	128304
<u>other purposes in calendar year 2010 under division (A)(1) of</u>	128305
<u>section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of</u>	128306
<u>the Revised Code as they existed at that time;</u>	128307
<u>(b) The county's percentage share of county undivided local</u>	128308
<u>government fund allocations as certified to the tax commissioner</u>	128309
<u>for calendar year 2010 by the county auditor under division (J) of</u>	128310
<u>section 5747.51 of the Revised Code or division (F) of section</u>	128311
<u>5747.53 of the Revised Code multiplied by the total amount</u>	128312
<u>actually distributed in calendar year 2010 from the county</u>	128313
<u>undivided local government fund;</u>	128314
<u>(c) With respect to taxes levied by the county for all other</u>	128315
<u>purposes, the taxes charged and payable for such purposes against</u>	128316
<u>all property on the tax list of real and public utility property</u>	128317
<u>for tax year 2009, excluding taxes charged and payable for the</u>	128318
<u>purpose of paying debt charges;</u>	128319
<u>(d) The sum of the amounts distributed to the county in</u>	128320
<u>calendar year 2010 for the taxes levied pursuant to sections</u>	128321
<u>5739.021 and 5741.021 of the Revised Code.</u>	128322

<u>(29) "Total resources," in the case of a municipal</u>	128323
<u>corporation, means the sum of the amounts in divisions (A)(29)(a)</u>	128324
<u>to (g) of this section less any reduction required under division</u>	128325
<u>(A)(32) of this section.</u>	128326
<u>(a) The sum of the payments received by the municipal</u>	128327
<u>corporation in calendar year 2010 under division (A)(1) of section</u>	128328
<u>5727.86 and divisions (A)(1) and (2) of section 5751.22 of the</u>	128329
<u>Revised Code as they existed at that time;</u>	128330
<u>(b) The municipal corporation's percentage share of county</u>	128331
<u>undivided local government fund allocations as certified to the</u>	128332
<u>tax commissioner for calendar year 2010 by the county auditor</u>	128333
<u>under division (J) of section 5747.51 of the Revised Code or</u>	128334
<u>division (F) of section 5747.53 of the Revised Code multiplied by</u>	128335
<u>the total amount actually distributed in calendar year 2010 from</u>	128336
<u>the county undivided local government fund;</u>	128337
<u>(c) The sum of the amounts distributed to the municipal</u>	128338
<u>corporation in calendar year 2010 pursuant to section 5747.50 of</u>	128339
<u>the Revised Code;</u>	128340
<u>(d) With respect to taxes levied by the municipal</u>	128341
<u>corporation, the taxes charged and payable against all property on</u>	128342
<u>the tax list of real and public utility property for current</u>	128343
<u>expenses, defined in division (A)(33) of this section, for tax</u>	128344
<u>year 2009;</u>	128345
<u>(e) The amount of admissions tax collected by the municipal</u>	128346
<u>corporation in calendar year 2008, or if such information has not</u>	128347
<u>yet been reported to the tax commissioner, in the most recent year</u>	128348
<u>before 2008 for which the municipal corporation has reported data</u>	128349
<u>to the commissioner;</u>	128350
<u>(f) The amount of income taxes collected by the municipal</u>	128351
<u>corporation in calendar year 2008, or if such information has not</u>	128352
<u>yet been reported to the tax commissioner, in the most recent year</u>	128353

<u>before 2008 for which the municipal corporation has reported data</u>	128354
<u>to the commissioner;</u>	128355
<u>(g) The municipal corporation's median estate tax</u>	128356
<u>collections.</u>	128357
<u>(30) "Total resources," in the case of a township, means the</u>	128358
<u>sum of the amounts in divisions (A)(30)(a) to (c) of this section</u>	128359
<u>less any reduction required under division (A)(32) of this</u>	128360
<u>section.</u>	128361
<u>(a) The sum of the payments received by the township in</u>	128362
<u>calendar year 2010 pursuant to division (A)(1) of section 5727.86</u>	128363
<u>of the Revised Code and divisions (A)(1) and (2) of section</u>	128364
<u>5751.22 of the Revised Code as they existed at that time,</u>	128365
<u>excluding payments received for debt purposes;</u>	128366
<u>(b) The township's percentage share of county undivided local</u>	128367
<u>government fund allocations as certified to the tax commissioner</u>	128368
<u>for calendar year 2010 by the county auditor under division (J) of</u>	128369
<u>section 5747.51 of the Revised Code or division (F) of section</u>	128370
<u>5747.53 of the Revised Code multiplied by the total amount</u>	128371
<u>actually distributed in calendar year 2010 from the county</u>	128372
<u>undivided local government fund;</u>	128373
<u>(c) With respect to taxes levied by the township, the taxes</u>	128374
<u>charged and payable against all property on the tax list of real</u>	128375
<u>and public utility property for tax year 2009 excluding taxes</u>	128376
<u>charged and payable for the purpose of paying debt charges.</u>	128377
<u>(31) "Total resources," in the case of a local taxing unit</u>	128378
<u>that is not a county, municipal corporation, or township, means</u>	128379
<u>the sum of the amounts in divisions (A)(31)(a) to (e) of this</u>	128380
<u>section less any reduction required under division (A)(32) of this</u>	128381
<u>section.</u>	128382
<u>(a) The sum of the payments received by the local taxing unit</u>	128383
<u>in calendar year 2010 pursuant to division (A)(1) of section</u>	128384

5727.86 of the Revised Code and divisions (A)(1) and (2) of 128385
section 5751.22 of the Revised Code as they existed at that time; 128386

(b) The local taxing unit's percentage share of county 128387
undivided local government fund allocations as certified to the 128388
tax commissioner for calendar year 2010 by the county auditor 128389
under division (J) of section 5747.51 of the Revised Code or 128390
division (F) of section 5747.53 of the Revised Code multiplied by 128391
the total amount actually distributed in calendar year 2010 from 128392
the county undivided local government fund; 128393

(c) With respect to taxes levied by the local taxing unit, 128394
the taxes charged and payable against all property on the tax list 128395
of real and public utility property for tax year 2009 excluding 128396
taxes charged and payable for the purpose of paying debt charges; 128397

(d) The amount received from the tax commissioner during 128398
calendar year 2010 for sales or use taxes authorized under 128399
sections 5739.023 and 5741.022 of the Revised Code; 128400

(e) For institutions of higher education receiving tax 128401
revenue from a local levy, as identified in section 3358.02 of the 128402
Revised Code, the final state share of instruction allocation for 128403
fiscal year 2010 as calculated by the board of regents and 128404
reported to the state controlling board. 128405

(32) If a fixed-rate levy that is a qualifying levy is not 128406
imposed in any year after tax year 2010, "total resources" used to 128407
compute payments to be made under division (C)(12) of section 128408
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 128409
Revised Code in the tax years following the last year the levy is 128410
imposed shall be reduced by the amount of payments attributable to 128411
the fixed-rate levy loss of that levy as would be computed under 128412
division (C)(2) of section 5727.85, division (A)(1) of section 128413
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 128414
(A)(1) of section 5751.22 of the Revised Code. 128415

(33) "Municipal current expense property tax levies" means 128416
all property tax levies of a municipality, except those with the 128417
following levy names: airport resurfacing; bond or any levy name 128418
including the word "bond"; capital improvement or any levy name 128419
including the word "capital"; debt or any levy name including the 128420
word "debt"; equipment or any levy name including the word 128421
"equipment," unless the levy is for combined operating and 128422
equipment; employee termination fund; fire pension or any levy 128423
containing the word "pension," including police pensions; 128424
fireman's fund or any practically similar name; sinking fund; road 128425
improvements or any levy containing the word "road"; fire truck or 128426
apparatus; flood or any levy containing the word "flood"; 128427
conservancy district; county health; note retirement; sewage, or 128428
any levy containing the words "sewage" or "sewer"; park 128429
improvement; parkland acquisition; storm drain; street or any levy 128430
name containing the word "street"; lighting, or any levy name 128431
containing the word "lighting"; and water. 128432

(34) "Current expense TPP allocation" means, in the case of a 128433
school district or joint vocational school district, the sum of 128434
the payments received by the school district in fiscal year 2011 128435
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 128436
Revised Code to the extent paid for current expense levies. In the 128437
case of a municipal corporation, "current expense TPP allocation" 128438
means the sum of the payments received by the municipal 128439
corporation in calendar year 2010 pursuant to divisions (A)(1) and 128440
(2) of section 5751.22 of the Revised Code to the extent paid for 128441
municipal current expense property tax levies as defined in 128442
division (A)(33) of this section. If a fixed-rate levy that is a 128443
qualifying levy is not imposed in any year after tax year 2010, 128444
"current expense TPP allocation" used to compute payments to be 128445
made under division (C)(12) of section 5751.21 or division 128446
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 128447
years following the last year the levy is imposed shall be reduced 128448

by the amount of payments attributable to the fixed-rate levy loss 128449
of that levy as would be computed under divisions (C)(10) and (11) 128450
of section 5751.21 or division (A)(1) of section 5751.22 of the 128451
Revised Code. 128452

(35) "TPP allocation" means the sum of payments received by a 128453
local taxing unit in calendar year 2010 pursuant to divisions 128454
(A)(1) and (2) of section 5751.22 of the Revised Code. If a 128455
fixed-rate levy that is a qualifying levy is not imposed in any 128456
year after tax year 2010, "TPP allocation" used to compute 128457
payments to be made under division (A)(1)(b) or (c) of section 128458
5751.22 of the Revised Code in the tax years following the last 128459
year the levy is imposed shall be reduced by the amount of payment 128460
attributable to the fixed-rate levy loss of that levy as would be 128461
computed under division (A)(1) of that section. 128462

(36) "Total TPP allocation" means, in the case of a school 128463
district or joint vocational school district, the sum of the 128464
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 128465
and (11) and (D) of section 5751.21 of the Revised Code. In the 128466
case of a local taxing unit, "total TPP allocation" means the sum 128467
of payments received by the unit in calendar year 2010 pursuant to 128468
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 128469
Code. If a fixed-rate levy that is a qualifying levy is not 128470
imposed in any year after tax year 2010, "total TPP allocation" 128471
used to compute payments to be made under division (C)(12) of 128472
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 128473
the Revised Code in the tax years following the last year the levy 128474
is imposed shall be reduced by the amount of payments attributable 128475
to the fixed-rate levy loss of that levy as would be computed 128476
under divisions (C)(10) and (11) of section 5751.21 or division 128477
(A)(1) of section 5751.22 of the Revised Code. 128478

(37) "Non-current expense TPP allocation" means the 128479
difference of total TPP allocation minus the sum of current 128480

expense TPP allocation and the portion of total TPP allocation 128481
constituting reimbursement for debt levies, pursuant to division 128482
(D) of section 5751.21 of the Revised Code in the case of a school 128483
district or joint vocational school district and pursuant to 128484
division (A)(3) of section 5751.22 of the Revised Code in the case 128485
of a municipal corporation. 128486

(38) "Threshold per cent" means, in the case of a school 128487
district or joint vocational school district, two per cent for 128488
fiscal year 2012 and four per cent for fiscal years 2013 and 128489
thereafter. In the case of a local taxing unit, "threshold per 128490
cent" means two per cent for tax year 2011, four per cent for tax 128491
year 2012, and six per cent for tax years 2013 and thereafter. 128492

(B) The commercial activities tax receipts fund is hereby 128493
created in the state treasury and shall consist of money arising 128494
from the tax imposed under this chapter. Eighty-five 128495
one-hundredths of one per cent of the money credited to that fund 128496
shall be credited to the tax reform system implementation fund, 128497
which is hereby created in the state treasury, and shall be used 128498
to defray the costs incurred by the department of taxation in 128499
administering the tax imposed by this chapter and in implementing 128500
tax reform measures. The remainder in the commercial activities 128501
tax receipts fund shall be credited for each fiscal year in the 128502
following percentages to the general revenue fund, to the school 128503
district tangible property tax replacement fund, which is hereby 128504
created in the state treasury for the purpose of making the 128505
payments described in section 5751.21 of the Revised Code, and to 128506
the local government tangible property tax replacement fund, which 128507
is hereby created in the state treasury for the purpose of making 128508
the payments described in section 5751.22 of the Revised Code, in 128509
the following percentages: 128510

Fiscal year	General Revenue	School District	Local Government	128511
	Fund	Tangible	Tangible	

		Property Tax Replacement Fund	Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	128512
2007	0%	70.0%	30.0%	128513
2008	0%	70.0%	30.0%	128514
2009	0%	70.0%	30.0%	128515
2010	0%	70.0%	30.0%	128516
2011	0%	70.0%	30.0%	128517
2012	5.3 25.0%	70.0 52.5%	24.7 22.5%	128518
2013 <u>and</u> <u>thereafter</u>	10.6 50.0%	70.0 35.0%	19.4 15.0%	128519
2014	14.1%	70.0%	15.9%	128520
2015	17.6%	70.0%	12.4%	128521
2016	21.1%	70.0%	8.9%	128522
2017	24.6%	70.0%	5.4%	128523
2018	28.1%	70.0%	1.9%	128524
2019 and thereafter	30%	70%	0%	128525

(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.	128540
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	128541 128542 128543
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	128544 128545 128546
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	128547 128548
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	128549 128550 128551
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	128552 128553 128554
(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:	128555 128556 128557
(a) For tax year 2006, twenty-five per cent;	128558
(b) For tax year 2007, fifty per cent;	128559
(c) For tax year 2008, seventy-five per cent;	128560
(d) For tax year 2009 and thereafter, one hundred per cent.	128561
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.	128562 128563 128564 128565 128566 128567
(4) Telephone property tax value loss is the taxable value of	128568

telephone property as taxpayers would have reported that property 128569
for tax year 2004 if the assessment rate for all telephone 128570
property for that year were twenty-five per cent, multiplied by: 128571

(a) For tax year 2006, zero per cent; 128572

(b) For tax year 2007, zero per cent; 128573

(c) For tax year 2008, zero per cent; 128574

(d) For tax year 2009, sixty per cent; 128575

(e) For tax year 2010, eighty per cent; 128576

(f) For tax year 2011 and thereafter, one hundred per cent. 128577

(5) Division (C)(5) of this section applies to any school 128578
district, joint vocational school district, or local taxing unit 128579
in a county in which is located a facility currently or formerly 128580
devoted to the enrichment or commercialization of uranium or 128581
uranium products, and for which the total taxable value of 128582
property listed on the general tax list of personal property for 128583
any tax year from tax year 2001 to tax year 2004 was fifty per 128584
cent or less of the taxable value of such property listed on the 128585
general tax list of personal property for the next preceding tax 128586
year. 128587

In computing the fixed-rate levy losses under divisions 128588
(D)(1), (2), and (3) of this section for any school district, 128589
joint vocational school district, or local taxing unit to which 128590
division (C)(5) of this section applies, the taxable value of such 128591
property as listed on the general tax list of personal property 128592
for tax year 2000 shall be substituted for the taxable value of 128593
such property as reported by taxpayers for tax year 2004, in the 128594
taxing district containing the uranium facility, if the taxable 128595
value listed for tax year 2000 is greater than the taxable value 128596
reported by taxpayers for tax year 2004. For the purpose of making 128597
the computations under divisions (D)(1), (2), and (3) of this 128598

section, the tax year 2000 valuation is to be allocated to 128599
machinery and equipment, inventory, and furniture and fixtures 128600
property in the same proportions as the tax year 2004 values. For 128601
the purpose of the calculations in division (A) of section 5751.21 128602
of the Revised Code, the tax year 2004 taxable values shall be 128603
used. 128604

To facilitate the calculations required under division (C) of 128605
this section, the county auditor, upon request from the tax 128606
commissioner, shall provide by August 1, 2005, the values of 128607
machinery and equipment, inventory, and furniture and fixtures for 128608
all single-county personal property taxpayers for tax year 2004. 128609

(D) Not later than September 15, 2005, the tax commissioner 128610
shall determine for each tax year from 2006 through 2009 for each 128611
school district, joint vocational school district, and local 128612
taxing unit its machinery and equipment, inventory, and furniture 128613
and fixtures fixed-rate levy losses, and for each tax year from 128614
2006 through 2011 its telephone property fixed-rate levy loss. 128615
Except as provided in division (F) of this section, such losses 128616
are the applicable amounts described in divisions (D)(1), (2), 128617
(3), and (4) of this section: 128618

(1) The machinery and equipment fixed-rate levy loss is the 128619
machinery and equipment property tax value loss multiplied by the 128620
sum of the tax rates of fixed-rate qualifying levies. 128621

(2) The inventory fixed-rate loss is the inventory property 128622
tax value loss multiplied by the sum of the tax rates of 128623
fixed-rate qualifying levies. 128624

(3) The furniture and fixtures fixed-rate levy loss is the 128625
furniture and fixture property tax value loss multiplied by the 128626
sum of the tax rates of fixed-rate qualifying levies. 128627

(4) The telephone property fixed-rate levy loss is the 128628
telephone property tax value loss multiplied by the sum of the tax 128629

rates of fixed-rate qualifying levies. 128630

(E) Not later than September 15, 2005, the tax commissioner 128631
shall determine for each school district, joint vocational school 128632
district, and local taxing unit its fixed-sum levy loss. The 128633
fixed-sum levy loss is the amount obtained by subtracting the 128634
amount described in division (E)(2) of this section from the 128635
amount described in division (E)(1) of this section: 128636

(1) The sum of the machinery and equipment property tax value 128637
loss, the inventory property tax value loss, and the furniture and 128638
fixtures property tax value loss, and, for 2008 through ~~2017~~ 2010, 128639
the telephone property tax value loss of the district or unit 128640
multiplied by the sum of the fixed-sum tax rates of qualifying 128641
levies. For 2006 through 2010, this computation shall include all 128642
qualifying levies remaining in effect for the current tax year and 128643
any school district levies imposed under section 5705.194 or 128644
5705.213 of the Revised Code that are qualifying levies not 128645
remaining in effect for the current year. For 2011 through 2017 in 128646
the case of school district levies imposed under section 5705.194 128647
or 5705.213 of the Revised Code and for all years after 2010 in 128648
the case of other fixed-sum levies, this computation shall include 128649
only qualifying levies remaining in effect for the current year. 128650
For purposes of this computation, a qualifying school district 128651
levy imposed under section 5705.194 or 5705.213 of the Revised 128652
Code remains in effect in a year after 2010 only if, for that 128653
year, the board of education levies a school district levy imposed 128654
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 128655
Revised Code for an annual sum at least equal to the annual sum 128656
levied by the board in tax year 2004 less the amount of the 128657
payment certified under this division for 2006. 128658

(2) The total taxable value in tax year 2004 less the sum of 128659
the machinery and equipment, inventory, furniture and fixtures, 128660
and telephone property tax value losses in each school district, 128661

joint vocational school district, and local taxing unit multiplied 128662
by one-half of one mill per dollar. 128663

(3) For the calculations in divisions (E)(1) and (2) of this 128664
section, the tax value losses are those that would be calculated 128665
for tax year 2009 under divisions (C)(1), (2), and (3) of this 128666
section and for tax year 2011 under division (C)(4) of this 128667
section. 128668

(4) To facilitate the calculation under divisions (D) and (E) 128669
of this section, not later than September 1, 2005, any school 128670
district, joint vocational school district, or local taxing unit 128671
that has a qualifying levy that was approved at an election 128672
conducted during 2005 before September 1, 2005, shall certify to 128673
the tax commissioner a copy of the county auditor's certificate of 128674
estimated property tax millage for such levy as required under 128675
division (B) of section 5705.03 of the Revised Code, which is the 128676
rate that shall be used in the calculations under such divisions. 128677

If the amount determined under division (E) of this section 128678
for any school district, joint vocational school district, or 128679
local taxing unit is greater than zero, that amount shall equal 128680
the reimbursement to be paid pursuant to division (E) of section 128681
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 128682
and the one-half of one mill that is subtracted under division 128683
(E)(2) of this section shall be apportioned among all contributing 128684
fixed-sum levies in the proportion that each levy bears to the sum 128685
of all fixed-sum levies within each school district, joint 128686
vocational school district, or local taxing unit. 128687

(F) If a school district levies a tax under section 5705.219 128688
of the Revised Code, the fixed-rate levy loss for qualifying 128689
levies, to the extent repealed under that section, shall equal the 128690
sum of the following amounts in lieu of the amounts computed for 128691
such levies under division (D) of this section: 128692

(1) The sum of the rates of qualifying levies to the extent 128693
so repealed multiplied by the sum of the machinery and equipment, 128694
inventory, and furniture and fixtures tax value losses for 2009 as 128695
determined under that division; 128696

(2) The sum of the rates of qualifying levies to the extent 128697
so repealed multiplied by the telephone property tax value loss 128698
for 2011 as determined under that division. 128699

The fixed-rate levy losses for qualifying levies to the 128700
extent not repealed under section 5705.219 of the Revised Code 128701
shall be as determined under division (D) of this section. The 128702
revised fixed-rate levy losses determined under this division and 128703
division (D) of this section first apply in the year following the 128704
first year the district levies the tax under section 5705.219 of 128705
the Revised Code. 128706

(G) Not later than October 1, 2005, the tax commissioner 128707
shall certify to the department of education for every school 128708
district and joint vocational school district the machinery and 128709
equipment, inventory, furniture and fixtures, and telephone 128710
property tax value losses determined under division (C) of this 128711
section, the machinery and equipment, inventory, furniture and 128712
fixtures, and telephone fixed-rate levy losses determined under 128713
division (D) of this section, and the fixed-sum levy losses 128714
calculated under division (E) of this section. The calculations 128715
under divisions (D) and (E) of this section shall separately 128716
display the levy loss for each levy eligible for reimbursement. 128717

(H) Not later than October 1, 2005, the tax commissioner 128718
shall certify the amount of the fixed-sum levy losses to the 128719
county auditor of each county in which a school district, joint 128720
vocational school district, or local taxing unit with a fixed-sum 128721
levy loss reimbursement has territory. 128722

(I) Not later than the twenty-eighth day of February each 128723

year beginning in 2011 and ending in 2014, the tax commissioner 128724
shall certify to the department of education for each school 128725
district first levying a tax under section 5705.219 of the Revised 128726
Code in the preceding year the revised fixed-rate levy losses 128727
determined under divisions (D) and (F) of this section. 128728

Sec. 5751.21. (A) Not later than the thirtieth day of July of 128729
2007 through ~~2017~~ 2010, the department of education shall consult 128730
with the director of budget and management and determine the 128731
following for each school district and each joint vocational 128732
school district eligible for payment under division (B) of this 128733
section: 128734

(1) The state education aid offset, which, except as provided 128735
in division (A)(1)(c) of this section, is the difference obtained 128736
by subtracting the amount described in division (A)(1)(b) of this 128737
section from the amount described in division (A)(1)(a) of this 128738
section: 128739

(a) The state education aid computed for the school district 128740
or joint vocational school district for the current fiscal year as 128741
of the thirtieth day of July; 128742

(b) The state education aid that would be computed for the 128743
school district or joint vocational school district for the 128744
current fiscal year as of the thirtieth day of July if the 128745
~~recognized~~ valuation used in the calculation in division (B)(1) of 128746
section 3306.13 of the Revised Code as that division existed for 128747
fiscal years 2010 and 2011 included the machinery and equipment, 128748
inventory, furniture and fixtures, and telephone property tax 128749
value losses for the school district or joint vocational school 128750
district for the second preceding tax year, and if taxes charged 128751
and payable associated with the tax value losses are accounted for 128752
in any state education aid computation dependent on taxes charged 128753
and payable. 128754

(c) The state education aid offset for fiscal year 2010 and fiscal year 2011 equals the greater of the state education aid offset calculated for that fiscal year under divisions (A)(1)(a) and (b) of this section and the state education aid offset calculated for fiscal year 2009. For fiscal year 2012 and 2013, the state education aid offset equals the state education aid offset for fiscal year 2011.

(2) ~~The~~ For fiscal years 2008 through 2011, the greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under divisions (G) and (I) of section 5751.20 of the Revised Code for all taxing districts in each school district and joint vocational school district for the second preceding tax year.

By the thirtieth day of July of each such year, the department of education and the director of budget and management shall agree upon the amount to be determined under division (A)(1) of this section.

(B) On or before the thirty-first day of August of ~~each year beginning in 2008, 2009, and 2010,~~ the department of education shall recalculate the offset described under division (A) of this section for the previous fiscal year and recalculate the payments made under division (C) of this section in the preceding fiscal year using the offset calculated under this division. If the payments calculated under this division differ from the payments made under division (C) of this section in the preceding fiscal year, the difference shall either be paid to a school district or recaptured from a school district through an adjustment at the same times during the current fiscal year that the payments under division (C) of this section are made. In August and October of

the current fiscal year, the amount of each adjustment shall be 128787
three-sevenths of the amount calculated under this division. In 128788
May of the current fiscal year, the adjustment shall be 128789
one-seventh of the amount calculated under this division. 128790

(C) The department of education shall pay from the school 128791
district tangible property tax replacement fund to each school 128792
district and joint vocational school district all of the following 128793
for fixed-rate levy losses certified under divisions (G) and (I) 128794
of section 5751.20 of the Revised Code: 128795

(1) On or before May 31, 2006, one-seventh of the total 128796
fixed-rate levy loss for tax year 2006; 128797

(2) On or before August 31, 2006, and October 31, 2006, 128798
one-half of six-sevenths of the total fixed-rate levy loss for tax 128799
year 2006; 128800

(3) On or before May 31, 2007, one-seventh of the total 128801
fixed-rate levy loss for tax year 2007; 128802

(4) On or before August 31, 2007, and October 31, 2007, 128803
forty-three per cent of the amount determined under division 128804
(A)(2) of this section for fiscal year 2008, but not less than 128805
zero, plus one-half of six-sevenths of the difference between the 128806
total fixed-rate levy loss for tax year 2007 and the total 128807
fixed-rate levy loss for tax year 2006. 128808

(5) On or before May 31, 2008, fourteen per cent of the 128809
amount determined under division (A)(2) of this section for fiscal 128810
year 2008, but not less than zero, plus one-seventh of the 128811
difference between the total fixed-rate levy loss for tax year 128812
2008 and the total fixed-rate levy loss for tax year 2006. 128813

(6) On or before August 31, 2008, and October 31, 2008, 128814
forty-three per cent of the amount determined under division 128815
(A)(2) of this section for fiscal year 2009, but not less than 128816
zero, plus one-half of six-sevenths of the difference between the 128817

total fixed-rate levy loss in tax year 2008 and the total 128818
fixed-rate levy loss in tax year 2007. 128819

(7) On or before May 31, 2009, fourteen per cent of the 128820
amount determined under division (A)(2) of this section for fiscal 128821
year 2009, but not less than zero, plus one-seventh of the 128822
difference between the total fixed-rate levy loss for tax year 128823
2009 and the total fixed-rate levy loss for tax year 2007. 128824

(8) On or before August 31, 2009, and October 31, 2009, 128825
forty-three per cent of the amount determined under division 128826
(A)(2) of this section for fiscal year 2010, but not less than 128827
zero, plus one-half of six-sevenths of the difference between the 128828
total fixed-rate levy loss in tax year 2009 and the total 128829
fixed-rate levy loss in tax year 2008. 128830

(9) On or before May 31, 2010, fourteen per cent of the 128831
amount determined under division (A)(2) of this section for fiscal 128832
year 2010, but not less than zero, plus one-seventh of the 128833
difference between the total fixed-rate levy loss in tax year 2010 128834
and the total fixed-rate levy loss in tax year 2008. 128835

(10) On or before August 31, 2010, and October 31, 2010, 128836
forty-three per cent of the amount determined under division 128837
(A)(2) of this section for fiscal year 2011, but not less than 128838
zero, plus one-half of six-sevenths of the difference between the 128839
telephone property fixed-rate levy loss for tax year 2010 and the 128840
telephone property fixed-rate levy loss for tax year 2009. 128841

(11) On or before May 31, 2011, fourteen per cent of the 128842
amount determined under division (A)(2) of this section for fiscal 128843
year 2011, but not less than zero, plus one-seventh of the 128844
difference between the telephone property fixed-rate levy loss for 128845
tax year 2011 and the telephone property fixed-rate levy loss for 128846
tax year 2009. 128847

~~(12) On or before August 31, 2011, and October 31, 2011,~~ 128848

~~forty three per cent of the amount determined under division
(A)(2) of this section, but not less than zero, plus one half of
six sevenths of the difference between the telephone property
fixed rate levy loss for tax year 2011 and the telephone property
fixed rate levy loss for tax year 2010.~~

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~~(13) On or before May 31, 2012, fourteen per cent of the
amount determined under division (A)(2) of this section for fiscal
year 2012, but not less than zero, plus one seventh of the
difference between the telephone property fixed rate levy loss for
tax year 2011 and the telephone property fixed rate levy loss for
tax year 2010.~~

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~~(14) On or before August 31, 2012, October 31, 2012, and May
31, 2013, the amount determined under division (A)(2) of this
section but not less than zero, multiplied by one third.~~

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~~(15) On or before August 31, 2013, October 31, 2013, and May
31, 2014, the amount determined under division (A)(2) of this
section multiplied by a fraction, the numerator of which is nine
and the denominator of which is seventeen, but not less than zero,
multiplied by one third.~~

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~~(16) On or before August 31, 2014, October 31, 2014, and May
31, 2015, the amount determined under division (A)(2) of this
section multiplied by a fraction, the numerator of which is seven
and the denominator of which is seventeen, but not less than zero,
multiplied by one third.~~

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~~(17) On or before August 31, 2015, October 31, 2015, and May
31, 2016, the amount determined under division (A)(2) of this
section multiplied by a fraction, the numerator of which is five
and the denominator of which is seventeen, but not less than zero,
multiplied by one third.~~

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~~(18) On or before August 31, 2016, October 31, 2016, and May
31, 2017, the amount determined under division (A)(2) of this~~

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~~section multiplied by a fraction, the numerator of which is three 128880
and the denominator of which is seventeen, but not less than zero, 128881
multiplied by one third. 128882~~

~~(19) On or before August 31, 2017, October 31, 2017, and May 128883
31, 2018, the amount determined under division (A)(2) of this 128884
section multiplied by a fraction, the numerator of which is one 128885
and the denominator of which is seventeen, but not less than zero, 128886
multiplied by one third. For fiscal years 2012 and thereafter, the 128887
sum of the amounts in divisions (C)(12)(a) or (b) and (c) of this 128888
section shall be paid on or before the twentieth day of November 128889
and the last day of May: 128890~~

(a) If the ratio of current expense TPP allocation to total 128891
resources is equal to or less than the threshold per cent, zero; 128892

(b) If the ratio of current expense TPP allocation to total 128893
resources is greater than the threshold per cent, fifty per cent 128894
of the difference of current expense TPP allocation minus the 128895
product of total resources multiplied by the threshold per cent; 128896

(c) Fifty per cent of the product of non-current expense TPP 128897
allocation multiplied by seventy-five per cent for fiscal year 128898
2012 and fifty per cent for fiscal years 2013 and thereafter. 128899

The department of education shall report to each school 128900
district and joint vocational school district the apportionment of 128901
the payments among the school district's or joint vocational 128902
school district's funds based on the certifications under 128903
divisions (G) and (I) of section 5751.20 of the Revised Code. 128904

~~Any qualifying levy that is a fixed rate levy that is not 128905
applicable to a tax year after 2010 does not qualify for any 128906
reimbursement after the tax year to which it is last applicable. 128907~~

(D) For taxes levied within the ten-mill limitation for debt 128908
purposes in tax year 2005, payments shall be made equal to one 128909
hundred per cent of the loss computed as if the tax were a 128910

fixed-rate levy, but those payments shall extend from fiscal year 128911
2006 through fiscal year 2018, as long as the qualifying levy 128912
continues to be used for debt purposes. If the purpose of such a 128913
qualifying levy is changed, that levy becomes subject to the 128914
payments determined in division (C) of this section. 128915

(E)(1) Not later than January 1, 2006, for each fixed-sum 128916
levy of each school district or joint vocational school district 128917
and for each year for which a determination is made under division 128918
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 128919
loss is to be reimbursed, the tax commissioner shall certify to 128920
the department of education the fixed-sum levy loss determined 128921
under that division. The certification shall cover a time period 128922
sufficient to include all fixed-sum levies for which the 128923
commissioner made such a determination. ~~The~~ On or before the last 128924
day of May of the current year, the department shall pay from the 128925
school district property tax replacement fund to the school 128926
district or joint vocational school district one-third of the 128927
fixed-sum levy loss so certified ~~for each year~~, plus one-third of 128928
the amount certified under division (I) of section 5751.20 of the 128929
Revised Code, and on or before the ~~last~~ twentieth day of ~~May,~~ 128930
~~August, and October of the current year~~ November, two-thirds of 128931
the fixed-sum levy loss so certified, plus two-thirds of the 128932
amount certified under division (I) of section 5751.20 of the 128933
Revised Code. Payments under this division of the amounts 128934
certified under division (I) of section 5751.20 of the Revised 128935
Code shall continue until the levy adopted under section 5705.219 128936
of the Revised Code expires. 128937

(2) Beginning in 2006, by the first day of January of each 128938
year, the tax commissioner shall review the certification 128939
originally made under division (E)(1) of this section. If the 128940
commissioner determines that a debt levy that had been scheduled 128941
to be reimbursed in the current year has expired, a revised 128942

certification for that and all subsequent years shall be made to 128943
the department of education. 128944

(F) Beginning in September 2007 and through June ~~2018~~ 2013, 128945
the director of budget and management shall transfer from the 128946
school district tangible property tax replacement fund to the 128947
general revenue fund each of the following: 128948

(1) On the first day of September, one-fourth of the amount 128949
determined for that fiscal year under division (A)(1) of this 128950
section; 128951

(2) On the first day of December, one-fourth of the amount 128952
determined for that fiscal year under division (A)(1) of this 128953
section; 128954

(3) On the first day of March, one-fourth of the amount 128955
determined for that fiscal year under division (A)(1) of this 128956
section; 128957

(4) On the first day of June, one-fourth of the amount 128958
determined for that fiscal year under division (A)(1) of this 128959
section. 128960

If, when a transfer is required under division (F)(1), (2), 128961
(3), or (4) of this section, there is not sufficient money in the 128962
school district tangible property tax replacement fund to make the 128963
transfer in the required amount, the director shall transfer the 128964
balance in the fund to the general revenue fund and may make 128965
additional transfers on later dates as determined by the director 128966
in a total amount that does not exceed one-fourth of the amount 128967
determined for the fiscal year. 128968

(G) ~~For each of the fiscal years 2006 through 2018, if~~ If the 128969
total amount in the school district tangible property tax 128970
replacement fund is insufficient to make all payments under 128971
divisions (C), (D), and (E) of this section at the times the 128972
payments are to be made, the director of budget and management 128973

shall transfer from the general revenue fund to the school 128974
district tangible property tax replacement fund the difference 128975
between the total amount to be paid and the amount in the school 128976
district tangible property tax replacement fund. ~~For each fiscal~~ 128977
~~year after 2018, at the time payments under division (E) of this~~ 128978
~~section are to be made, the director of budget and management~~ 128979
~~shall transfer from the general revenue fund to the school~~ 128980
~~district property tax replacement fund the amount necessary to~~ 128981
~~make such payments.~~ 128982

(H)~~(1)~~ On the fifteenth day of June ~~of 2006 through 2011~~ of 128983
each year, the director of budget and management may transfer any 128984
balance in the school district tangible property tax replacement 128985
fund to the general revenue fund. ~~At the end of fiscal years 2012~~ 128986
~~through 2018, any balance in the school district tangible property~~ 128987
~~tax replacement fund shall remain in the fund to be used in future~~ 128988
~~fiscal years for school purposes.~~ 128989

~~(2) In each fiscal year beginning with fiscal year 2019, all~~ 128990
~~amounts credited to the school district tangible personal property~~ 128991
~~tax replacement fund shall be appropriated for school purposes.~~ 128992

(I) If all of the territory of a school district or joint 128993
vocational school district is merged with another district, or if 128994
a part of the territory of a school district or joint vocational 128995
school district is transferred to an existing or newly created 128996
district, the department of education, in consultation with the 128997
tax commissioner, shall adjust the payments made under this 128998
section as follows: 128999

(1) For a merger of two or more districts, ~~the machinery and~~ 129000
~~equipment, inventory, furniture and fixtures, and telephone~~ 129001
~~property fixed rate levy losses and the fixed-sum levy losses,~~ 129002
total resources, current expense TPP allocation, total TPP 129003
allocation, and non-current expense TPP allocation of the 129004
successor district shall be ~~equal to the sum of the machinery and~~ 129005

~~equipment, inventory, furniture and fixtures, and telephone~~ 129006
~~property fixed rate levy losses and debt levy losses as determined~~ 129007
~~in section 5751.20 of the Revised Code, such items for each of the~~ 129008
~~districts involved in the merger.~~ 129009

(2) If property is transferred from one district to a 129010
previously existing district, the amount of ~~machinery and~~ 129011
~~equipment, inventory, furniture and fixtures, and telephone~~ 129012
~~property tax value losses and fixed rate levy losses total~~ 129013
~~resources, current expense TPP allocation, total TPP allocation,~~ 129014
~~and non-current expense TPP allocation that shall be transferred~~ 129015
to the recipient district shall be an amount equal to ~~the total~~ 129016
~~machinery and equipment, inventory, furniture and fixtures, and~~ 129017
~~telephone property fixed rate levy losses total resources, current~~ 129018
~~expense TPP allocation, total TPP allocation, and non-current~~ 129019
~~expense TPP allocation of the transferor district times a~~ 129020
fraction, the numerator of which is the ~~value of business tangible~~ 129021
~~personal property on the land being transferred in the most recent~~ 129022
~~year for which data are available number of pupils being~~ 129023
~~transferred to the recipient district, measured, in the case of a~~ 129024
~~school district, by average daily membership as reported under~~ 129025
~~division (A) of section 3317.03 of the Revised Code or, in the~~ 129026
~~case of a joint vocational school district, by formula ADM as~~ 129027
~~reported in division (D) of that section, and the denominator of~~ 129028
which is the ~~total value of business tangible personal property in~~ 129029
~~the district from which the land is being transferred in the most~~ 129030
~~recent year for which data are available. For each of the first~~ 129031
~~five years after the property is transferred, but not after fiscal~~ 129032
~~year 2012, if the tax rate in the recipient district is less than~~ 129033
~~the tax rate of the district from which the land was transferred,~~ 129034
~~one half of the payments arising from the amount of fixed rate~~ 129035
~~levy losses so transferred to the recipient district shall be paid~~ 129036
~~to the recipient district and one half of the payments arising~~ 129037
~~from the fixed rate levy losses so transferred shall be paid to~~ 129038

~~the district from which the land was transferred. Fixed rate levy~~ 129039
~~losses so transferred shall be computed on the basis of the sum of~~ 129040
~~the rates of fixed rate qualifying levies of the district from~~ 129041
~~which the land was transferred, notwithstanding division (E) of~~ 129042
~~this section average daily membership or formula ADM of the~~ 129043
~~transferor district.~~ 129044

(3) After December 31, ~~2004~~ 2010, if property is transferred 129045
from one or more districts to a district that is newly created out 129046
of the transferred property, the newly created district shall be 129047
deemed not to have any ~~machinery and equipment, inventory,~~ 129048
~~furniture and fixtures, or telephone property fixed rate levy~~ 129049
~~losses and the districts from which the property was transferred~~ 129050
~~shall have no reduction in their machinery and equipment,~~ 129051
~~inventory, furniture and fixtures, and telephone property~~ 129052
~~fixed rate levy losses total resources, current expense TPP~~ 129053
~~allocation, total TPP allocation, or non-current expense TPP~~ 129054
~~allocation.~~ 129055

(4) If the recipient district under division (I)(2) of this 129056
section or the newly created district under division (I)(3) of 129057
this section is assuming debt from one or more of the districts 129058
from which the property was transferred and any of the districts 129059
losing the property had fixed-sum levy losses, the department of 129060
education, in consultation with the tax commissioner, shall make 129061
an equitable division of the fixed-sum levy loss reimbursements. 129062

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 129063
commissioner shall compute the payments to be made to each local 129064
taxing unit for each year according to divisions (A)(1), (2), (3), 129065
and (4) of this section as this section existed on that date, and 129066
shall distribute the payments in the manner prescribed by division 129067
(C) of this section. The calculation of the fixed-sum levy loss 129068
shall cover a time period sufficient to include all fixed-sum 129069

levies for which the commissioner determined, pursuant to division 129070
(E) of section 5751.20 of the Revised Code, that a fixed-sum levy 129071
loss is to be reimbursed. 129072

(1) Except as provided in division (A)~~(4)~~(3) of this section, 129073
for ~~machinery and equipment, inventory, and furniture and fixtures~~ 129074
fixed-rate levy losses determined under division (D) of section 129075
5751.20 of the Revised Code, payments shall be made in an amount 129076
equal to ~~each of those losses multiplied by~~ the following: 129077

(a) For tax years 2006 through 2010, one hundred per cent of 129078
such losses; 129079

(b) For the payment in tax year 2011, ~~a fraction, the~~ 129080
~~numerator of which is fourteen and the denominator of which is~~ 129081
~~seventeen~~; 129082

~~(c) For tax year 2012, a fraction, the numerator of which is~~ 129083
~~eleven and the denominator of which is seventeen~~; 129084

~~(d) For tax year 2013, a fraction, the numerator of which is~~ 129085
~~nine and the denominator of which is seventeen~~; 129086

~~(e) For tax year 2014, a fraction, the numerator of which is~~ 129087
~~seven and the denominator of which is seventeen~~; 129088

~~(f) For tax year 2015, a fraction, the numerator of which is~~ 129089
~~five and the denominator of which is seventeen~~; 129090

~~(g) For tax year 2016, a fraction, the numerator of which is~~ 129091
~~three and the denominator of which is seventeen~~; 129092

~~(h) For tax year 2017, a fraction, the numerator of which is~~ 129093
~~one and the denominator of which is seventeen~~; 129094

~~(i) For tax years 2018 and thereafter, no fixed rate payments~~ 129095
~~shall be made.~~ 129096

~~Any qualifying levy that is a fixed rate levy that is not~~ 129097
~~applicable to a tax year after 2010 shall not qualify for any~~ 129098

reimbursement after the tax year to which it is last applicable.	129099
(2) Except as provided in division (A)(4) of this section,	129100
for telephone property fixed rate levy losses determined under	129101
division (D)(4) of section 5751.20 of the Revised Code, payments	129102
shall be made in an amount equal to each of those losses	129103
multiplied by the following:	129104
(a) For tax years 2009 through 2011, one hundred per cent;	129105
(b) For tax year 2012, seven eighths;	129106
(c) For tax year 2013, six eighths;	129107
(d) For tax year 2014, five eighths;	129108
(e) For tax year 2015, four eighths;	129109
(f) For tax year 2016, three eighths;	129110
(g) For tax year 2017, two eighths;	129111
(h) For tax year 2018, one eighth;	129112
(i) For tax years 2019 and thereafter, no fixed rate payments	129113
shall be made to be made on or before the twentieth day of	129114
November, the sum of the amount in division (A)(1)(b)(i) or (ii)	129115
and division (A)(1)(b)(iii) of this section:	129116
(i) If the ratio of six-sevenths of the TPP allocation to	129117
total resources is equal to or less than the threshold per cent,	129118
zero;	129119
(ii) If the ratio of six-sevenths of the TPP allocation to	129120
total resources is greater than the threshold per cent, the	129121
difference of six-sevenths of the TPP allocation minus the product	129122
of total resources multiplied by the threshold per cent;	129123
(iii) In the case of a municipal corporation, six-sevenths of	129124
the product of the non-current expense TPP allocation multiplied	129125
by seventy-five per cent.	129126
(c) For tax years 2012 and thereafter, the sum of the amount	129127

in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 129128
this section: 129129

(i) If the ratio of TPP allocation to total resources is 129130
equal to or less than the threshold per cent, zero; 129131

(ii) If the ratio of TPP allocation to total resources is 129132
greater than the threshold per cent, the TPP allocation minus the 129133
product of total resources multiplied by the threshold per cent; 129134

(iii) In the case of a municipal corporation, non-current 129135
expense TPP allocation multiplied by fifty per cent for tax year 129136
2012 and twenty-five per cent for tax years 2013 and thereafter. 129137

~~Any qualifying levy that is a fixed rate levy that is not~~ 129138
~~applicable to a tax year after 2011 shall not qualify for any~~ 129139
~~reimbursement after the tax year to which it is last applicable.~~ 129140

~~(3)(2)~~ For fixed-sum levy losses determined under division 129141
(E) of section 5751.20 of the Revised Code, payments shall be made 129142
in the amount of one hundred per cent of the fixed-sum levy loss 129143
for payments required to be made in 2006 and thereafter until the 129144
qualifying levy has expired. 129145

~~(4)(3)~~ For taxes levied within the ten-mill limitation or 129146
pursuant to a municipal charter for debt purposes in tax year 129147
2005, payments shall be made based on the schedule in division 129148
(A)(1) of this section for each of the calendar years 2006 through 129149
2010. For each of the calendar years 2011 through 2017, the 129150
percentages for calendar year 2010 shall be used for taxes levied 129151
within the ten-mill limitation or pursuant to a municipal charter 129152
for debt purposes in tax year 2010, as long as the ~~qualifying levy~~ 129153
~~continues~~ such levies continue to be used for debt purposes. If 129154
the purpose of such a qualifying levy is changed, that levy 129155
becomes subject to the payment schedules in divisions (A)(1)(a) to 129156
(h) of this section. No payments shall be made for such levies 129157
after calendar year 2017. For the purposes of this division, taxes 129158

levied pursuant to a municipal charter refer to taxes levied 129159
pursuant to a provision of a municipal charter that permits the 129160
tax to be levied without prior voter approval. 129161

(B) Beginning in 2007, by the thirty-first day of January of 129162
each year, the tax commissioner shall review the calculation 129163
originally made under division (A) of this section of the 129164
fixed-sum levy losses determined under division (E) of section 129165
5751.20 of the Revised Code. If the commissioner determines that a 129166
fixed-sum levy that had been scheduled to be reimbursed in the 129167
current year has expired, a revised calculation for that and all 129168
subsequent years shall be made. 129169

(C) Payments to local taxing units required to be made under 129170
division (A) of this section shall be paid from the local 129171
government tangible property tax replacement fund to the county 129172
undivided income tax fund in the proper county treasury. ~~Beginning~~ 129173
~~in~~ From May 2006 through November 2010, one-seventh of the amount 129174
~~certified~~ determined under that division shall be paid by the last 129175
day of May each year, and three-sevenths shall be paid by the last 129176
day of August and October each year. From May 2011 through 129177
November 2013, one-seventh of the amount determined under that 129178
division shall be paid on or before the last day of May each year, 129179
and six-sevenths shall be paid on or before the twentieth day of 129180
November each year, except that in November 2011, the payment 129181
shall equal one hundred per cent of the amount calculated for that 129182
payment. Beginning in May 2014, one-half of the amount determined 129183
under that division shall be paid on or before the last day of May 129184
each year, and one-half shall be paid on or before the twentieth 129185
day of November each year. Within ~~forty-five~~ forty days after 129186
receipt of such payments, the county treasurer shall distribute 129187
amounts determined under division (A) of this section to the 129188
proper local taxing unit as if they had been levied and collected 129189
as taxes, and the local taxing unit shall apportion the amounts so 129190

received among its funds in the same proportions as if those 129191
amounts had been levied and collected as taxes. 129192

(D) For each of the fiscal years 2006 through ~~2019~~ 2018, if 129193
the total amount in the local government tangible property tax 129194
replacement fund is insufficient to make all payments under 129195
division (C) of this section at the times the payments are to be 129196
made, the director of budget and management shall transfer from 129197
the general revenue fund to the local government tangible property 129198
tax replacement fund the difference between the total amount to be 129199
paid and the amount in the local government tangible property tax 129200
replacement fund. For each fiscal year after ~~2019~~ 2018, at the 129201
time payments under division (A)(2) of this section are to be 129202
made, the director of budget and management shall transfer from 129203
the general revenue fund to the local government property tax 129204
replacement fund the amount necessary to make such payments. 129205

(E) On the fifteenth day of June of each year from 2006 129206
through 2018, the director of budget and management may transfer 129207
any balance in the local government tangible property tax 129208
replacement fund to the general revenue fund. 129209

(F) If all or a part of the territories of two or more local 129210
taxing units are merged, or unincorporated territory of a township 129211
is annexed by a municipal corporation, the tax commissioner shall 129212
adjust the payments made under this section to each of the local 129213
taxing units in proportion to the ~~tax value loss apportioned to~~ 129214
square mileage of the merged or annexed territory as a percentage 129215
of the total square mileage of the jurisdiction from which the 129216
territory originated, or as otherwise provided by a written 129217
agreement between the legislative authorities of the local taxing 129218
units certified to the commissioner not later than the first day 129219
of June of the calendar year in which the payment is to be made. 129220

Sec. 5751.23. (A) As used in this section: 129221

(1) "Administrative fees" means the dollar percentages 129222
allowed by the county auditor for services or by the county 129223
treasurer as fees, or paid to the credit of the real estate 129224
assessment fund, under divisions (A) and (C) of section 319.54 and 129225
division (A) of section 321.26 of the Revised Code. 129226

(2) "Administrative fee loss" means a county's loss of 129227
administrative fees due to its tax value loss, determined as 129228
follows: 129229

(a) For purposes of the determination made under division (B) 129230
of this section in the years 2006 through 2010, the administrative 129231
fee loss shall be computed by multiplying the amounts determined 129232
for all taxing districts in the county under divisions (D) and (E) 129233
of section 5751.20 of the Revised Code by nine thousand six 129234
hundred fifty-nine ten-thousandths of one per cent if total taxes 129235
collected in the county in 2004 exceeded one hundred fifty million 129236
dollars, or one and one thousand one hundred fifty-nine 129237
ten-thousandths of one per cent if total taxes collected in the 129238
county in 2004 were one hundred fifty million dollars or less; 129239

(b) For purposes of the determination under division (B) of 129240
this section in the years after 2010, the administrative fee 129241
~~losses shall be determined by multiplying loss equals~~ 129242
fourteen-seventeenths of the administrative fee losses loss 129243
calculated for 2010 ~~by the fractions in divisions (A)(1)(b) to (i)~~ 129244
~~of section 5751.22 of the Revised Code multiplied by the following~~ 129245
percentages: 100% for 2011, 80% for 2012, 60% for 2013, 40% for 129246
2014, 20% for 2015, and 0% for 2016. 129247

(3) "Total taxes collected" means all money collected on any 129248
tax duplicate of the county, other than the estate tax duplicates. 129249
"Total taxes collected" does not include amounts received pursuant 129250
to divisions (F) and (G) of section 321.24 or section 323.156 of 129251
the Revised Code. 129252

(B) Not later than December 31, 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (D) and (E) of section 5751.20 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2006 through ~~2017~~ 2015, the county auditor shall determine the administrative fee loss for the county and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through ~~2017~~ 2015, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through ~~2017~~ 2015, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.

Sec. 5751.50. (A) For tax periods beginning on or after January 1, 2008, a refundable credit granted by the tax credit authority under section 122.17 or division (B)(2) or (3) of section 122.171 of the Revised Code may be claimed under this chapter in the order required under section 5751.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax period. A credit claimed in calendar year 2008 may not be applied

against the tax otherwise due for a tax period beginning before 129284
July 1, 2008. The refundable credit shall not be claimed against 129285
the tax otherwise due for any tax period beginning after the date 129286
on which a relocation of employment positions occurs in violation 129287
of an agreement entered into under section 122.17 or 122.171 of 129288
the Revised Code. 129289

(B) For tax periods beginning on or after January 1, 2008, a 129290
nonrefundable credit granted by the tax credit authority under 129291
division (B)(1) of section 122.171 of the Revised Code may be 129292
claimed under this chapter in the order required under section 129293
5751.98 of the Revised Code. A credit claimed in calendar year 129294
2008 may not be applied against the tax otherwise due under this 129295
chapter for a tax period beginning before July 1, 2008. The credit 129296
shall not be claimed against the tax otherwise due for any tax 129297
period beginning after the date on which a relocation of 129298
employment positions occurs in violation of an agreement entered 129299
into under section 122.17 or 122.171 of the Revised Code. No 129300
credit shall be allowed under this chapter if the credit was 129301
available against the tax imposed by section 5733.06 or 5747.02 of 129302
the Revised Code, except to the extent the credit was not applied 129303
against such tax. 129304

Sec. 5919.34. (A) As used in this section: 129305

(1) "Academic term" means any one of the following: 129306

(a) Fall term, which consists of fall semester or fall 129307
quarter, as appropriate; 129308

(b) Winter term, which consists of winter semester, winter 129309
quarter, or spring semester, as appropriate; 129310

(c) Spring term, which consists of spring quarter; 129311

(d) Summer term, which consists of summer semester or summer 129312
quarter, as appropriate. 129313

(2) "Eligible applicant" means any individual to whom all of the following apply:

(a) The individual does not possess a baccalaureate degree.

(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.

(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at ~~an~~ a state institution of higher education or a private institution of higher education, or in a diploma-granting program at ~~an~~ a state or private institution of higher education that is a school of nursing.

(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.

(3) ~~Institution~~ State institution of higher education means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.

(4) "Private institution of higher education" means an Ohio institution of higher education ~~that is state-assisted~~, that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and

schools pursuant to section 3332.05 of the Revised Code. 129345

~~(4) "State university" has the same meaning as in section 3345.011 of the Revised Code.~~ 129346
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(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges. 129348
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(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program. 129352
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~~(C) If the adjutant general estimates that appropriations and any funds in the Ohio national guard scholarship reserve fund are insufficient to pay for all scholarships applied for under this section and likely to be used during an academic term, the adjutant general shall promptly inform all applicants not receiving scholarships for that academic term of the next academic term that appropriations will be adequate for the scholarships. Any such eligible applicant may again apply for a scholarship beginning that academic term if the applicant is in compliance with all requirements established by this section and the adjutant general for the program. The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.~~ 129354
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(D)(1) Except as provided in ~~division~~ divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of 129371
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this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is ~~state-assisted~~ a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the ~~total instructional and general charges of the institution~~ institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

~~(3) An eligible non-prior service applicant's scholarship shall be reduced by the amount of the applicant's tuition benefits under "The Post 9/11 Veterans Educational Assistance Act of 2008," 110 Pub. L. No. 252, 122 Stat. 2323 (2008). An eligible prior service applicant's scholarship shall be reduced by the amount of the applicant's tuition benefits under "The Post 9/11 Veterans~~

~~Educational Assistance Act of 2008" unless the applicant qualified 129407
for one hundred per cent tuition under that act and transfers the 129408
federal benefits under that act's portability provisions. 129409~~

(E) A scholarship recipient under this section shall be 129410
entitled to receive scholarships under this section for the number 129411
of quarters or semesters it takes the recipient to accumulate 129412
ninety-six eligibility units as determined under divisions (E)(1) 129413
to (3) of this section. 129414

(1) To determine the maximum number of semesters or quarters 129415
for which a recipient is entitled to a scholarship under this 129416
section, the adjutant general shall convert a recipient's credit 129417
hours of enrollment for each academic term into eligibility units 129418
in accordance with the following table: 129419

	The			
Number of	following	The following		
credit hours	number of	number of		
of enrollment	eligibility	eligibility		
in an academic	units if a	units if a		
term	semester	quarter		
	equals	or		
12 or more hours	12 units	8 units		129426
9 but less than 12	9 units	6 units		129427
6 but less than 9	6 units	4 units		129428
<u>3 but less than 6</u>	<u>3 units</u>	<u>2 units</u>		129429

(2) A scholarship recipient under this section may continue 129431
to apply for scholarships under this section until the recipient 129432
has accumulated ninety-six eligibility units. 129433

(3) If a scholarship recipient withdraws from courses prior 129434
to the end of an academic term so that the recipient's enrollment 129435
for that academic term is less than three credit hours, no 129436
scholarship shall be paid on behalf of that person for that 129437
academic term. Except as provided in division (F)(3) of this 129438

section, if a scholarship has already been paid on behalf of the 129439
person for that academic term, the adjutant general shall add to 129440
that person's accumulated eligibility units the number of 129441
eligibility units for which the scholarship was paid. 129442

(F) This division applies to any eligible applicant called 129443
into active duty on or after September 11, 2001. As used in this 129444
division, "active duty" means active duty pursuant to an executive 129445
order of the president of the United States, an act of the 129446
congress of the United States, or section 5919.29 or 5923.21 of 129447
the Revised Code. 129448

(1) For a period of up to five years from when an 129449
individual's enlistment obligation in the Ohio national guard 129450
ends, an individual to whom this division applies is eligible for 129451
scholarships under this section for those academic terms that were 129452
missed or could have been missed as a result of the individual's 129453
call into active duty. Scholarships shall not be paid for the 129454
academic term in which an eligible applicant's enlistment 129455
obligation ends unless an applicant is eligible under this 129456
division for a scholarship for such academic term due to previous 129457
active duty. 129458

(2) When an individual to whom this division applies 129459
withdraws or otherwise fails to complete courses, for which 129460
scholarships have been awarded under this section, because the 129461
individual was called into active duty, the institution of higher 129462
education shall grant the individual a leave of absence from the 129463
individual's education program and shall not impose any academic 129464
penalty for such withdrawal or failure to complete courses. 129465
Division (F)(2) of this section applies regardless of whether or 129466
not the scholarship amount was paid to the institution of higher 129467
education. 129468

(3) If an individual to whom this division applies withdraws 129469
or otherwise fails to complete courses because the individual was 129470

called into active duty, and if scholarships for those courses 129471
have already been paid, either: 129472

(a) The adjutant general shall not add to that person's 129473
accumulated eligibility units calculated under division (E) of 129474
this section the number of eligibility units for the academic 129475
courses or term for which the scholarship was paid and the 129476
institution of higher education shall repay the scholarship amount 129477
to the state. 129478

(b) The adjutant general shall add to that individual's 129479
accumulated eligibility units calculated under division (E) of 129480
this section the number of eligibility units for the academic 129481
courses or term for which the scholarship was paid if the 129482
institution of higher education agrees to permit the individual to 129483
complete the remainder of the academic courses in which the 129484
individual was enrolled at the time the individual was called into 129485
active duty. 129486

(4) No individual who is discharged from the Ohio national 129487
guard under other than honorable conditions shall be eligible for 129488
scholarships under this division. 129489

(G) A scholarship recipient under this section who fails to 129490
complete the term of enlistment, re-enlistment, or extension of 129491
current enlistment the recipient was serving at the time a 129492
scholarship was paid on behalf of the recipient under this section 129493
is liable to the state for repayment of a percentage of all Ohio 129494
national guard scholarships paid on behalf of the recipient under 129495
this section, plus interest at the rate of ten per cent per annum 129496
calculated from the dates the scholarships were paid. This 129497
percentage shall equal the percentage of the current term of 129498
enlistment, re-enlistment, or extension of enlistment a recipient 129499
has not completed as of the date the recipient is discharged from 129500
the Ohio national guard. 129501

The attorney general may commence a civil action on behalf of the ~~adjutant general~~ chancellor of the Ohio board of regents to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death ~~or discharge from the national guard due to disability; or the recipient's enlistment, for a term not less than the recipient's remaining term in the national guard, in the active component of the United States armed forces or the active reserve component of the United States armed forces.~~ or

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient listed as enrolled at the institution and return the roster to the adjutant general and the chancellor. ~~The adjutant general shall report to the chancellor of the Ohio board of regents the number of students in the Ohio national guard scholarship program at each institution of higher education. The~~ Except as provided in division (J) of this section, the chancellor shall provide for payment of the appropriate number and amount of scholarships to each institution of higher education pursuant to division (D) of this section. If an institution of higher education fails to certify the actual enrollment of a scholarship recipient listed as enrolled at the institution within thirty days of the end of an academic term, the institution shall not be eligible to receive payment from the Ohio national guard scholarship program or from

the individual enrollee. The adjutant general shall report on a 129535
~~quarterly~~ semi-annual basis to the director of budget and 129536
management, the speaker of the house of representatives, ~~and~~ the 129537
president of the senate, and the chancellor the number of Ohio 129538
national guard scholarship recipients, the size of the 129539
scholarship-eligible population, and a projection of the cost of 129540
the program for the remainder of the biennium. 129541

(I) The chancellor and the adjutant general may adopt rules 129542
pursuant to Chapter 119. of the Revised Code governing the 129543
administration and fiscal management of the Ohio national guard 129544
scholarship program and the procedure by which the chancellor and 129545
the department of the adjutant general may modify the amount of 129546
scholarships a member receives based on the amount of other state 129547
financial aid a member receives. 129548

(J) The adjutant general, the chancellor, and the director, 129549
or their designees, shall jointly estimate the costs of the Ohio 129550
national guard scholarship program for each upcoming fiscal 129551
biennium, and shall report that estimate prior to the beginning of 129552
the fiscal biennium to the chairpersons of the finance committees 129553
in the general assembly. During each fiscal year of the biennium, 129554
the adjutant general, the chancellor, and the director, or their 129555
designees, shall meet regularly to monitor the actual costs of the 129556
Ohio national guard scholarship program and update cost 129557
projections for the remainder of the biennium as necessary. If the 129558
amounts appropriated for the Ohio national guard scholarship 129559
program and any funds in the Ohio national guard scholarship 129560
reserve fund are not adequate to provide scholarships in the 129561
amounts specified in division (D)(1) of this section for all 129562
eligible applicants, the chancellor shall do all of the following: 129563

(1) Notify each private institution of higher education, 129564
where a scholarship recipient is enrolled, that, by accepting the 129565
Ohio national guard scholarship program as payment for all or part 129566

of the institution's tuition, the institution agrees that if the 129567
chancellor reduces the amount of each scholarship, the institution 129568
shall provide each scholarship recipient a grant or tuition waiver 129569
in an amount equal to the amount the recipient's scholarship was 129570
reduced by the chancellor. 129571

(2) Reduce the amount of each scholarship under division 129572
(D)(1)(a) of this section proportionally based on the amount of 129573
remaining available funds. Each state institution of higher 129574
education shall provide each scholarship recipient under division 129575
(D)(1)(a) of this section a grant or tuition waiver in an amount 129576
equal to the amount the recipient's scholarship was reduced by the 129577
chancellor. 129578

(K) Notwithstanding division (A) of section 127.14 of the 129579
Revised Code, the controlling board shall not transfer all or part 129580
of any appropriation for the Ohio national guard scholarship 129581
program. 129582

Sec. 5919.341. There is hereby created in the state treasury 129583
the national guard scholarship reserve fund. Not later than the 129584
first day of July of each fiscal year, the chancellor of the Ohio 129585
board of regents shall certify to the director of budget and 129586
management the unencumbered balance of the general revenue fund 129587
appropriations made in the immediately preceding fiscal year for 129588
purposes of the Ohio national guard scholarship program created 129589
under division (B) of section 5919.34 of the Revised Code. Upon 129590
receipt of the certification, the director may transfer an amount 129591
not exceeding the certified amount from the general revenue fund 129592
to the national guard scholarship reserve fund. Moneys in the 129593
national guard scholarship reserve fund shall be used to pay 129594
scholarship obligations in excess of the general revenue fund 129595
appropriations made for that purpose. Upon request of the ~~adjutant~~ 129596
~~general chancellor~~, the ~~Ohio board of regents shall~~ director may 129597

seek controlling board approval to establish appropriations as 129598
necessary. 129599

The director may transfer any unencumbered balance from the 129600
national guard scholarship reserve fund to the general revenue 129601
fund. 129602

Sec. 6101.16. When it is determined to let the work relating 129603
to the improvements for which a conservancy district was 129604
established by contract, contracts in amounts to exceed 129605
twenty-five thousand dollars shall be advertised after notice 129606
calling for bids has been published once a week for two 129607
consecutive weeks or as provided in section 7.16 of the Revised 129608
Code, with the last publication to occur at least eight days prior 129609
to the date on which bids will be accepted, in a newspaper of 129610
general circulation within the conservancy district where the work 129611
is to be done. If the bids are for a contract for the 129612
construction, demolition, alteration, repair, or reconstruction of 129613
an improvement, the board of directors of the conservancy district 129614
may let the contract to the lowest responsive and most responsible 129615
bidder who meets the requirements of section 153.54 of the Revised 129616
Code. If the bids are for a contract for any other work relating 129617
to the improvements for which a conservancy district was 129618
established, the board of directors of the district may let the 129619
contract to the lowest responsive and most responsible bidder who 129620
gives a good and approved bond, with ample security, conditioned 129621
on the carrying out of the contract. The contract shall be in 129622
writing and shall be accompanied by or refer to plans and 129623
specifications for the work to be done prepared by the chief 129624
engineer. The plans and specifications shall at all times be made 129625
and considered a part of the contract. The contract shall be 129626
approved by the board and signed by the president of the board and 129627
by the contractor and shall be executed in duplicate. In case of 129628

sudden emergency when it is necessary in order to protect the 129629
district, the advertising of contracts may be waived upon the 129630
consent of the board, with the approval of the court or a judge of 129631
the court of common pleas of the county in which the office of the 129632
district is located. 129633

Sec. 6103.04. (A) Whenever any portion of a county sewer 129634
district is incorporated as, or annexed to, a municipal 129635
corporation, the area so incorporated or annexed shall remain 129636
under the jurisdiction of the board of county commissioners for 129637
purposes of the acquisition and construction of water supply 129638
improvements until all of the improvements for the area for which 129639
a resolution described in division (A) or (E) of section 6103.05 129640
of the Revised Code has been adopted by the board have been 129641
acquired or completed or until the board has abandoned the 129642
improvements. The board, unless and until a conveyance is made to 129643
a municipal corporation in accordance with division (B) of this 129644
section, shall continue to have jurisdiction in the area so 129645
incorporated or annexed with respect to the management, 129646
maintenance, and operation of all water supply improvements so 129647
acquired or completed, or previously acquired or completed, 129648
including the right to establish rules and rates and charges for 129649
the use of, and connections to, the improvements. The 129650
incorporation or annexation of any part of a district shall not 129651
affect the legality or enforceability of any public obligations 129652
issued or incurred by the county for purposes of this chapter to 129653
provide for the payment of the cost of acquisition, construction, 129654
maintenance, or operation of any water supply improvements within 129655
the area, or the validity of any assessments levied or to be 129656
levied upon properties within the area to provide for the payment 129657
of the cost of acquisition, construction, maintenance, or 129658
operation of the improvements. 129659

(B) ~~Any~~ A board may convey, by mutual agreement, to a 129660

municipal corporation any completed water supply facilities 129661
acquired or constructed by a county under this chapter for the use 129662
of, or service of property located in, any county sewer district, 129663
or any part of those facilities, ~~that~~ to which any of the 129664
following applies: 129665

(1) The facilities are located within a the municipal 129666
corporation or within any area that is incorporated as, or annexed 129667
to, a the municipal corporation, ~~or any part of the.~~ 129668

(2) The facilities ~~that~~ provide water for a the municipal 129669
corporation or ~~such an area, may be conveyed, by mutual agreement~~ 129670
~~between the board and the municipal corporation, to~~ any area that 129671
is located within or that is incorporated as, or annexed to, the 129672
municipal corporation ~~on.~~ 129673

(3) The facilities are connected to water supply facilities 129674
of the municipal corporation. 129675

The conveyance shall be completed with terms and for 129676
consideration as may be negotiated. Upon and after the conveyance, 129677
the municipal corporation shall manage, maintain, and operate the 129678
facilities in accordance with the agreement. The board may retain 129679
the right to joint use of all or part of any facilities so 129680
conveyed for the benefit of the district. Neither the validity of 129681
any assessment levied or to be levied, nor the legality or 129682
enforceability of any public obligations issued or incurred, to 129683
provide for the payment of the cost of the acquisition, 129684
construction, maintenance, or operation of the facilities or any 129685
part of them shall be affected by the conveyance. 129686

Sec. 6103.05. (A) After the establishment of any county sewer 129687
district, the board of county commissioners, if a water supply 129688
improvement is to be undertaken, may have the county sanitary 129689
engineer prepare, or otherwise cause to be prepared, for the 129690
district, or revise as needed, a general plan of water supply that 129691

is as complete as can be developed at the time. After the general 129692
plan, in original or revised form, has been approved by the board, 129693
it may adopt a resolution generally describing the water supply 129694
improvement that is necessary to be acquired or constructed in 129695
accordance with the plan, declaring that the improvement is 129696
necessary for the preservation and promotion of the public health 129697
and welfare, and determining whether or not special assessments 129698
are to be levied and collected to pay any part of the cost of the 129699
improvement. 129700

(B) If special assessments are not to be levied and collected 129701
to pay any part of the cost of the improvement, the board, in the 129702
resolution provided for in division (A) of this section or in a 129703
subsequent resolution, including a resolution authorizing the 129704
issuance or incurrence of public obligations for the improvement, 129705
may authorize the improvement and the expenditure of the funds 129706
required for its acquisition or construction and may proceed with 129707
the improvement without regard to the procedures otherwise 129708
required by divisions (C), (D), and (E) of this section and by 129709
sections 6103.06, 6103.07, and 6117.09 to 6117.24 of the Revised 129710
Code. Those procedures shall be required only for improvements for 129711
which special assessments are to be levied and collected. 129712

(C) If special assessments are to be levied and collected 129713
pursuant to a determination made in the resolution provided for in 129714
division (A) of this section or in a subsequent resolution, the 129715
procedures referred to in division (B) of this section as being 129716
required for that purpose shall apply, and the board may have the 129717
county sanitary engineer prepare, or otherwise cause to be 129718
prepared, detailed plans, specifications, and an estimate of cost 129719
for the improvement, together with a tentative assessment of the 129720
cost based on the estimate. The tentative assessment shall be for 129721
the information of property owners and shall not be levied or 129722
certified to the county auditor for collection. The detailed 129723

plans, specifications, estimate of cost, and tentative assessment, 129724
if approved by the board, shall be carefully preserved in the 129725
office of the board or the county sanitary engineer and shall be 129726
open to the inspection of all persons interested in the 129727
improvement. 129728

(D) After the board's approval of the detailed plans, 129729
specifications, estimate of cost, and tentative assessment, and at 129730
least twenty-four days before adopting a resolution pursuant to 129731
division (E) of this section, the board, except to the extent that 129732
appropriate waivers of notice are obtained from affected owners, 129733
shall cause to be sent a notice of its intent to adopt a 129734
resolution to each owner of property proposed to be assessed that 129735
is listed on the records of the county auditor for current 129736
agricultural use value taxation pursuant to section 5713.31 of the 129737
Revised Code and that is not located in an agricultural district 129738
established under section 929.02 of the Revised Code. The notice 129739
shall satisfy all of the following: 129740

(1) Be sent by first class or certified mail; 129741

(2) Specify the proposed date of the adoption of the 129742
resolution; 129743

(3) Contain a statement that the improvement will be financed 129744
in whole or in part by special assessments and that all properties 129745
not located in an agricultural district established pursuant to 129746
section 929.02 of the Revised Code may be subject to a special 129747
assessment; 129748

(4) Contain a statement that an agricultural district may be 129749
established by filing an application with the county auditor. 129750

If it appears, by the return of the mailed notices or by 129751
other means, that one or more of the affected owners cannot be 129752
found or are not served by the mailed notice, the board shall 129753
cause the notice to be published once in a newspaper of general 129754

circulation in the county not later than ten days before the 129755
adoption of the resolution. 129756

(E) After complying with divisions (A), (C), and (D) of this 129757
section, the board may adopt a resolution declaring that the 129758
improvement, which shall be described as to its nature and its 129759
location, route, and termini, is necessary for the preservation 129760
and promotion of the public health and welfare, referring to the 129761
plans, specifications, estimate of cost, and tentative assessment, 129762
stating the place where they are on file and may be examined, and 129763
providing that the entire cost or a lesser designated part of the 129764
cost will be specially assessed against the benefited properties 129765
within the district and that any balance will be paid by the 129766
county at large from other available funds. The resolution also 129767
shall contain a description of the boundaries of that part of the 129768
district to be assessed and shall designate a time and place for 129769
objections to the improvement, to the tentative assessment, or to 129770
the boundaries of the assessment district to be heard by the 129771
board. The date of that hearing shall be not less than twenty-four 129772
days after the date of the first publication of the notice of the 129773
hearing required by this division. 129774

The board shall cause a notice of the hearing to be published 129775
once a week for two consecutive weeks in a newspaper of general 129776
circulation in the county or as provided in section 7.16 of the 129777
Revised Code, and on or before the date of the second publication, 129778
it shall cause to be sent by first class or certified mail a copy 129779
of the notice to every owner of property to be assessed for the 129780
improvement whose address is known. 129781

The notice shall set forth the time and place of the hearing, 129782
a summary description of the proposed improvement, including its 129783
general route and termini, a summary description of the area 129784
constituting the assessment district, and the place where the 129785
plans, specifications, estimate of cost, and tentative assessment 129786

are on file and may be examined. Each mailed notice also shall 129787
include a statement that the property of the addressee will be 129788
assessed for the improvement. The notice also shall be sent by 129789
first class or certified mail, on or before the date of the second 129790
publication, to the clerk, or the official discharging the duties 129791
of a clerk, of any municipal corporation any part of which lies 129792
within the assessment district and shall state whether or not any 129793
property belonging to the municipal corporation is to be assessed 129794
and, if so, shall identify that property. 129795

At the hearing, or at any adjournment of the hearing, of 129796
which no further published or mailed notice need be given, the 129797
board shall hear all parties whose properties are proposed to be 129798
assessed. Written objections to or endorsements of the proposed 129799
improvement, its character and termini, the boundaries of the 129800
assessment district, or the tentative assessment shall be received 129801
by the board for a period of five days after the completion of the 129802
hearing, and no action shall be taken by the board in the matter 129803
until after that period has elapsed. The minutes of the hearing 129804
shall be entered on the journal of the board showing the persons 129805
who appear in person or by attorney, and all written objections 129806
shall be preserved and filed in the office of the board. 129807

Sec. 6103.06. After the expiration of the period of five days 129808
provided in section 6103.05 of the Revised Code for the filing of 129809
written objections, the board of county commissioners shall 129810
determine whether it will proceed with the construction of the 129811
proposed improvement. If it decides to proceed therewith, the 129812
board shall ratify or amend the plans for the improvement, the 129813
character and termini thereof, the boundaries of the assessment 129814
district, and the tentative assessment, and may cause such 129815
revision of plans, boundaries, or assessments as is necessary to 129816
be made by the county sanitary engineer. If the boundaries of the 129817
assessment district are amended so as to include any property not 129818

included within the boundaries as established by the resolution of 129819
necessity, provided for in section 6103.05 of the Revised Code, 129820
the owners of all such property shall be notified by mail if their 129821
addresses are known, and notice shall be published once a week for 129822
two consecutive weeks in a newspaper of general circulation within 129823
the county or as provided in section 7.16 of the Revised Code, 129824
that such amendments have been adopted and that a hearing will be 129825
given by the board at a time and place stated in such notice at 129826
which all persons interested will be heard by the board. The date 129827
of such hearing shall be not less than twenty-four days after the 129828
first publication of such notice, and the hearing shall be 129829
conducted and records kept in the same manner as the first 129830
hearing. Five days shall be allowed for the filing of written 129831
objections as provided in section 6103.05 of the Revised Code for 129832
the first hearing and after the expiration of such five day period 129833
the board shall ratify the plans for the improvement, the 129834
character and termini thereof, the boundaries of the assessment 129835
district, and the tentative assessment, or shall further amend the 129836
same. If the boundaries of the assessment district are amended so 129837
as to include any property not included in the assessment district 129838
as originally established or previously amended, further notice 129839
and hearing shall be given to the owners of such property in the 129840
same manner as for the first amendment of such boundaries, and the 129841
same procedure shall be repeated until all property owners 129842
affected have been given an opportunity to be heard. If the owners 129843
of all property added to an assessment district by amendment of 129844
the original boundaries thereof waive objection to such amendment 129845
in writing, no further notice or hearing shall be given. After the 129846
board has ratified the plans for the improvement, the character 129847
and termini thereof, the boundaries of the assessment district, 129848
and the tentative assessment, either as originally presented or as 129849
amended, and if it decides to proceed therewith, the board shall 129850
adopt a resolution, to be known as the improvement resolution. 129851

Said improvement resolution shall declare the determination of 129852
such board to proceed with the construction of the improvement 129853
provided for in the resolution of necessity, in accordance with 129854
the plans and specification provided for such improvement, as 129855
ratified or amended, and whether bonds or certificates of 129856
indebtedness shall be issued in anticipation of the collection of 129857
special assessments, or that money in the county treasury 129858
unappropriated for any other purpose shall be appropriated to pay 129859
for said improvement. 129860

Sec. 6103.081. (A) After the establishment of any county 129861
sewer district, the board of county commissioners may determine by 129862
resolution that it is necessary to provide water supply 129863
improvements and to maintain and operate the improvements within 129864
the district or a designated portion of the district, that the 129865
improvements, which shall be generally described in the 129866
resolution, shall be constructed, that funds are required to pay 129867
the preliminary costs of the improvements to be incurred prior to 129868
the commencement of the proceedings for their construction, and 129869
that those funds shall be provided in accordance with this 129870
section. 129871

(B) Prior to the adoption of the resolution, the board shall 129872
give notice of its pendency and of the proposed determination of 129873
the necessity of the improvements generally described in the 129874
resolution. The notice shall set forth a description of the 129875
properties to be benefited by the improvements and the time and 129876
place of a hearing of objections to and endorsements of the 129877
improvements. The notice shall be given either by publication in a 129878
newspaper of general circulation in the county once a week for two 129879
consecutive weeks, by publication as provided in section 7.16 of 129880
the Revised Code, or by mailing a copy of the notice by first 129881
class or certified mail to the owners of the properties proposed 129882
to be assessed at their respective tax mailing addresses, or by 129883

~~both a combination of these~~ manners, the first publication to be 129884
made or the mailing to occur at least two weeks prior to the date 129885
set for the hearing. At the hearing, or at any adjournment of the 129886
hearing, of which no further published or mailed notice need be 129887
given, the board shall hear all persons whose properties are 129888
proposed to be assessed and the evidence it considers to be 129889
necessary. The board then shall determine the necessity of the 129890
proposed improvements and whether the improvements shall be made 129891
by the board and, if they are to be made, shall direct the 129892
preparation of tentative assessments upon the benefited properties 129893
and by whom they shall be prepared. 129894

(C) In order to obtain funds for the preparation of a general 129895
or revised general plan of water supply for the district or part 129896
of the district, for the preparation of the detailed plans, 129897
specifications, estimate of cost, and tentative assessment for the 129898
proposed improvements, and for the cost of financing and legal 129899
services incident to the preparation of all of those plans and a 129900
plan of financing the proposed improvements, the board may levy 129901
upon the properties to be benefited in the district a preliminary 129902
assessment apportioned according to benefits or to tax valuation 129903
or partly by one method and partly by the other method as the 129904
board may determine. The assessments shall be in the amount 129905
determined to be necessary to obtain funds for the general and 129906
detailed plans and the cost of financing and legal services and 129907
shall be payable in the number of years that the board shall 129908
determine, not to exceed twenty years, together with interest on 129909
any public obligations that may be issued or incurred in 129910
anticipation of the collection of the assessments. 129911

(D) The board shall have power at any time to levy additional 129912
assessments according to benefits or to tax valuation or partly by 129913
one method and partly by the other method as the board may 129914
determine for the purposes described in division (C) of this 129915

section upon the benefited properties to complete the payment of 129916
the costs described in division (C) of this section or to pay the 129917
cost of any additional plans, specifications, estimate of cost, or 129918
tentative assessment and the cost of financing and legal services 129919
incident to the preparation of those plans and the plan of 129920
financing, which additional assessments shall be payable in the 129921
number of years that the board shall determine, not to exceed 129922
twenty years, together with interest on any public obligations 129923
that may be issued or incurred in anticipation of the collection 129924
of the additional assessments. 129925

(E) Prior to the adoption of a resolution levying assessments 129926
under this section, the board shall give notice either by one 129927
publication in a newspaper of general circulation in the county, 129928
or by mailing a copy of the notice by first class or certified 129929
mail to the owners of the properties proposed to be assessed at 129930
their respective tax mailing addresses, or by both manners, the 129931
publication to be made or the mailing to occur at least ten days 129932
prior to the date of the meeting at which the resolution shall be 129933
taken up for consideration; that notice shall state the time and 129934
place of the meeting at which the resolution is to be considered. 129935
At the time and place of the meeting, or at any adjournment of the 129936
meeting, of which no further published or mailed notice need be 129937
given, the board shall hear all persons whose properties are 129938
proposed to be assessed, shall correct any errors and make any 129939
revisions that appear to be necessary or just, and then may adopt 129940
a resolution levying upon the properties determined to be 129941
benefited the assessments as so corrected and revised. 129942

The assessments levied by the resolution shall be certified 129943
to the county auditor for collection in the same manner as taxes 129944
in the year or years in which they are payable. 129945

(F) Upon the adoption of the resolution described in division 129946
(E) of this section, no further action shall be taken or work done 129947

until ten days have elapsed. If, at the expiration of that period, 129948
no appeal has been effected by any property owner as provided in 129949
this division, the action of the board shall be final. If, at the 129950
end of that ten days, any owner of property to be assessed for the 129951
improvements has effected an appeal, no further action shall be 129952
taken and no work done in connection with the improvements under 129953
the resolution until the matters appealed from have been disposed 129954
of in court. 129955

Any owner of property to be assessed may appeal as provided 129956
and upon the grounds stated in sections 6117.09 to 6117.24 of the 129957
Revised Code. 129958

If no appeal has been perfected or if on appeal the 129959
resolution of the board is sustained, the board may authorize and 129960
enter into contracts to carry out the purpose for which the 129961
assessments have been levied without the prior issuance of notes, 129962
provided that the payments under those contracts do not fall due 129963
prior to the time by which the assessments are to be collected. 129964
The board may issue and sell bonds with a maximum maturity of 129965
twenty years in anticipation of the collection of the assessments 129966
and may issue notes in anticipation of the issuance of the bonds, 129967
which notes and bonds, as public obligations, shall be issued and 129968
sold as provided in Chapter 133. of the Revised Code. 129969

Sec. 6103.31. (A) If the board of county commissioners 129970
determines by resolution that the best interests of the county and 129971
the users of water supply facilities of the county serving a sewer 129972
district so require, the board may sell or otherwise dispose of 129973
the facilities to another public agency or a person. The 129974
resolution declaring the necessity of that disposition shall 129975
recite the reasons for the sale or other disposition and shall 129976
establish any conditions or terms that the board may impose, 129977
including, but not limited to, a minimum sales price if a sale is 129978

proposed, a requirement for the submission by bidders of the 129979
schedule of water rates and charges initially proposed to be paid 129980
by the users of the facilities, and other pertinent conditions or 129981
terms relating to the sale or other disposition. The resolution 129982
also shall designate a time and place for the hearing of 129983
objections to the sale or other disposition by the board. Notice 129984
of the adoption of the resolution and the time and place of the 129985
hearing shall be published as provided in section 7.16 of the 129986
Revised Code, or once a week for two consecutive weeks, in a 129987
newspaper of general circulation in the sewer district and in the 129988
county. The public hearing on the sale or other disposition shall 129989
be held not less than twenty-four days following the date of first 129990
publication of the notice. A copy of the notice also shall be sent 129991
by first class or certified mail, on or before the date of the 129992
second publication, to any public agency within the area served by 129993
the facilities. At the public hearing, or at any adjournment of 129994
it, of which no further published or mailed notice need be given, 129995
the board shall hear all interested parties. A period of five days 129996
shall be given following the completion of the hearing for the 129997
filing of written objections by any interested persons or public 129998
agencies to the sale or other disposition, after which the board 129999
shall consider any objections and by resolution determine whether 130000
or not to proceed with the sale or other disposition. If the board 130001
determines to proceed with the sale or other disposition, it shall 130002
receive bids after advertising once a week for four consecutive 130003
weeks in a newspaper of general circulation in the county or as 130004
provided in section 7.16 of the Revised Code and, subject to the 130005
right of the board to reject any or all bids, may make an award to 130006
a responsible bidder whose proposal is determined by the board to 130007
be in the best interests of the county and the users of the 130008
facilities. 130009

(B) A conveyance of water supply facilities by a county to a 130010

municipal corporation, in accordance with division (B) of section 130011
6103.04 of the Revised Code, may be made without regard to 130012
division (A) of this section. 130013

Sec. 6105.131. The board of directors of a watershed district 130014
may designate a specific reach in the channel of any watercourse 130015
within the territorial boundaries of the district as a restricted 130016
channel, when the construction or alteration of structures or 130017
obstructions within such channel will restrict its capacity so as 130018
to constitute an unreasonable hazard to the safety of life and 130019
property in times of flood, or designate any area outside the 130020
banks of a restricted channel as a restricted floodway when such 130021
area is reasonably necessary to the efficiency of a restricted 130022
channel as a means of carrying off flood waters. Such designation 130023
of a restricted channel or restricted floodway shall be made in 130024
the following manner: 130025

(A) The board shall adopt a resolution stating its intent to 130026
designate a specific reach in a channel of a watercourse as a 130027
restricted channel or a specific area as a restricted floodway. 130028
Such resolution shall contain a description of the reach of the 130029
channel to be designated as a restricted channel or description of 130030
the area to be designated as a restricted floodway and the reasons 130031
of the board for making such designation. 130032

(B) The board shall cause such resolution to be published as 130033
provided in section 7.16 of the Revised Code or once a week for 130034
two consecutive weeks in a newspaper of general circulation in the 130035
county or counties in which such restricted channel or restricted 130036
floodway is located, together with a notice of the time and place 130037
where a hearing will be held by the board on the question of 130038
designating such channel as a restricted channel or such area as a 130039
restricted floodway and. The board also shall give not less than 130040
ten days notice of said hearing by first class mail to all owners 130041

of property within the area proposed to be designated as a 130042
restricted floodway. The date of such hearing shall be not less 130043
than ten days after the completion of the publication provided for 130044
by this division. 130045

(C) The board shall hold a hearing at the time and place 130046
designated in the notice published under division (B) of this 130047
section at which time indorsements of and objections to the 130048
designation of such channel as a restricted channel or such area 130049
as a restricted floodway shall be heard. 130050

(D) The board may, after the completion of the hearing under 130051
division (C) of this section and after finding that the 130052
construction or alteration of structures or obstructions or 130053
relocation, alteration, restriction, deposit, or encroachment 130054
within the designated reach of such channel will restrict its 130055
capacity so as to constitute an unreasonable hazard to the safety 130056
of life and property in times of flood, adopt a resolution 130057
designating the reach of the channel described in the resolution 130058
of intent adopted under division (A) of this section or any 130059
modification thereof as a restricted channel. 130060

(E) In like manner the board may, after completion of a 130061
hearing under division (C) of this section and after finding that 130062
the construction or alteration of structures or obstructions or 130063
change of grade within a designated floodway area will restrict 130064
its capacity or efficiency as a means of carrying off flood water 130065
so as to constitute an unreasonable hazard to the safety of life 130066
and property in times of flood, adopt a resolution designating the 130067
area described in the resolution of intent adopted under division 130068
(A) of this section, or any modification thereof, as a restricted 130069
floodway. 130070

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 130071
of this section, on and after January 1, 1994, no person shall 130072

operate or maintain a public water system in this state without a license issued by the director of environmental protection. A person who operates or maintains a public water system on January 1, 1994, shall obtain an initial license under this section in accordance with the following schedule:

(1) If the public water system is a community water system, not later than January 31, 1994;

(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;

(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2012~~ 2014, each application shall be accompanied

by the appropriate fee established under division (M) of section 130104
3745.11 of the Revised Code, provided that an applicant for an 130105
initial license who is proposing to operate or maintain a new 130106
public water system after January 1, 1994, shall submit a fee that 130107
equals a prorated amount of the appropriate fee established under 130108
that division for the remainder of the licensing year. 130109

(B) Not later than thirty days after receiving a completed 130110
application and the appropriate license fee for an initial license 130111
under division (A) of this section, the director shall issue the 130112
license for the public water system. Not later than thirty days 130113
after receiving a completed application and the appropriate 130114
license fee for a license renewal under division (A) of this 130115
section, the director shall do one of the following: 130116

(1) Issue the license renewal for the public water system; 130117

(2) Issue the license renewal subject to terms and conditions 130118
that the director determines are necessary to ensure compliance 130119
with this chapter and rules adopted under it; 130120

(3) Deny the license renewal if the director finds that the 130121
public water system was not operated in substantial compliance 130122
with this chapter and rules adopted under it. 130123

(C) The director may suspend or revoke a license or license 130124
renewal issued under this section if the director finds that the 130125
public water system was not operated in substantial compliance 130126
with this chapter and rules adopted under it. The director shall 130127
adopt, and may amend and rescind, rules in accordance with Chapter 130128
119. of the Revised Code governing such suspensions and 130129
revocations. 130130

(D)(1) As used in division (D) of this section, "church" 130131
means a fellowship of believers, congregation, society, 130132
corporation, convention, or association that is formed primarily 130133
or exclusively for religious purposes and that is not formed or 130134

operated for the private profit of any person. 130135

(2) This section does not apply to a church that operates or 130136
maintains a public water system solely to provide water for that 130137
church or for a campground that is owned by the church and 130138
operated primarily or exclusively for members of the church and 130139
their families. A church that, on or before March 5, 1996, has 130140
obtained a license under this section for such a public water 130141
system need not obtain a license renewal under this section. 130142

(E) This section does not apply to any public or nonpublic 130143
school that meets minimum standards of the state board of 130144
education that operates or maintains a public water system solely 130145
to provide water for that school. 130146

(F) The environmental protection agency shall collect well 130147
log filing fees on behalf of the division of soil and water 130148
resources in the department of natural resources in accordance 130149
with section 1521.05 of the Revised Code and rules adopted under 130150
it. The fees shall be submitted to the division quarterly as 130151
provided in those rules. 130152

Sec. 6111.038. There is hereby created in the state treasury 130153
the surface water protection fund, consisting of moneys 130154
distributed to it. The director of environmental protection shall 130155
use moneys in the fund solely for administration and 130156
implementation of surface water protection programs, including at 130157
least programs required under the "Federal Water Pollution Control 130158
Act" and programs necessary to carry out the purposes of this 130159
chapter. Those programs shall include at least the development of 130160
water quality standards; the development of wasteload allocations; 130161
the establishment of water quality-based effluent limits; the 130162
monitoring and analysis of chemical, physical, and biological 130163
surface water quality; the issuance, modification, and renewal of 130164
NPDES permits and permits to install; the ensurance of compliance 130165

with permit conditions; the management and oversight of 130166
pretreatment programs; the provision of technical assistance to 130167
publicly owned treatment works; and the administration of the 130168
water pollution control loan fund created in section 6111.036 of 130169
the Revised Code. 130170

~~Moneys in the fund shall not be used to meet any state 130171
matching requirements that are necessary to obtain federal grants. 130172~~

Sec. 6111.044. Upon receipt of an application for an 130173
injection well drilling permit, an injection well operating 130174
permit, a renewal of an injection well operating permit, or a 130175
modification of an injection well drilling permit, operating 130176
permit, or renewal of an operating permit, the director of 130177
environmental protection shall determine whether the application 130178
is complete and demonstrates that the activities for which the 130179
permit, renewal permit, or modification is requested will comply 130180
with the Federal Water Pollution Control Act and regulations 130181
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 130182
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 130183
under it; and this chapter and the rules adopted under it. If the 130184
application demonstrates that the proposed activities will not 130185
comply or will pose an unreasonable risk of inducing seismic 130186
activity, inducing geologic fracturing, or contamination of an 130187
underground source of drinking water, the director shall deny the 130188
application. If the application does not make the required 130189
demonstrations, the director shall return it to the applicant with 130190
an indication of those matters about which a required 130191
demonstration was not made. If the director determines that the 130192
application makes the required demonstrations, the director shall 130193
transmit copies of the application and all of the accompanying 130194
maps, data, samples, and information to the chief of the division 130195
of ~~mineral~~ oil and gas resources management, the chief of the 130196
division of geological survey, ~~and~~ the chief of the division of 130197

soil and water resources, and, if the well is or is to be located 130198
in a coal bearing township designated under section 1561.06 of the 130199
Revised Code, the chief of the division of mineral resources 130200
management in the department of natural resources. 130201

The chief of the division of geological survey shall comment 130202
upon the application if the chief determines that the proposed 130203
well or injection will present an unreasonable risk of loss or 130204
damage to valuable mineral resources. If the chief submits 130205
comments on the application, those comments shall be accompanied 130206
by an evaluation of the geological factors upon which the comments 130207
are based, including fractures, faults, earthquake potential, and 130208
the porosity and permeability of the injection zone and confining 130209
zone, and by the documentation supporting the evaluation. The 130210
director shall take into consideration the chief's comments, and 130211
the accompanying evaluation of geologic factors and supporting 130212
documentation, when considering the application. The director 130213
shall provide written notice to the chief of the director's 130214
decision on the application and, if the chief's comments are not 130215
included in the permit, renewal permit, or modification, of the 130216
director's rationale for not including them. 130217

The chief of the division of ~~mineral~~ oil and gas resources 130218
management shall comment upon the application if the chief 130219
determines that the proposed well or injection will present an 130220
unreasonable risk that waste or contamination of recoverable oil 130221
or gas in the earth will occur. If the chief submits comments on 130222
the application, those comments shall be accompanied by an 130223
evaluation of the oil or gas reserves that, in the best 130224
professional judgment of the chief, are recoverable and will be 130225
adversely affected by the proposed well or injection, and by the 130226
documentation supporting the evaluation. The director shall take 130227
into consideration the chief's comments, and the accompanying 130228
evaluation and supporting documentation, when considering the 130229

application. The director shall provide written notice to the 130230
chief of the director's decision on the application and, if the 130231
chief's comments are not included in the permit, renewal permit, 130232
or modification, of the director's rationale for not including 130233
them. 130234

The chief of the division of soil and water resources shall 130235
assist the director in determining whether all underground sources 130236
of drinking water in the area of review of the proposed well or 130237
injection have been identified and correctly delineated in the 130238
application. If the application fails to identify or correctly 130239
delineate an underground source of drinking water, the chief shall 130240
provide written notice of that fact to the director. 130241

The chief of the division of mineral resources management 130242
~~also~~ shall review the application as follows: 130243

If the application concerns the drilling or conversion of a 130244
well or the injection into a well that is not or is not to be 130245
located within five thousand feet of the excavation and workings 130246
of a mine, the chief of the division of mineral resources 130247
management shall note upon the application that it has been 130248
examined by the division of mineral resources management, retain a 130249
copy of the application and map, and immediately return a copy of 130250
the application to the director. 130251

If the application concerns the drilling or conversion of a 130252
well or the injection into a well that is or is to be located 130253
within five thousand feet, but more than five hundred feet from 130254
the surface excavations and workings of a mine, the chief of the 130255
division of mineral resources management immediately shall notify 130256
the owner or lessee of the mine that the application has been 130257
filed and send to the owner or lessee a copy of the map 130258
accompanying the application setting forth the location of the 130259
well. The chief of the division of mineral resources management 130260
shall note on the application that the notice has been sent to the 130261

owner or lessee of the mine, retain a copy of the application and 130262
map, and immediately return a copy of the application to the 130263
director with the chief's notation on it. 130264

If the application concerns the drilling or conversion of a 130265
well or the injection into a well that is or is to be located 130266
within five thousand feet of the underground excavations and 130267
workings of a mine or within five hundred feet of the surface 130268
excavations and workings of a mine, the chief of the division of 130269
mineral resources management immediately shall notify the owner or 130270
lessee of the mine that the application has been filed and send to 130271
the owner or lessee a copy of the map accompanying the application 130272
setting forth the location of the well. If the owner or lessee 130273
objects to the application, the owner or lessee shall notify the 130274
chief of the division of mineral resources management of the 130275
objection, giving the reasons, within six days after the receipt 130276
of the notice. If the chief of the division of mineral resources 130277
management receives no objections from the owner or lessee of the 130278
mine within ten days after the receipt of the notice by the owner 130279
or lessee, or if in the opinion of the chief of the division of 130280
mineral resources management the objections offered by the owner 130281
or lessee are not sufficiently well founded, the chief shall 130282
retain a copy of the application and map and return a copy of the 130283
application to the director with any applicable notes concerning 130284
it. 130285

If the chief of the division of mineral resources management 130286
receives an objection from the owner or lessee of the mine as to 130287
the application, within ten days after receipt of the notice by 130288
the owner or lessee, and if in the opinion of the chief the 130289
objection is well founded, the chief shall disapprove the 130290
application and immediately return it to the director together 130291
with the chief's reasons for the disapproval. The director 130292
promptly shall notify the applicant for the permit, renewal 130293

permit, or modification of the disapproval. The applicant may 130294
appeal the disapproval of the application by the chief of the 130295
division of mineral resources management to the reclamation 130296
commission created under section 1513.05 of the Revised Code, and 130297
the commission shall hear the appeal in accordance with section 130298
1513.13 of the Revised Code. The appeal shall be filed within 130299
thirty days from the date the applicant receives notice of the 130300
disapproval. No comments concerning or disapproval of an 130301
application shall be delayed by the chief of the division of 130302
mineral resources management for more than fifteen days from the 130303
date of sending of notice to the mine owner or lessee as required 130304
by this section. 130305

The director shall not approve an application for an 130306
injection well drilling permit, an injection well operating 130307
permit, a renewal of an injection well operating permit, or a 130308
modification of an injection well drilling permit, operating 130309
permit, or renewal of an operating permit for a well that is or is 130310
to be located within three hundred feet of any opening of any mine 130311
used as a means of ingress, egress, or ventilation for persons 130312
employed in the mine, nor within one hundred feet of any building 130313
or flammable structure connected with the mine and actually used 130314
as a part of the operating equipment of the mine, unless the chief 130315
of the division of mineral resources management determines that 130316
life or property will not be endangered by drilling and operating 130317
the well in that location. 130318

Upon review by the chief of the division of ~~mineral oil and~~ 130319
gas resources management, the chief of the division of geological 130320
survey, and the chief of the division of soil and water resources, 130321
and if the chief of the division of mineral resources management 130322
has not disapproved the application, the director shall issue a 130323
permit, renewal permit, or modification with any terms and 130324
conditions that may be necessary to comply with the Federal Water 130325

Pollution Control Act and regulations adopted under it; the "Safe 130326
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 130327
amended, and regulations adopted under it; and this chapter and 130328
the rules adopted under it. The director shall not issue a permit, 130329
renewal permit, or modification to an applicant if the applicant 130330
or persons associated with the applicant have engaged in or are 130331
engaging in a substantial violation of this chapter that is 130332
endangering or may endanger human health or the environment or if, 130333
in the case of an applicant for an injection well drilling permit, 130334
the applicant, at the time of applying for the permit, did not 130335
hold an injection well operating permit or renewal of an injection 130336
well drilling permit and failed to demonstrate sufficient 130337
expertise and competency to operate the well in compliance with 130338
the applicable provisions of this chapter. 130339

If the director receives a disapproval from the chief of the 130340
division of mineral resources management regarding an application 130341
for an injection well drilling or operating permit, renewal 130342
permit, or modification, if required, the director shall issue an 130343
order denying the application. 130344

The director need not issue a proposed action under section 130345
3745.07 of the Revised Code or hold an adjudication hearing under 130346
that section and Chapter 119. of the Revised Code before issuing 130347
or denying a permit, renewal permit, or modification of a permit 130348
or renewal permit. Before issuing or renewing a permit to drill or 130349
operate a class I injection well or a modification of it, the 130350
director shall propose the permit, renewal permit, or modification 130351
in draft form and shall hold a public hearing to receive public 130352
comment on the draft permit, renewal permit, or modification. At 130353
least fifteen days before the public hearing on a draft permit, 130354
renewal permit, or modification, the director shall publish notice 130355
of the date, time, and location of the public hearing in at least 130356
one newspaper of general circulation serving the area where the 130357

well is or is to be located. The proposing of such a draft permit, 130358
renewal permit, or modification does not constitute the issuance 130359
of a proposed action under section 3745.07 of the Revised Code, 130360
and the holding of the public hearing on such a draft permit, 130361
renewal permit, or modification does not constitute the holding of 130362
an adjudication hearing under that section and Chapter 119. of the 130363
Revised Code. Appeals of orders other than orders of the chief of 130364
the division of mineral resources management shall be taken under 130365
sections 3745.04 to 3745.08 of the Revised Code. 130366

The director may order that an injection well drilling permit 130367
or an injection well operating permit or renewal permit be 130368
suspended and that activities under it cease after determining 130369
that those activities are occurring in violation of law, rule, 130370
order, or term or condition of the permit. Upon service of a copy 130371
of the order upon the permit holder or the permit holder's 130372
authorized agent or assignee, the permit and activities under it 130373
shall be suspended immediately without prior hearing and shall 130374
remain suspended until the violation is corrected and the order of 130375
suspension is lifted. If a violation is the second within a 130376
one-year period, the director, after a hearing, may revoke the 130377
permit. 130378

The director may order that an injection well drilling permit 130379
or an injection well operating permit or renewal permit be 130380
suspended and that activities under it cease if the director has 130381
reasonable cause to believe that the permit would not have been 130382
issued if the information available at the time of suspension had 130383
been available at the time a determination was made by one of the 130384
agencies acting under authority of this section. Upon service of a 130385
copy of the order upon the permit holder or the permit holder's 130386
authorized agent or assignee, the permit and activities under it 130387
shall be suspended immediately without prior hearing, but a permit 130388
may not be suspended for that reason without prior hearing unless 130389

immediate suspension is necessary to prevent waste or 130390
contamination of oil or gas, comply with the Federal Water 130391
Pollution Control Act and regulations adopted under it; the "Safe 130392
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 130393
amended, and regulations adopted under it; and this chapter and 130394
the rules adopted under it, or prevent damage to valuable mineral 130395
resources, prevent contamination of an underground source of 130396
drinking water, or prevent danger to human life or health. If 130397
after a hearing the director determines that the permit would not 130398
have been issued if the information available at the time of the 130399
hearing had been available at the time a determination was made by 130400
one of the agencies acting under authority of this section, the 130401
director shall revoke the permit. 130402

When a permit has been revoked, the permit holder or other 130403
person responsible for it immediately shall plug the well in the 130404
manner required by the director. 130405

The director may issue orders to prevent or require cessation 130406
of violations of this section, section 6111.043, 6111.045, 130407
6111.046, or 6111.047 of the Revised Code, rules adopted under any 130408
of those sections, and terms or conditions of permits issued under 130409
any of them. The orders may require the elimination of conditions 130410
caused by the violation. 130411

Sec. 6115.01. As used in sections 6115.01 to 6115.79 of the 130412
Revised Code: 130413

(A) "Publication" means once a week for three consecutive 130414
weeks in ~~each of two newspapers of different political~~ 130415
~~affiliations, if there are such newspapers, and a newspaper~~ 130416
of general circulation in the counties wherein publication is to be 130417
made or as provided in section 7.16 of the Revised Code. 130418
Publication need not be made on the same day of the week in each 130419
of the ~~three~~ weeks; but not less than fourteen days, excluding the 130420

day of first publication, shall intervene between the first 130421
publication and the last publication. Publication shall be 130422
complete on the date of the last publication. 130423

(B) "Person" means person, firm, partnership, association, or 130424
corporation, other than county, township, municipal corporation, 130425
or other political subdivision. 130426

(C) "Public corporation" means counties, townships, municipal 130427
corporations, school districts, road districts, ditch districts, 130428
park districts, levee districts, and all other governmental 130429
agencies clothed with the power of levying general or special 130430
taxes. 130431

(D) "Court" means the court of common pleas in which the 130432
petition for the organization of a sanitary district was filed and 130433
granted. In the case of a district lying in more than one county, 130434
"court" means the court comprised of one judge of the court of 130435
common pleas from each county as provided in section 6115.04 of 130436
the Revised Code. 130437

(E) "Land" or "property," unless otherwise specified, means 130438
real property, as "real property" is used in and defined by the 130439
laws of this state, and embraces all railroads, tramroads, roads, 130440
electric railroads, street and interurban railroads, streets and 130441
street improvements, telephones, telegraph, and transmission 130442
lines, gas, sewerage, and water systems, pipelines and 130443
rights-of-way of public service corporations, and all other real 130444
property whether public or private. 130445

(F) "Board of directors" applies to the duties of one 130446
director appointed in accordance with section 6115.10 of the 130447
Revised Code in a district lying wholly within one county. 130448

(G) "Biting arthropods" include mosquitoes, ticks, biting 130449
flies, or other biting arthropods capable of transmitting disease 130450
to humans. 130451

(H) "Bond" or "bonds" means bonds, notes, certificates of indebtedness, certificates of participation, commercial paper, and other instruments in writing, including, unless the context does not admit, bonds or notes issued in anticipation of the issuance of other bonds, issued by a sanitary district to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the sanitary district.

(I) "Financing costs" has the same meaning as in division (K) of section 133.01 of the Revised Code.

Sec. 6115.20. (A) When it is determined to let the work relating to the improvements for which a sanitary district was established by contract, contracts in amounts to exceed ten thousand dollars shall be advertised after notice calling for bids has been published once a week for five consecutive weeks completed on the date of last publication or as provided in section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of general circulation within the sanitary district where the work is to be done. The board of directors of the sanitary district shall let bids as provided in this section or, if applicable, section 9.312 of the Revised Code. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board of directors of the sanitary district shall let the contract to the lowest or best bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a sanitary district was established, the board of directors of the sanitary district shall let the contract to the lowest or best bidder who gives a good and approved bond, with ample security, conditioned on the carrying out of the contract and the payment for all labor and material. The contract shall be in writing and shall be accompanied by or shall refer to plans and

specifications for the work to be done prepared by the chief 130484
engineer. The plans and specifications at all times shall be made 130485
and considered a part of the contract. The contract shall be 130486
approved by the board and signed by the president of the board and 130487
by the contractor and shall be executed in duplicate. In case of 130488
emergency the advertising of contracts may be waived upon the 130489
consent of the board with the approval of the court or judge in 130490
vacation. 130491

(B) In the case of a sanitary district organized wholly for 130492
the purpose of providing a water supply for domestic, municipal, 130493
and public use that includes two municipal corporations in two 130494
counties, any service to be purchased, including the services of 130495
an accountant, architect, attorney at law, physician, or 130496
professional engineer, at a cost in excess of ten thousand dollars 130497
shall be obtained in the manner provided in sections 153.65 to 130498
~~153.71~~ 153.73 of the Revised Code. For the purposes of the 130499
application of those sections to division (B) of this section, all 130500
of the following apply: 130501

(1) "Public authority," as used in those sections, shall be 130502
deemed to mean a sanitary district organized wholly for the 130503
purpose of providing a water supply for domestic, municipal, and 130504
public use that includes two municipal corporations in two 130505
counties; 130506

(2) "Professional design firm," as used in those sections, 130507
shall be deemed to mean any person legally engaged in rendering 130508
professional design services as defined in division (B)(3) of this 130509
section; 130510

(3) "Professional design services," as used in those 130511
sections, shall be deemed to mean accounting, architectural, 130512
legal, medical, or professional engineering services; 130513

(4) The use of other terms in those sections shall be adapted 130514

accordingly, including, without limitation, for the purposes of 130515
division (D)~~(2)~~ of section 153.67 of the Revised Code; 130516

(5) Divisions (A) to (C) of section 153.71 of the Revised 130517
Code do not apply. 130518

(C) The board of directors of a district organized wholly for 130519
the purpose of providing a water supply for domestic, municipal, 130520
and public use may contract for, purchase, or otherwise procure 130521
for the benefit of employees of the district and pay all or any 130522
part of the cost of group insurance policies that may provide 130523
benefits, including, but not limited to, hospitalization, surgical 130524
care, major medical care, disability, dental care, vision care, 130525
medical care, hearing aids, or prescription drugs. Any group 130526
insurance policy purchased under this division shall be purchased 130527
from the health care corporation that the board of directors 130528
determines offers the most cost-effective group insurance policy. 130529

Sec. 6115.321. (A) The legislative authority of a municipal 130530
corporation or the board of township trustees of a township all or 130531
part of whose territory is included within the territory of a 130532
sanitary district that is established solely for the reduction of 130533
biting arthropods pursuant to division (F) of section 6115.04 of 130534
the Revised Code may enact an ordinance or adopt a resolution, as 130535
applicable, approving the submission to the court of common pleas 130536
that established the district a petition to exclude from the 130537
district the territory of the municipal corporation or the 130538
township, as applicable, that is included in the district. If the 130539
legislative authority of a municipal corporation or the board of 130540
township trustees of a township enacts such an ordinance or adopts 130541
such a resolution, as applicable, the legislative authority or the 130542
board may submit to the appropriate court of common pleas a 130543
petition that requests the court to exclude the territory of the 130544
municipal corporation or the township, as applicable, from the 130545

district. Such a petition shall include an explanation of the 130546
reasons for the petition to exclude the territory of the municipal 130547
corporation or the township, as applicable, from the district. 130548

(B) If a court of common pleas receives a petition from the 130549
legislative authority of a municipal corporation or a board of 130550
township trustees, as applicable, that requests the court to 130551
exclude the territory of the municipal corporation or the township 130552
from the applicable sanitary district, the clerk of the court 130553
shall notify the legislative authority of each municipal 130554
corporation and the board of township trustees of each township 130555
all or part of whose territory is included within the territorial 130556
boundaries of the district of the receipt of the petition, include 130557
a copy of the petition, and include a statement informing the 130558
legislative authority or the board of township trustees, as 130559
applicable, that the legislative authority or the board may submit 130560
to the clerk within thirty days of receipt of the notice written 130561
objections concerning the petition in the form of an ordinance 130562
enacted by the legislative authority or a resolution adopted by 130563
the board, as applicable. 130564

(C) Not sooner than thirty days after the clerk of the court 130565
of common pleas notifies legislative authorities of municipal 130566
corporations and boards of township trustees in accordance with 130567
division (B) of this section, one of the following applies: 130568

(1) The court shall enter a decree excluding from the 130569
district the territory of the municipal corporation or the 130570
township, as applicable, that is the subject of the petition and 130571
create a plan as required by division (D) of this section if the 130572
court receives written objections concerning the petition of 130573
exclusion from fewer than sixty per cent of the legislative 130574
authorities of municipal corporations and boards of township 130575
trustees of townships that were so notified. 130576

(2) The court after a hearing on the petition may enter a 130577
decree excluding from the district the territory of the municipal 130578
corporation or the township, as applicable, that is the subject of 130579
the petition and create a plan as required by division (D) of this 130580
section if the court receives written objections concerning the 130581
petition of exclusion from sixty per cent or more of the 130582
legislative authorities of municipal corporations and boards of 130583
township trustees of townships that were so notified. 130584

(D) If a court of common pleas enters a decree in accordance 130585
with division (C) of this section excluding from a sanitary 130586
district the territory of a municipal corporation or a township, 130587
as applicable, the court shall do both of the following: 130588

(1) Establish a plan for the exclusion from the district of 130589
the territory that ensures the payment of expenses and 130590
indebtedness of the district, and, if necessary because the 130591
exclusion effectively dissolves the district, determine the value 130592
of the assets of the district and provide for their equitable 130593
distribution among the municipal corporations and townships all or 130594
part of whose territory is included within the district; 130595

(2) Send a copy of the court's decree and of the plan 130596
established under division (D)(1) of this section to the 130597
legislative authority of each municipal corporation and the board 130598
of township trustees of each township all or part of whose 130599
territory is included within the territory of the district and to 130600
the county auditor and treasurer of each applicable county. 130601

Sec. 6117.05. (A) Whenever any portion of a sewer district is 130602
incorporated as, or annexed to, a municipal corporation, the area 130603
so incorporated or annexed shall remain under the jurisdiction of 130604
the board of county commissioners for purposes of the acquisition 130605
and construction of sanitary and drainage facility and prevention 130606
or replacement facility improvements until all of those 130607

improvements for the area for which a resolution described in 130608
division (A) or (E) of section 6117.06 of the Revised Code has 130609
been adopted by the board have been acquired or completed or until 130610
the board has abandoned the improvements. The board, unless and 130611
until a conveyance is made to a municipal corporation in 130612
accordance with division (B) of this section, shall continue to 130613
have jurisdiction in the area so incorporated or annexed with 130614
respect to the management, maintenance, and operation of all 130615
sanitary and drainage facilities and prevention or replacement 130616
facilities so acquired or completed, or previously acquired or 130617
completed, including the right to establish rules and rates and 130618
charges for the use of, and connections to, the facilities. The 130619
incorporation or annexation of any part of a district shall not 130620
affect the legality or enforceability of any public obligations 130621
issued or incurred by the county for purposes of this chapter to 130622
provide for the payment of the cost of acquisition, construction, 130623
maintenance, or operation of any sanitary or drainage facilities 130624
or prevention or replacement facilities within the area, or the 130625
validity of any assessments levied or to be levied upon properties 130626
within the area to provide for the payment of the cost of 130627
acquisition, construction, maintenance, or operation of the 130628
facilities. 130629

(B) Any A board may convey, by mutual agreement, to a 130630
municipal corporation any completed sanitary or drainage 130631
facilities or prevention or replacement facilities acquired or 130632
constructed by a county under this chapter for the use of, or 130633
service of property located in, any county sewer district, or any 130634
part of those facilities, ~~that~~ to which any of the following 130635
applies: 130636

(1) The facilities are located within a the municipal 130637
corporation or within any area that is incorporated as, or annexed 130638
to, a the municipal corporation, ~~or any part of the.~~ 130639

(2) The facilities that serve a the municipal corporation or 130640
such an area, may be conveyed, by mutual agreement between the 130641
board and the municipal corporation, to any area that is located 130642
within or that is incorporated as, or annexed to, the municipal 130643
corporation on. 130644

(3) The facilities are connected to facilities of the 130645
municipal corporation. 130646

The conveyance shall be completed with terms and for 130647
consideration as may be negotiated. Upon and after the conveyance, 130648
the municipal corporation shall manage, maintain, and operate the 130649
facilities in accordance with the agreement. The board may retain 130650
the right to joint use of all or part of any facilities so 130651
conveyed for the benefit of the district. Neither the validity of 130652
any assessment levied or to be levied, nor the legality or 130653
enforceability of any public obligations issued or incurred, to 130654
provide for the payment of the cost of the acquisition, 130655
construction, maintenance, or operation of the facilities or any 130656
part of them, shall be affected by the conveyance. 130657

Sec. 6117.06. (A) After the establishment of any sewer 130658
district, the board of county commissioners, if a sanitary or 130659
drainage facility or prevention or replacement facility 130660
improvement is to be undertaken, may have the county sanitary 130661
engineer prepare, or otherwise cause to be prepared, for the 130662
district, or revise as needed, a general plan of sewerage or 130663
drainage that is as complete in each case as can be developed at 130664
the time and that is devised with regard to any existing sanitary 130665
or drainage facilities or prevention or replacement facilities in 130666
the district and present as well as prospective needs for 130667
additional sanitary or drainage facilities or prevention or 130668
replacement facilities in the district. After the general plan, in 130669
original or revised form, has been approved by the board, it may 130670

adopt a resolution generally describing the improvement that is 130671
necessary to be acquired or constructed in accordance with the 130672
particular plan, declaring that the improvement is necessary for 130673
the preservation and promotion of the public health and welfare, 130674
and determining whether or not special assessments are to be 130675
levied and collected to pay any part of the cost of the 130676
improvement. 130677

(B) If special assessments are not to be levied and collected 130678
to pay any part of the cost of the improvement, the board, in the 130679
resolution provided for in division (A) of this section or in a 130680
subsequent resolution, including a resolution authorizing the 130681
issuance or incurrence of public obligations for the improvement, 130682
may authorize the improvement and the expenditure of the funds 130683
required for its acquisition or construction and may proceed with 130684
the improvement without regard to the procedures otherwise 130685
required by divisions (C), (D), and (E) of this section and by 130686
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 130687
are required only for improvements for which special assessments 130688
are to be levied and collected. 130689

(C) If special assessments are to be levied and collected 130690
pursuant to a determination made in the resolution provided for in 130691
division (A) of this section or in a subsequent resolution, the 130692
procedures referred to in division (B) of this section as being 130693
required for that purpose shall apply, and the board may have the 130694
county sanitary engineer prepare, or otherwise cause to be 130695
prepared, detailed plans, specifications, and an estimate of cost 130696
for the improvement, together with a tentative assessment of the 130697
cost based on the estimate. The tentative assessment shall be for 130698
the information of property owners and shall not be levied or 130699
certified to the county auditor for collection. The detailed 130700
plans, specifications, estimate of cost, and tentative assessment, 130701
if approved by the board, shall be carefully preserved in the 130702

office of the board or the county sanitary engineer and shall be 130703
open to the inspection of all persons interested in the 130704
improvement. 130705

(D) After the board's approval of the detailed plans, 130706
specifications, estimate of cost, and tentative assessment, and at 130707
least twenty-four days before adopting a resolution pursuant to 130708
division (E) of this section, the board, except to the extent that 130709
appropriate waivers of notice are obtained from affected owners, 130710
shall cause to be sent a notice of its intent to adopt the 130711
resolution to each owner of property proposed to be assessed that 130712
is listed on the records of the county auditor for current 130713
agricultural use value taxation pursuant to section 5713.31 of the 130714
Revised Code and that is not located in an agricultural district 130715
established under section 929.02 of the Revised Code. The notice 130716
shall satisfy all of the following: 130717

(1) Be sent by first class or certified mail; 130718

(2) Specify the proposed date of the adoption of the 130719
resolution; 130720

(3) Contain a statement that the improvement will be financed 130721
in whole or in part by special assessments and that all properties 130722
not located in an agricultural district established pursuant to 130723
section 929.02 of the Revised Code may be subject to a special 130724
assessment; 130725

(4) Contain a statement that an agricultural district may be 130726
established by filing an application with the county auditor. 130727

If it appears, by the return of the mailed notices or by 130728
other means, that one or more of the affected owners cannot be 130729
found or are not served by the mailed notice, the board shall 130730
cause the notice to be published once in a newspaper of general 130731
circulation in the county not later than ten days before the 130732
adoption of the resolution. 130733

(E) After complying with divisions (A), (C), and (D) of this section, the board may adopt a resolution declaring that the improvement, which shall be described as to its nature and its location, route, and termini, is necessary for the preservation and promotion of the public health and welfare, referring to the plans, specifications, estimate of cost, and tentative assessment, stating the place where they are on file and may be examined, and providing that the entire cost or a lesser designated part of the cost will be specially assessed against the benefited properties within the district and that any balance will be paid by the county at large from other available funds. The resolution also shall contain a description of the boundaries of that part of the district to be assessed and shall designate a time and place for objections to the improvement, to the tentative assessment, or to the boundaries of the assessment district to be heard by the board. The date of that hearing shall be not less than twenty-four days after the date of the first publication of the notice of the hearing required by this division.

The board shall cause a notice of the hearing to be published once a week for two consecutive weeks in a newspaper of general circulation in the county, ~~and on~~ or as provided in section 7.16 of the Revised Code. On or before the date of the second publication, ~~it~~ the board shall cause to be sent by first class or certified mail a copy of the notice to every owner of property to be assessed for the improvement whose address is known.

The notice shall set forth the time and place of the hearing, a summary description of the proposed improvement, including its general route and termini, a summary description of the area constituting the assessment district, and the place where the plans, specifications, estimate of cost, and tentative assessment are on file and may be examined. Each mailed notice also shall include a statement that the property of the addressee will be

assessed for the improvement. The notice also shall be sent by 130766
first class or certified mail, on or before the date of the second 130767
publication, to the clerk, or to the official discharging the 130768
duties of a clerk, of any municipal corporation any part of which 130769
lies within the assessment district and shall state whether or not 130770
any property belonging to the municipal corporation is to be 130771
assessed and, if so, shall identify that property. 130772

At the hearing, or at any adjournment of the hearing, of 130773
which no further published or mailed notice need be given, the 130774
board shall hear all parties whose properties are proposed to be 130775
assessed. Written objections to or endorsements of the proposed 130776
improvement, its character and termini, the boundaries of the 130777
assessment district, or the tentative assessment shall be received 130778
by the board for a period of five days after the completion of the 130779
hearing, and no action shall be taken by the board in the matter 130780
until after that period has elapsed. The minutes of the hearing 130781
shall be entered on the journal of the board, showing the persons 130782
who appear in person or by attorney, and all written objections 130783
shall be preserved and filed in the office of the board. 130784

Sec. 6117.07. After the expiration of the period of five days 130785
provided for in section 6117.06 of the Revised Code for the filing 130786
of written objections, the board of county commissioners shall 130787
determine whether or not it will proceed with the construction of 130788
the improvement mentioned in such section. Notice of the time and 130789
place of each meeting of the board of county commissioners, at 130790
which the resolution to proceed with the construction of such 130791
improvement will be considered, shall be given in writing to all 130792
persons who filed written objections as provided in section 130793
6117.06 of the Revised Code. Such notice shall contain the 130794
following language in addition to the time and place of the 130795
meeting of the board: "any person, firm, or corporation desiring 130796
to appeal from the final order or judgment of the board upon any 130797

of the questions mentioned in section 6117.09 of the Revised Code 130798
shall, on or before the date of the passage of the improvement 130799
resolution, give notice in writing of an intention to appeal, 130800
specifying therein the matters to be appealed from." If it decides 130801
to proceed therewith, the board shall ratify or amend the plans 130802
for the improvement and the character and termini thereof, the 130803
boundaries of the assessment district, and the tentative 130804
assessment, and may cause such revision of plans, boundaries, or 130805
assessments as the board considers necessary to be made by the 130806
county sanitary engineer. If the boundaries of the assessment 130807
district are amended so as to include any property not included 130808
within the boundaries as established by the resolution of 130809
necessity provided for in section 6117.06 of the Revised Code, the 130810
owners of all such property shall be notified by mail if their 130811
addresses are known, and notice shall be published once a week for 130812
two consecutive weeks in a newspaper of general circulation within 130813
the county or as provided in section 7.16 of the Revised Code that 130814
such amendments have been adopted and that a hearing will be given 130815
by the board at a time and place stated in such notice, at which 130816
all persons interested will be heard by the board. The date of 130817
such hearing shall be not less than twenty-four days after the 130818
first publication of such notice, and the hearing shall be 130819
conducted and records kept in the same manner as the first 130820
hearing. Five days shall be allowed for the filing of written 130821
objections as provided in such section for the first hearing. 130822

After the expiration of such five day period, the board shall 130823
ratify the plans for the improvement and the character and termini 130824
thereof, the boundaries of the assessment district, and the 130825
tentative assessment, or shall further amend the same. If the 130826
boundaries of the assessment district are amended so as to include 130827
any property not included in the assessment district as originally 130828
established or previously amended, further notice and hearing 130829
shall be given to the owners of such property in the same manner 130830

as for the first amendment of such boundaries, and the same 130831
procedure shall be repeated until all property owners affected 130832
have been given an opportunity to be heard. If the owners of all 130833
property added to an assessment district by amendment of the 130834
original boundaries thereof waive objection to such amendment in 130835
writing, no further notice or hearing shall be given. 130836

After the board has ratified the plans for the improvement 130837
and the character and termini thereof, the boundaries of the 130838
assessment district, and the tentative assessment, either as 130839
originally presented or as amended, and if it decides to proceed 130840
therewith, the board shall adopt a resolution to be known as the 130841
improvement resolution. Said improvement resolution shall declare 130842
the determination of such board to proceed with the construction 130843
of the improvement provided for in the resolution of necessity, in 130844
accordance with the plans and specifications provided for such 130845
improvement as ratified or amended, and whether bonds or 130846
certificates of indebtedness shall be issued in anticipation of 130847
the collection of special assessments, as provided in section 130848
6117.08 to 6117.45, inclusive, of the Revised Code, or that money 130849
in the county treasury unappropriated for any other purpose shall 130850
be appropriated to pay for said improvement. 130851

Sec. 6117.251. (A) After the establishment of any county 130852
sewer district, the board of county commissioners may determine by 130853
resolution that it is necessary to provide sanitary or drainage 130854
facility improvements or prevention or replacement facility 130855
improvements and to maintain and operate the improvements within 130856
the district or a designated portion of the district, that the 130857
improvements, which shall be generally described in the 130858
resolution, shall be constructed, that funds are required to pay 130859
the preliminary costs of the improvements to be incurred prior to 130860
the commencement of the proceedings for their construction, and 130861
that those funds shall be provided in accordance with this 130862

section. 130863

(B) Prior to the adoption of the resolution, the board shall 130864
give notice of its pendency and of the proposed determination of 130865
the necessity of the improvements generally described in the 130866
resolution. The notice shall set forth a description of the 130867
properties to be benefited by the improvements and the time and 130868
place of a hearing of objections to and endorsements of the 130869
improvements. The notice shall be given ~~either~~ by publication in a 130870
newspaper of general circulation in the county once a week for two 130871
consecutive weeks, ~~or~~ by publication as provided in section 7.16 130872
of the Revised Code, by mailing a copy of the notice by first 130873
class or certified mail to the owners of the properties proposed 130874
to be assessed at their respective tax mailing addresses, or by 130875
~~both~~ a combination of these manners, the first publication to be 130876
made or the mailing to occur at least two weeks prior to the date 130877
set for the hearing. At the hearing, or at any adjournment of the 130878
hearing, of which no further published or mailed notice need be 130879
given, the board shall hear all persons whose properties are 130880
proposed to be assessed and the evidence it considers to be 130881
necessary. The board then shall determine the necessity of the 130882
proposed improvements and whether the improvements shall be made 130883
by the board and, if they are to be made, shall direct the 130884
preparation of tentative assessments upon the benefited properties 130885
and by whom they shall be prepared. 130886

(C) In order to obtain funds for the preparation of a general 130887
or revised general plan of sewerage or drainage for the district 130888
or part of the district, for the preparation of the detailed 130889
plans, specifications, estimate of cost, and tentative assessment 130890
for the proposed improvements, and for the cost of financing and 130891
legal services incident to the preparation of all of those plans 130892
and a plan of financing the proposed improvements, the board may 130893
levy upon the properties to be benefited in the district a 130894

preliminary assessment apportioned according to benefits or to tax 130895
valuation or partly by one method and partly by the other method 130896
as the board may determine. The assessments shall be in the amount 130897
determined to be necessary to obtain funds for the general and 130898
detailed plans and the cost of financing and legal services and 130899
shall be payable in the number of years that the board shall 130900
determine, not to exceed twenty years, together with interest on 130901
any public obligations that may be issued or incurred in 130902
anticipation of the collection of the assessments. 130903

(D) The board shall have power at any time to levy additional 130904
assessments according to benefits or to tax valuation or partly by 130905
one method and partly by the other method as the board may 130906
determine for the purposes described in division (C) of this 130907
section upon the benefited properties to complete the payment of 130908
the costs described in division (C) of this section or to pay the 130909
cost of any additional plans, specifications, estimate of cost, or 130910
tentative assessment and the cost of financing and legal services 130911
incident to the preparation of those plans and the plan of 130912
financing, which additional assessments shall be payable in the 130913
number of years that the board shall determine, not to exceed 130914
twenty years, together with interest on any public obligations 130915
that may be issued or incurred in anticipation of the collection 130916
of the additional assessments. 130917

(E) Prior to the adoption of a resolution levying assessments 130918
under this section, the board shall give notice either by one 130919
publication in a newspaper of general circulation in the county, 130920
or by mailing a copy of the notice by first class or certified 130921
mail to the owners of the properties proposed to be assessed at 130922
their respective tax mailing addresses, or by both manners, the 130923
publication to be made or the mailing to occur at least ten days 130924
prior to the date of the meeting at which the resolution shall be 130925
taken up for consideration; that notice shall state the time and 130926

place of the meeting at which the resolution is to be considered. 130927
At the time and place of the meeting, or at any adjournment of the 130928
meeting, of which no further published or mailed notice need be 130929
given, the board shall hear all persons whose properties are 130930
proposed to be assessed, shall correct any errors and make any 130931
revisions that appear to be necessary or just, and then may adopt 130932
a resolution levying upon the properties determined to be 130933
benefited the assessments as so corrected and revised. 130934

The assessments levied by the resolution shall be certified 130935
to the county auditor for collection in the same manner as taxes 130936
in the year or years in which they are payable. 130937

(F) Upon the adoption of the resolution described in division 130938
(E) of this section, no further action shall be taken or work done 130939
until ten days have elapsed. If, at the expiration of that period, 130940
no appeal has been effected by any property owner as provided in 130941
this division, the action of the board shall be final. If, at the 130942
end of that ten days, any owner of property to be assessed for the 130943
improvements has effected an appeal, no further action shall be 130944
taken and no work done in connection with the improvements under 130945
the resolution until the matters appealed from have been disposed 130946
of in court. 130947

Any owner of property to be assessed may appeal as provided 130948
and upon the grounds stated in sections 6117.09 to 6117.24 of the 130949
Revised Code. 130950

If no appeal has been perfected or if on appeal the 130951
resolution of the board is sustained, the board may authorize and 130952
enter into contracts to carry out the purposes for which the 130953
assessments have been levied without the prior issuance of notes, 130954
provided that the payments under those contracts do not fall due 130955
prior to the time by which the assessments are to be collected. 130956
The board may issue and sell bonds with a maximum maturity of 130957
twenty years in anticipation of the collection of the assessments 130958

and may issue notes in anticipation of the issuance of the bonds, 130959
which notes and bonds, as public obligations, shall be issued and 130960
sold as provided in Chapter 133. of the Revised Code. 130961

Sec. 6117.49. (A) If the board of county commissioners 130962
determines by resolution that the best interests of the county and 130963
those served by the sanitary or drainage facilities or the 130964
prevention or replacement facilities of a county sewer district so 130965
require, the board may sell or otherwise dispose of the facilities 130966
to another public agency or a person. The resolution declaring the 130967
necessity of that disposition shall recite the reasons for the 130968
sale or other disposition and shall establish any conditions or 130969
terms that the board may impose, including, but not limited to, a 130970
minimum sales price if a sale is proposed, a requirement for the 130971
submission by bidders of the schedule of rates and charges 130972
initially proposed to be paid for the services of the facilities, 130973
and other pertinent conditions or terms relating to the sale or 130974
other disposition. The resolution also shall designate a time and 130975
place for the hearing of objections to the sale or other 130976
disposition by the board. Notice of the adoption of the resolution 130977
and the time and place of the hearing shall be published as 130978
provided in section 7.16 of the Revised Code or once a week for 130979
two consecutive weeks, in a newspaper of general circulation in 130980
the sewer district and in the county. The public hearing on the 130981
sale or other disposition shall be held not less than twenty-four 130982
days following the date of first publication of the notice. A copy 130983
of the notice also shall be sent by first class or certified mail, 130984
on or before the date of the second publication, to any public 130985
agency within the area served by the facilities. At the public 130986
hearing, or at any adjournment of it, of which no further 130987
published or mailed notice need be given, the board shall hear all 130988
interested parties. A period of five days shall be given following 130989
the completion of the hearing for the filing of written objections 130990

by any interested persons or public agencies to the sale or other 130991
disposition, after which the board shall consider any objections 130992
and by resolution determine whether or not to proceed with the 130993
sale or other disposition. If the board determines to proceed with 130994
the sale or other disposition, it shall receive bids after 130995
advertising once a week for four consecutive weeks or as provided 130996
in section 7.16 of the Revised Code, in a newspaper of general 130997
circulation in the county and, subject to the right of the board 130998
to reject any or all bids, may make an award to a responsible 130999
bidder whose proposal is determined by the board to be in the best 131000
interests of the county and those served by the facilities. 131001

(B) A conveyance of sanitary or drainage facilities or of 131002
prevention or replacement facilities by a county to a municipal 131003
corporation in accordance with division (B) of section 6117.05 of 131004
the Revised Code may be made without regard to division (A) of 131005
this section. 131006

Sec. 6119.061. (A) Whenever any portion of a regional water 131007
and sewer district is incorporated as, or annexed to, a municipal 131008
corporation, the area so incorporated or annexed shall remain 131009
under the jurisdiction of the district for purposes of the 131010
acquisition, construction, or operation of a water resource 131011
project until the water resource project has been acquired or 131012
completed or until the project is abandoned by the district. The 131013
board of trustees of the district, unless and until a conveyance 131014
is made to a municipal corporation in accordance with division (B) 131015
of this section, shall continue to have jurisdiction in the area 131016
so incorporated or annexed with respect to the management, 131017
maintenance, and operation of all water resource projects so 131018
acquired or completed or previously acquired or completed, 131019
including the right to establish rules and rates and charges for 131020
the use of, and connections to, the projects. The incorporation or 131021
annexation of any part of a district shall not affect the legality 131022

or enforceability of any public obligations issued or incurred by 131023
the district for purposes of this chapter to provide for the 131024
payment of the cost of acquisition, construction, maintenance, or 131025
operation of any water resource project or the validity of any 131026
assessments levied or to be levied on properties within the area 131027
to provide for the payment of the cost of acquisition, 131028
construction, maintenance, or operation of the project. 131029

(B) The board of trustees of a regional water and sewer 131030
district may convey, by mutual agreement, to a municipal 131031
corporation any completed water resource project acquired or 131032
constructed under this chapter for the use of, or service of 131033
property located in, the regional water and sewer district, or any 131034
part of that project to which any of the following applies: 131035

(1) The project is located within the municipal corporation 131036
or within any area that is incorporated as, or annexed to, the 131037
municipal corporation. 131038

(2) The project serves the municipal corporation or any area 131039
that is located within or that is incorporated as, or annexed to, 131040
the municipal corporation. 131041

(3) The project is connected to water supply or sanitary, 131042
drainage, prevention, or replacement facilities of the municipal 131043
corporation. 131044

The conveyance shall be completed with terms and for 131045
consideration as may be negotiated. Upon and after the conveyance, 131046
the municipal corporation shall manage, maintain, and operate the 131047
water resource project in accordance with the agreement. The board 131048
of trustees may retain the right to the joint use of all or part 131049
of any project so conveyed for the benefit of the district. 131050
Neither the validity of any assessment levied or to be levied, nor 131051
the legality or enforceability of any public obligations issued or 131052
incurred, to provide for the payment of the cost of the 131053

acquisition, construction, maintenance, or operation of the 131054
project or any part of the project shall be affected by the 131055
conveyance. 131056

Sec. 6119.10. The board of trustees of a regional water and 131057
sewer district or any officer or employee designated by the board 131058
may make any contract for the purchase of supplies or material or 131059
for labor for any work, under the supervision of the board, the 131060
cost of which shall not exceed twenty-five thousand dollars. When 131061
an expenditure, other than for the acquisition of real estate and 131062
interests in real estate, the discharge of noncontractual claims, 131063
personal services, the joint use of facilities or the exercise of 131064
powers with other political subdivisions, or the product or 131065
services of public utilities, exceeds twenty-five thousand 131066
dollars, the expenditures shall be made only after a notice 131067
calling for bids has been published ~~not less than~~ two consecutive 131068
weeks in ~~at least~~ one newspaper ~~having a~~ of general circulation 131069
within the district or as provided in section 7.16 of the Revised 131070
Code. If the bids are for a contract for the construction, 131071
demolition, alteration, repair, or reconstruction of an 131072
improvement, the board may let the contract to the lowest and best 131073
bidder who meets the requirements of section 153.54 of the Revised 131074
Code. If the bids are for a contract for any other work relating 131075
to the improvements for which a regional water and sewer district 131076
was established, the board of trustees of the regional water and 131077
sewer district may let the contract to the lowest or best bidder 131078
who gives a good and approved bond with ample security conditioned 131079
on the carrying out of the contract. The contract shall be in 131080
writing and shall be accompanied by or shall refer to plans and 131081
specifications for the work to be done, approved by the board. The 131082
plans and specifications shall at all times be made and considered 131083
part of the contract. The contract shall be approved by the board 131084
and signed by its president or other duly authorized officer and 131085

by the contractor. In case of a real and present emergency, the 131086
board of trustees of the district, by two-thirds vote of all 131087
members, may authorize the president or other duly authorized 131088
officer to enter into a contract for work to be done or for the 131089
purchase of supplies or materials without formal bidding or 131090
advertising. All contracts shall have attached the certificate 131091
required by section 5705.41 of the Revised Code duly executed by 131092
the secretary of the board of trustees of the district. The 131093
district may make improvements by force account or direct labor, 131094
provided that, if the estimated cost of supplies or material for 131095
any such improvement exceeds twenty-five thousand dollars, bids 131096
shall be received as provided in this section. For the purposes of 131097
the competitive bidding requirements of this section, the board 131098
shall not sever a contract for supplies or materials and labor 131099
into separate contracts for labor, supplies, or materials if the 131100
contracts are in fact a part of a single contract required to be 131101
bid competitively under this section. 131102

Sec. 6119.18. The board of trustees of a regional water and 131103
sewer district, by a vote of two-thirds of all its members, may 131104
declare by resolution that it is necessary to levy a tax in excess 131105
of the ten-mill limitation for the purpose of providing funds to 131106
pay current expenses of the district or for the purpose of paying 131107
any portion of the cost of one or more water resource projects or 131108
parts thereof or for both of such purposes, and that the question 131109
of such tax levy shall be submitted to the electors of the 131110
district at a general or primary election. Such resolution shall 131111
conform to the requirements of section 5705.19 of the Revised 131112
Code, except as otherwise permitted by this section and except 131113
that such levy may be for a period not longer than ten years. The 131114
resolution shall go into immediate effect upon its passage and no 131115
publication of the resolution is necessary other than that 131116
provided for in the notice of election. A copy of such resolution 131117

shall, immediately after its passage, be certified to the board of 131118
elections of the proper county or counties in the manner provided 131119
by section 5705.25 of the Revised Code, and such section shall 131120
govern the arrangements for the submission of such question and 131121
other matters with respect to such election to which such section 131122
refers. Publication of the notice of that election shall be made 131123
in one ~~or more newspapers having a~~ newspaper of general 131124
circulation in the district once a week for two consecutive weeks 131125
prior to the election, ~~and, if~~ or as provided in section 7.16 of 131126
the Revised Code. If the board of elections operates and maintains 131127
a web site, the board of elections shall post notice of the 131128
election on its web site for thirty days prior to the election. 131129

If a majority of the electors voting on the question vote in 131130
favor thereof, the board may make the necessary levy within the 131131
district at the additional rate or at any lesser rate on the tax 131132
list and duplicate for the purpose or purposes stated in the 131133
resolution. 131134

The taxes realized from such levy shall be collected at the 131135
same time and in the same manner as other taxes on such tax list 131136
and duplicate and such taxes, when collected, shall be paid to the 131137
district and deposited by it in a special fund which shall be 131138
established by the district for all revenues derived from such 131139
levy and for the proceeds of anticipation notes which shall be 131140
deposited in such fund. 131141

After the approval of such levy, the district may anticipate 131142
a fraction of the proceeds of such levy and, from time to time, 131143
during the life of such levy, issue anticipation notes in an 131144
amount not exceeding fifty per cent of the estimated proceeds of 131145
such levy to be collected in each year up to a period of five 131146
years after the date of issuance of such notes, less an amount 131147
equal to the proceeds of such levy previously obligated for each 131148
year by the issuance of anticipation notes, provided that the 131149

total amount maturing in any one year shall not exceed fifty per 131150
cent of the anticipated proceeds of such levy for that year. Each 131151
issue of notes shall be sold as provided in Chapter 133. of the 131152
Revised Code, and shall, except for such limitation that the total 131153
amount of such notes maturing in any one year shall not exceed 131154
fifty per cent of the anticipated proceeds of such levy for that 131155
year, mature serially in substantially equal installments during 131156
each year over a period not to exceed five years after their 131157
issuance. 131158

Sec. 6119.22. When a plan of sewerage devised in accordance 131159
with section 6119.19 of the Revised Code has been prepared, the 131160
board of trustees of the regional water and sewer district shall 131161
give at least ten days' notice in one newspaper of general 131162
circulation in such area or give notice as provided in section 131163
7.16 of the Revised Code, stating that such plans have been 131164
prepared and are filed in the office of the secretary of the board 131165
for examination and inspection by the parties interested. 131166

Any objection to such plan shall then be made to the board 131167
and it may amend or correct such plan, and shall thereupon file it 131168
as amended, or if no amendments are made, it shall file the 131169
original plan in the office of the secretary. 131170

Sec. 6119.25. When the board of trustees of a regional water 131171
and sewer district deems it necessary to construct all or a part 131172
of the sewers provided for in the plan devised in accordance with 131173
section 6119.19 of the Revised Code, the board shall declare by 131174
resolution the necessity thereof. Such resolution shall contain a 131175
declaration of the necessity of such improvement, a statement of 131176
the districts, areas, or parts thereof proposed to be constructed, 131177
the character of the materials to be used, a reference to the 131178
plans and specifications, where they are on file, and the mode of 131179
payment therefor, and shall publish the resolution once a week for 131180

not less than two nor more than four consecutive weeks in one 131181
newspaper of general circulation in the area or as provided in 131182
section 7.16 of the Revised Code. 131183

Sec. 6119.58. In order to obtain funds for the preparation of 131184
plans, specifications, estimates of cost, tentative assessments, 131185
and a plan of financing for any water resource project or part 131186
thereof, the board of trustees of a regional water and sewer 131187
district may levy upon the property in such district to be 131188
benefited by such project assessments apportioned in accordance 131189
with one or more of the methods set forth in section 6119.42 of 131190
the Revised Code. The aggregate of such assessments shall not 131191
exceed the amount determined by the board of trustees to be 131192
necessary for such purpose, including costs of financing, legal 131193
services, and other incidental costs, and shall be payable in such 131194
number of annual installments, not less than one, as the board of 131195
trustees prescribes, together with interest on any water resource 131196
revenue notes and bonds which may be issued in anticipation of the 131197
collection of such assessments. 131198

If the board of trustees proposes to obtain funds in 131199
accordance with this section, it shall determine by resolution 131200
that it is necessary to construct the water resource project and 131201
to maintain and operate the same on behalf of the district. 131202

Prior to the adoption of the resolution making such 131203
determination, the board of trustees shall give notice of the 131204
pendency thereof and of the proposed determination of the 131205
necessity of the construction of such project therein generally 131206
described, and such notice shall set forth a description of the 131207
properties to be benefited by such project and the time and place 131208
of a hearing of objections to, and endorsements of, such project. 131209
Such notice shall be given by publication in ~~at least~~ one 131210
newspaper ~~having a~~ of general circulation in the district once a 131211

week for two consecutive weeks or as provided in section 7.16 of 131212
the Revised Code, the first publication to be at least two weeks 131213
prior to the date set for the hearing, provided that the board of 131214
trustees may give, or cause to be given, such alternative or 131215
further notice of such hearing as it finds to be necessary or 131216
appropriate. At such hearing, or at any adjournment thereof, of 131217
which no further notice need be given, the board of trustees shall 131218
hear all owners whose properties are proposed to be assessed and 131219
such other evidence as is considered to be necessary, and may then 131220
adopt its resolution determining that the proposed project is 131221
necessary and should be undertaken by the district. In such 131222
resolution, the board of trustees shall direct the preparation of 131223
the estimated assessments upon the benefited properties and by 131224
whom they shall be prepared. 131225

After such assessments have been prepared and filed in the 131226
office of the secretary of the board of trustees and prior to the 131227
adoption of the resolution levying such assessments, the board of 131228
trustees shall give notice of the pendency of such resolution and 131229
of the proposed determination to levy such assessments, and such 131230
notice shall set forth the time and place of a hearing of 131231
objections to such assessments. Such notice shall be given by 131232
publication once in ~~at least~~ one newspaper ~~having a~~ of general 131233
circulation in the district, such publication to be made at least 131234
ten days prior to the date set for the hearing, provided that the 131235
board of trustees may give or cause to be given, such alternative 131236
of further notice of such hearing as it finds to be necessary or 131237
appropriate. At such hearing, or at any adjournment thereof, of 131238
which no further notice need be given, the board of trustees shall 131239
hear all persons whose properties are proposed to be assessed, 131240
shall correct any errors and make any revisions in the estimated 131241
assessments that appear to be necessary or just, and may then 131242
adopt a resolution levying upon the properties determined to be 131243
benefited the assessments as originally prepared or as so 131244

corrected and revised. 131245

The board of trustees shall have the power at any time to 131246
levy additional assessments upon such properties to complete the 131247
payment of the costs for which the original assessments were 131248
levied or to provide funds for any additional plans, 131249
specifications, estimates of cost, tentative assessments, and 131250
other incidental costs, provided that the board shall first have 131251
held a hearing on objections to such additional assessments in the 131252
same manner as required by this section with respect to such 131253
original assessments. Such additional assessments shall be payable 131254
in such number of annual installments, not less than one, as the 131255
board of trustees prescribes, together with interest on any water 131256
resource revenue notes and bonds which may be issued in 131257
anticipation of the collection of such assessments. 131258

The board of trustees may authorize contracts to carry out 131259
the purposes for which such assessments have been levied without 131260
the prior issuance of water resource revenue notes and bonds, 131261
provided that the payments to be made by the district do not fall 131262
due prior to the times when such assessments shall be collected. 131263

Section 101.02. That existing sections 7.10, 7.11, 7.12, 131264
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6115.20, 6117.05, 6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 131454
6119.18, 6119.22, 6119.25, and 6119.58 of the Revised Code are 131455
hereby repealed. 131456

Section 105.01. That sections 7.14, 122.0818, 122.452, 131457
126.04, 126.501, 126.502, 126.507, 165.031, 179.01, 179.02, 131458
179.03, 179.04, 340.08, 701.04, 1501.031, 1551.13, 3123.52, 131459
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5111.861, 5111.893, 5111.971, 5122.36, 5123.172, 5123.181, 131474
5123.193, 5123.211, 5126.18, and 5126.19 of the Revised Code are 131475
hereby repealed. 131476

131477

Section 120.20. That sections 3721.16, 5111.709, 5119.221, 131478
5122.01, 5122.02, 5122.27, 5122.271, 5122.29, 5122.31, 5122.32, 131479
5123.092, 5123.19, 5123.191, 5123.35, 5123.60, 5123.61, 5123.63, 131480
5123.64, 5123.69, 5123.701, 5123.86, 5123.99, and 5126.33 be 131481
amended; that section 5123.60 (5123.601) be amended for the 131482
purpose of adopting a new section number as indicated in 131483
parentheses; and that new sections 5123.60 and 5123.602 of the 131484
Revised Code be enacted to read as follows: 131485

Sec. 3721.16. For each resident of a home, notice of a 131486
proposed transfer or discharge shall be in accordance with this 131487
section. 131488

(A)(1) The administrator of a home shall notify a resident in 131489
writing, and the resident's sponsor in writing by certified mail, 131490
return receipt requested, in advance of any proposed transfer or 131491
discharge from the home. The administrator shall send a copy of 131492
the notice to the state department of health. The notice shall be 131493
provided at least thirty days in advance of the proposed transfer 131494
or discharge, unless any of the following applies: 131495

(a) The resident's health has improved sufficiently to allow 131496

a more immediate discharge or transfer to a less skilled level of care; 131497
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(b) The resident has resided in the home less than thirty days; 131499
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(c) An emergency arises in which the safety of individuals in the home is endangered; 131501
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(d) An emergency arises in which the health of individuals in the home would otherwise be endangered; 131503
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(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge. 131505
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In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable. 131507
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(2) The notice required under division (A)(1) of this section shall include all of the following: 131511
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(a) The reasons for the proposed transfer or discharge; 131513

(b) The proposed date the resident is to be transferred or discharged; 131514
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(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate; 131516
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(d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code; 131520
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(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home 131525
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and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;

(f) The address of the legal services office of the department of health;

(g) The name, address, and telephone number of a representative of the state long-term care ombudsperson program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio legal rights service protection and advocacy system.

(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's health-care and safety needs. The proposed location for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08,

sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code; 131557
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(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government; 131559
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(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government. 131562
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(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge. 131565
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(F) At the time of a transfer or discharge of a resident who is a recipient of medicaid from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the medicaid program to return and resume residence in the home and specifying the medicaid program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room. 131573
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Sec. 5111.709. (A) There is hereby created the medicaid buy-in advisory council. The council shall consist of all of the 131586
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following:	131588
(1) The following voting members:	131589
(a) The executive director of assistive technology of Ohio or the executive director's designee;	131590 131591
(b) The director of the axis center for public awareness of people with disabilities or the director's designee;	131592 131593
(c) The executive director of the cerebral palsy association of Ohio or the executive director's designee;	131594 131595
(d) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;	131596 131597
(e) The state director of the Ohio chapter of AARP or the state director's designee;	131598 131599
(f) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;	131600 131601 131602
(g) The executive director of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's designee;	131603 131604 131605
(h) The administrator of the legal rights service created under section 5123.60 of the Revised Code or the administrator's designee;	131606 131607 131608
(i) The chairperson of the Ohio Olmstead task force or the chairperson's designee;	131609 131610
(j) <u>(i)</u> The executive director of the Ohio statewide independent living council or the executive director's designee;	131611 131612
(k) <u>(j)</u> The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;	131613 131614
(l) <u>(k)</u> The executive director of the arc of Ohio or the executive director's designee;	131615 131616

(m) (l) The executive director of the commission on minority health or the executive director's designee;	131617 131618
(n) (m) The executive director of the brain injury association of Ohio or the executive director's designee;	131619 131620
(o) (n) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council;	131621 131622 131623 131624 131625 131626
(p) (o) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented.	131627 131628 131629 131630
(2) The following non-voting members:	131631
(a) The director of job and family services or the director's designee;	131632 131633
(b) The administrator of the rehabilitation services commission or the administrator's designee;	131634 131635
(c) The director of alcohol and drug addiction services or the director's designee;	131636 131637
(d) The director of developmental disabilities or the director's designee;	131638 131639
(e) The director of mental health or the director's designee;	131640
(f) The executive officer of any other government entity, or the executive officer's designee, if the voting members, at a meeting called by the chairperson, determine it is appropriate for the government entity to be represented on the council.	131641 131642 131643 131644
(B) All members of the medicaid buy-in advisory council shall serve without compensation or reimbursement, except as serving on	131645 131646

the council is considered part of their usual job duties. 131647

(C) The voting members of the medicaid buy-in advisory 131648
council shall elect one of the members of the council to serve as 131649
the council's chairperson for a two-year term. The chairperson may 131650
be re-elected to successive terms. 131651

(D) The department of job and family services shall provide 131652
the Ohio medicaid buy-in advisory council with accommodations for 131653
the council to hold its meetings and shall provide the council 131654
with other administrative assistance the council needs to perform 131655
its duties. 131656

Sec. 5119.221. (A) Upon petition by the director of mental 131657
health, the court of common pleas or the probate court may appoint 131658
a receiver to take possession of and operate a residential 131659
facility licensed pursuant to section 5119.22 of the Revised Code, 131660
when conditions existing at the residential facility present a 131661
substantial risk of physical or mental harm to residents and no 131662
other remedies at law are adequate to protect the health, safety, 131663
and welfare of the residents. 131664

Petitions filed pursuant to this section shall include: 131665

(1) A description of the specific conditions existing at the 131666
residential facility which present a substantial risk of physical 131667
or mental harm to residents; 131668

(2) A statement of the absence of other adequate remedies at 131669
law; 131670

(3) The number of individuals residing at the facility; 131671

(4) A statement that the facts have been brought to the 131672
attention of the owner or licensee and that conditions have not 131673
been remedied within a reasonable period of time or that the 131674
conditions, though remedied periodically, habitually exist at the 131675
residential facility as a pattern or practice; and 131676

(5) The name and address of the person holding the license 131677
for the residential facility. 131678

(B) A court in which a petition is filed pursuant to this 131679
section shall notify the person holding the license for the 131680
facility of the filing. The department shall send notice of the 131681
filing to the following, as appropriate: the ~~legal rights service~~ 131682
~~created pursuant to~~ Ohio protection and advocacy system as defined 131683
in section 5123.60 of the Revised Code; facility owner; facility 131684
operator; board of alcohol, drug addiction, and mental health 131685
services; board of health; department of developmental 131686
disabilities; department of job and family services; facility 131687
residents; and residents' families and guardians. The court shall 131688
provide a hearing on the petition within five court days of the 131689
time it was filed, except that the court may appoint a receiver 131690
prior to that time if it determines that the circumstances 131691
necessitate such action. 131692

Following a hearing on the petition, and upon a determination 131693
that the appointment of a receiver is warranted, the court shall 131694
appoint a receiver and notify the department of mental health and 131695
appropriate persons of this action. 131696

In setting forth the powers of the receiver, the court may 131697
generally authorize the receiver to do all that is prudent and 131698
necessary to safely and efficiently operate the residential 131699
facility within the requirements of state and federal law, but 131700
shall require the receiver to obtain court approval prior to 131701
making any single expenditure of more than five thousand dollars 131702
to correct deficiencies in the structure or furnishings of a 131703
facility. The court shall closely review the conduct of the 131704
receiver and shall require regular and detailed reports. 131705

(C) A receivership established pursuant to this section shall 131706
be terminated, following notification of the appropriate parties 131707
and a hearing, if the court determines either of the following: 131708

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility;

(2) Circumstances no longer exist at the residential facility which present a substantial risk of physical or mental harm to residents, and there is no deficiency in the residential facility that is likely to create a future risk of harm.

Notwithstanding division (C)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of mental health.

(D) Except for the department of mental health or appropriate board of alcohol, drug addiction, and mental health services, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of the department of mental health shall maintain a list of the names of such persons. The department of mental health, the department of job and family services, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.

Before entering upon the duties of receiver, the receiver must be sworn to perform the duties faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the effect that such receiver will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

(1) Under the control of the appointing court, a receiver may do the following:

(a) Bring and defend actions in the appointee's name as

receiver;	131740
(b) Take and keep possession of property.	131741
(2) The court shall authorize the receiver to do the following:	131742 131743
(a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;	131744 131745 131746 131747 131748
(b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership;	131749 131750 131751 131752 131753 131754 131755
(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:	131756 131757
(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;	131758 131759 131760
(ii) Providing for the transportation of residents' belongings and records;	131761 131762
(iii) Helping to locate alternative placements and develop plans for transfer;	131763 131764
(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.	131765 131766 131767
(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the	131768 131769

board of alcohol, drug addiction, and mental health services. Each 131770
report shall be made available to residents, their guardians, and 131771
families. 131772

(e) Compromise demands or claims; and 131773

(f) Generally do such acts respecting the residential 131774
facility as the court authorizes. 131775

Notwithstanding any other provision of law, contracts which 131776
are necessary to carry out the powers and duties of the receiver 131777
need not be competitively bid. 131778

Sec. 5122.01. As used in this chapter and Chapter 5119. of 131779
the Revised Code: 131780

(A) "Mental illness" means a substantial disorder of thought, 131781
mood, perception, orientation, or memory that grossly impairs 131782
judgment, behavior, capacity to recognize reality, or ability to 131783
meet the ordinary demands of life. 131784

(B) "Mentally ill person subject to hospitalization by court 131785
order" means a mentally ill person who, because of the person's 131786
illness: 131787

(1) Represents a substantial risk of physical harm to self as 131788
manifested by evidence of threats of, or attempts at, suicide or 131789
serious self-inflicted bodily harm; 131790

(2) Represents a substantial risk of physical harm to others 131791
as manifested by evidence of recent homicidal or other violent 131792
behavior, evidence of recent threats that place another in 131793
reasonable fear of violent behavior and serious physical harm, or 131794
other evidence of present dangerousness; 131795

(3) Represents a substantial and immediate risk of serious 131796
physical impairment or injury to self as manifested by evidence 131797
that the person is unable to provide for and is not providing for 131798
the person's basic physical needs because of the person's mental 131799

illness and that appropriate provision for those needs cannot be 131800
made immediately available in the community; or 131801

(4) Would benefit from treatment in a hospital for the 131802
person's mental illness and is in need of such treatment as 131803
manifested by evidence of behavior that creates a grave and 131804
imminent risk to substantial rights of others or the person. 131805

(C)(1) "Patient" means, subject to division (C)(2) of this 131806
section, a person who is admitted either voluntarily or 131807
involuntarily to a hospital or other place under section 2945.39, 131808
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 131809
finding of not guilty by reason of insanity or incompetence to 131810
stand trial or under this chapter, who is under observation or 131811
receiving treatment in such place. 131812

(2) "Patient" does not include a person admitted to a 131813
hospital or other place under section 2945.39, 2945.40, 2945.401, 131814
or 2945.402 of the Revised Code to the extent that the reference 131815
in this chapter to patient, or the context in which the reference 131816
occurs, is in conflict with any provision of sections 2945.37 to 131817
2945.402 of the Revised Code. 131818

(D) "Licensed physician" means a person licensed under the 131819
laws of this state to practice medicine or a medical officer of 131820
the government of the United States while in this state in the 131821
performance of the person's official duties. 131822

(E) "Psychiatrist" means a licensed physician who has 131823
satisfactorily completed a residency training program in 131824
psychiatry, as approved by the residency review committee of the 131825
American medical association, the committee on post-graduate 131826
education of the American osteopathic association, or the American 131827
osteopathic board of neurology and psychiatry, or who on July 1, 131828
1989, has been recognized as a psychiatrist by the Ohio state 131829
medical association or the Ohio osteopathic association on the 131830

basis of formal training and five or more years of medical 131831
practice limited to psychiatry. 131832

(F) "Hospital" means a hospital or inpatient unit licensed by 131833
the department of mental health under section 5119.20 of the 131834
Revised Code, and any institution, hospital, or other place 131835
established, controlled, or supervised by the department under 131836
Chapter 5119. of the Revised Code. 131837

(G) "Public hospital" means a facility that is tax-supported 131838
and under the jurisdiction of the department of mental health. 131839

(H) "Community mental health agency" means an agency that 131840
provides community mental health services that are certified by 131841
the director of mental health under section 5119.611 of the 131842
Revised Code. 131843

(I) "Licensed clinical psychologist" means a person who holds 131844
a current valid psychologist license issued under section 4732.12 131845
or 4732.15 of the Revised Code, and in addition, meets either of 131846
the following criteria: 131847

(1) Meets the educational requirements set forth in division 131848
(B) of section 4732.10 of the Revised Code and has a minimum of 131849
two years' full-time professional experience, or the equivalent as 131850
determined by rule of the state board of psychology, at least one 131851
year of which shall be a predoctoral internship, in clinical 131852
psychological work in a public or private hospital or clinic or in 131853
private practice, diagnosing and treating problems of mental 131854
illness or mental retardation under the supervision of a 131855
psychologist who is licensed or who holds a diploma issued by the 131856
American board of professional psychology, or whose qualifications 131857
are substantially similar to those required for licensure by the 131858
state board of psychology when the supervision has occurred prior 131859
to enactment of laws governing the practice of psychology; 131860

(2) Meets the educational requirements set forth in division 131861

(B) of section 4732.15 of the Revised Code and has a minimum of 131862
four years' full-time professional experience, or the equivalent 131863
as determined by rule of the state board of psychology, in 131864
clinical psychological work in a public or private hospital or 131865
clinic or in private practice, diagnosing and treating problems of 131866
mental illness or mental retardation under supervision, as set 131867
forth in division (I)(1) of this section. 131868

(J) "Health officer" means any public health physician; 131869
public health nurse; or other person authorized by or designated 131870
by a city health district; a general health district; or a board 131871
of alcohol, drug addiction, and mental health services to perform 131872
the duties of a health officer under this chapter. 131873

(K) "Chief clinical officer" means the medical director of a 131874
hospital, or a community mental health agency, or a board of 131875
alcohol, drug addiction, and mental health services, or, if there 131876
is no medical director, the licensed physician responsible for the 131877
treatment a hospital or community mental health agency provides. 131878
The chief clinical officer may delegate to the attending physician 131879
responsible for a patient's care the duties imposed on the chief 131880
clinical officer by this chapter. Within a community mental health 131881
agency, the chief clinical officer shall be designated by the 131882
governing body of the agency and shall be a licensed physician or 131883
licensed clinical psychologist who supervises diagnostic and 131884
treatment services. A licensed physician or licensed clinical 131885
psychologist designated by the chief clinical officer may perform 131886
the duties and accept the responsibilities of the chief clinical 131887
officer in the chief clinical officer's absence. 131888

(L) "Working day" or "court day" means Monday, Tuesday, 131889
Wednesday, Thursday, and Friday, except when such day is a 131890
holiday. 131891

(M) "Indigent" means unable without deprivation of 131892
satisfaction of basic needs to provide for the payment of an 131893

attorney and other necessary expenses of legal representation, 131894
including expert testimony. 131895

(N) "Respondent" means the person whose detention, 131896
commitment, hospitalization, continued hospitalization or 131897
commitment, or discharge is being sought in any proceeding under 131898
this chapter. 131899

(O) ~~"Legal rights service" means the service established~~ 131900
~~under "Ohio protection and advocacy system" has the same meaning~~ 131901
~~as in~~ section 5123.60 of the Revised Code. 131902

(P) "Independent expert evaluation" means an evaluation 131903
conducted by a licensed clinical psychologist, psychiatrist, or 131904
licensed physician who has been selected by the respondent or the 131905
respondent's counsel and who consents to conducting the 131906
evaluation. 131907

(Q) "Court" means the probate division of the court of common 131908
pleas. 131909

(R) "Expunge" means: 131910

(1) The removal and destruction of court files and records, 131911
originals and copies, and the deletion of all index references; 131912

(2) The reporting to the person of the nature and extent of 131913
any information about the person transmitted to any other person 131914
by the court; 131915

(3) Otherwise insuring that any examination of court files 131916
and records in question shall show no record whatever with respect 131917
to the person; 131918

(4) That all rights and privileges are restored, and that the 131919
person, the court, and any other person may properly reply that no 131920
such record exists, as to any matter expunged. 131921

(S) "Residence" means a person's physical presence in a 131922
county with intent to remain there, except that: 131923

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives. The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and

include services to be provided to the patient while the patient 131955
is hospitalized and after the patient is discharged. The treatment 131956
plan shall address services to be provided upon discharge, 131957
including but not limited to housing, financial, and vocational 131958
services. 131959

(W) "Community control sanction" has the same meaning as in 131960
section 2929.01 of the Revised Code. 131961

(X) "Post-release control sanction" has the same meaning as 131962
in section 2967.01 of the Revised Code. 131963

Sec. 5122.02. (A) Except as provided in division (D) of this 131964
section, any person who is eighteen years of age or older and who 131965
is, appears to be, or believes self to be mentally ill may make 131966
written application for voluntary admission to the chief medical 131967
officer of a hospital. 131968

(B) Except as provided in division (D) of this section, the 131969
application also may be made on behalf of a minor by a parent, a 131970
guardian of the person, or the person with custody of the minor, 131971
and on behalf of an adult incompetent person by the guardian or 131972
the person with custody of the incompetent person. 131973

Any person whose admission is applied for under division (A) 131974
or (B) of this section may be admitted for observation, diagnosis, 131975
care, or treatment, in any hospital unless the chief clinical 131976
officer finds that hospitalization is inappropriate, and except 131977
that, in the case of a public hospital, no person shall be 131978
admitted without the authorization of the board of the person's 131979
county of residence. 131980

(C) If a minor or person adjudicated incompetent due to 131981
mental illness whose voluntary admission is applied for under 131982
division (B) of this section is admitted, the court shall 131983
determine, upon petition by ~~the legal rights service~~, private or 131984

otherwise appointed counsel, a relative, or one acting as next 131985
friend, whether the admission or continued hospitalization is in 131986
the best interest of the minor or incompetent. 131987

The chief clinical officer shall discharge any voluntary 131988
patient who has recovered or whose hospitalization the officer 131989
determines to be no longer advisable and may discharge any 131990
voluntary patient who refuses to accept treatment consistent with 131991
the written treatment plan required by section 5122.27 of the 131992
Revised Code. 131993

(D) A person who is found incompetent to stand trial or not 131994
guilty by reason of insanity and who is committed pursuant to 131995
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 131996
Code shall not voluntarily admit ~~himself or herself~~ the person or 131997
be voluntarily admitted to a hospital pursuant to this section 131998
until after the final termination of the commitment, as described 131999
in division (J) of section 2945.401 of the Revised Code. 132000

Sec. 5122.27. The chief clinical officer of the hospital or 132001
~~his~~ the chief clinical officer's designee shall assure that all 132002
patients hospitalized or committed pursuant to this chapter shall: 132003

(A) Receive, within twenty days of their admission sufficient 132004
professional care to assure that an evaluation of current status, 132005
differential diagnosis, probable prognosis, and description of the 132006
current treatment plan is stated on the official chart; 132007

(B) Have a written treatment plan consistent with the 132008
evaluation, diagnosis, prognosis, and goals which shall be 132009
provided, upon request of the patient or patient's counsel, to the 132010
patient's counsel and to any private physician or licensed 132011
clinical psychologist designated by the patient or ~~his~~ the 132012
patient's counsel or to the ~~legal rights service~~ Ohio protection 132013
and advocacy system; 132014

(C) Receive treatment consistent with the treatment plan. The 132015
department of mental health shall set standards for treatment 132016
provided to such patients, consistent wherever possible with 132017
standards set by the joint commission on accreditation of 132018
healthcare organizations. 132019

(D) Receive periodic reevaluations of the treatment plan by 132020
the professional staff at intervals not to exceed ninety days; 132021

(E) Be provided with adequate medical treatment for physical 132022
disease or injury; 132023

(F) Receive humane care and treatment, including without 132024
limitation, the following: 132025

(1) The least restrictive environment consistent with the 132026
treatment plan; 132027

(2) The necessary facilities and personnel required by the 132028
treatment plan; 132029

(3) A humane psychological and physical environment; 132030

(4) The right to obtain current information concerning ~~his~~ 132031
the patient's treatment program and expectations in terms that ~~he~~ 132032
the patient can reasonably understand; 132033

(5) Participation in programs designed to afford ~~him~~ the 132034
patient substantial opportunity to acquire skills to facilitate 132035
~~his~~ return to the community or to terminate an involuntary 132036
commitment; 132037

(6) The right to be free from unnecessary or excessive 132038
medication; 132039

(7) Freedom from restraints or isolation unless it is stated 132040
in a written order by the chief clinical officer or ~~his~~ the chief 132041
clinical officer's designee, or the patient's individual physician 132042
or psychologist in a private or general hospital. 132043

~~(G) Be notified of their rights under the law within~~ 132044

~~twenty four hours of admission, according to rules established by~~ 132045
~~the legal rights service.~~ 132046

If the chief clinical officer of the hospital is unable to 132047
provide the treatment required by divisions (C), (E), and (F) of 132048
this section for any patient hospitalized pursuant to Chapter 132049
5122. of the Revised Code, ~~he~~ the chief clinical officer shall 132050
immediately notify the patient, the court, the ~~legal rights~~ 132051
~~service~~ Ohio protection and advocacy system, the director of 132052
mental health, and the patient's counsel and legal guardian, if 132053
known. If within ten days after receipt of such notification by 132054
the director, ~~he~~ the director is unable to effect a transfer of 132055
the patient, pursuant to section 5122.20 of the Revised Code, to a 132056
hospital, community mental health agency, or other medical 132057
facility where treatment is available, or has not received an 132058
order of the court to the contrary, the involuntary commitment of 132059
any patient hospitalized pursuant to Chapter 5122. of the Revised 132060
Code and defined as a mentally ill person subject to 132061
hospitalization by court order under division (B)(4) of section 132062
5122.01 of the Revised Code shall automatically be terminated. 132063

Sec. 5122.271. (A) Except as provided in divisions (C), (D), 132064
and (E) of this section, the chief clinical officer or, in a 132065
nonpublic hospital, the attending physician responsible for a 132066
patient's care shall provide all information, including expected 132067
physical and medical consequences, necessary to enable any patient 132068
of a hospital for the mentally ill to give a fully informed, 132069
intelligent, and knowing consent, the opportunity to consult with 132070
independent specialists and counsel, and the right to refuse 132071
consent for any of the following: 132072

(1) Surgery; 132073

(2) Convulsive therapy; 132074

(3) Major aversive interventions; 132075

(4) Sterilizations;	132076
(5) Any unusually hazardous treatment procedures;	132077
(6) Psycho-surgery.	132078
(B) No patient shall be subjected to any of the procedures listed in divisions (A)(4) to (6) of this section until both the patient's informed, intelligent, and knowing consent and the approval of the court have been obtained, except that court approval is not required for a legally competent and voluntary patient in a nonpublic hospital.	132079 132080 132081 132082 132083 132084
(C) If, after providing the information required under division (A) of this section to the patient, the chief clinical officer or attending physician concludes that a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the patient's natural or court-appointed guardian, who may give an informed, intelligent, and knowing written consent.	132085 132086 132087 132088 132089 132090 132091 132092
If a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, the information, the recommendation of the chief clinical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the hospital is located, which may approve the surgery. Before approving the surgery, the court shall notify the legal rights service <u>Ohio protection and advocacy system</u> created by section 5123.60 of the Revised Code, and shall notify the patient of the rights to consult with counsel, to have counsel appointed by the court if the patient is indigent, and to contest the recommendation of the chief clinical officer.	132093 132094 132095 132096 132097 132098 132099 132100 132101 132102 132103 132104 132105
(D) If, in a medical emergency, and after providing the	132106

information required under division (A) of this section to the 132107
patient, it is the judgment of one licensed physician that delay 132108
in obtaining surgery would create a grave danger to the health of 132109
the patient, it may be administered without the consent of the 132110
patient or the patient's guardian if the necessary information is 132111
provided to the patient's spouse or next of kin to enable that 132112
person to give informed, intelligent, and knowing written consent. 132113
If no spouse or next of kin can reasonably be contacted, or if the 132114
spouse or next of kin is contacted, but refuses to consent, the 132115
surgery may be performed upon the written authorization of the 132116
chief clinical officer or, in a nonpublic hospital, upon the 132117
written authorization of the attending physician responsible for 132118
the patient's care, and after the approval of the court has been 132119
obtained. However, if delay in obtaining court approval would 132120
create a grave danger to the life of the patient, the chief 132121
clinical officer or, in a nonpublic hospital, the attending 132122
physician responsible for the patient's care may authorize 132123
surgery, in writing, without court approval. If the surgery is 132124
authorized without court approval, the chief clinical officer or 132125
the attending physician who made the authorization and the 132126
physician who performed the surgery shall each execute an 132127
affidavit describing the circumstances constituting the emergency 132128
and warranting the surgery and the circumstances warranting their 132129
not obtaining prior court approval. The affidavit shall be filed 132130
with the court with which the request for prior approval would 132131
have been filed within five court days after the surgery, and a 132132
copy of the affidavit shall be placed in the patient's file and be 132133
given to the guardian, spouse, or next of kin of the patient, to 132134
the hospital at which the surgery was performed, and to the ~~legal~~ 132135
~~rights service created by~~ Ohio protection and advocacy system as 132136
defined in section 5123.60 of the Revised Code. 132137

(E) Major aversive interventions shall not be used unless a 132138
patient continues to engage in behavior destructive to self or 132139

others after other forms of therapy have been attempted. Major 132140
aversive interventions may be applied if approved by the director 132141
of mental health. ~~The director of the legal rights service created~~ 132142
~~by section 5123.60 of the Revised Code shall be notified of any~~ 132143
~~proposed major aversive intervention prior to review by the~~ 132144
~~director of mental health.~~ Major aversive interventions shall not 132145
be applied to a voluntary patient without the informed, 132146
intelligent, and knowing written consent of the patient or the 132147
patient's guardian. 132148

(F) Unless there is substantial risk of physical harm to self 132149
or others, or other than under division (D) of this section, this 132150
chapter does not authorize any form of compulsory medical, 132151
psychological, or psychiatric treatment of any patient who is 132152
being treated by spiritual means through prayer alone in 132153
accordance with a recognized religious method of healing without 132154
specific court authorization. 132155

(G) For purposes of this section, "convulsive therapy" does 132156
not include defibrillation. 132157

Sec. 5122.29. All patients hospitalized or committed pursuant 132158
to this chapter have the following rights: 132159

(A) The right to a written list of all rights enumerated in 132160
this chapter, to that person, ~~his~~ that person's legal guardian, 132161
and ~~his~~ that person's counsel. If the person is unable to read, 132162
the list shall be read and explained to ~~him~~ the person. 132163

(B) The right at all times to be treated with consideration 132164
and respect for ~~his~~ the patient's privacy and dignity, including 132165
without limitation, the following: 132166

(1) At the time a person is taken into custody for diagnosis, 132167
detention, or treatment under Chapter 5122. of the Revised Code, 132168
the person taking ~~him~~ that person into custody shall take 132169

reasonable precautions to preserve and safeguard the personal 132170
property in the possession of or on the premises occupied by that 132171
person; 132172

(2) A person who is committed, voluntarily or involuntarily, 132173
shall be given reasonable protection from assault or battery by 132174
any other person. 132175

(C) The right to communicate freely with and be visited at 132176
reasonable times by ~~his~~ the patient's private counsel or personnel 132177
of the ~~legal rights service~~ Ohio protection and advocacy system 132178
and, unless prior court restriction has been obtained, to 132179
communicate freely with and be visited at reasonable times by ~~his~~ 132180
the patient's personal physician or psychologist. 132181

(D) The right to communicate freely with others, unless 132182
specifically restricted in the patient's treatment plan for clear 132183
treatment reasons, including without limitation the following: 132184

(1) To receive visitors at reasonable times; 132185

(2) To have reasonable access to telephones to make and 132186
receive confidential calls, including a reasonable number of free 132187
calls if unable to pay for them and assistance in calling if 132188
requested and needed. 132189

(E) The right to have ready access to letter writing 132190
materials, including a reasonable number of stamps without cost if 132191
unable to pay for them, and to mail and receive unopened 132192
correspondence and assistance in writing if requested and needed. 132193

(F) The right to the following personal privileges consistent 132194
with health and safety: 132195

(1) To wear ~~his~~ the patient's own clothes and maintain ~~his~~ 132196
the patient's own personal effects; 132197

(2) To be provided an adequate allowance for or allotment of 132198
neat, clean, and seasonable clothing if unable to provide ~~his~~ the 132199

<u>patient's</u> own;	132200
(3) To maintain his <u>the patient's</u> personal appearance	132201
according to his <u>the patient's</u> own personal taste, including head	132202
and body hair;	132203
(4) To keep and use personal possessions, including toilet	132204
articles;	132205
(5) To have access to individual storage space for his <u>the</u>	132206
<u>patient's</u> private use;	132207
(6) To keep and spend a reasonable sum of his <u>the patient's</u>	132208
own money for expenses and small purchases;	132209
(7) To receive and possess reading materials without	132210
ensorship, except when the materials create a clear and present	132211
danger to the safety of persons in the facility.	132212
(G) The right to reasonable privacy, including both periods	132213
of privacy and places of privacy.	132214
(H) The right to free exercise of religious worship within	132215
the facility, including a right to services and sacred texts that	132216
are within the reasonable capacity of the facility to supply,	132217
provided that no patient shall be coerced into engaging in any	132218
religious activities.	132219
(I) The right to social interaction with members of either	132220
sex, subject to adequate supervision, unless such social	132221
interaction is specifically withheld under a patient's written	132222
treatment plan for clear treatment reasons.	132223
As used in this section, "clear treatment reasons" means that	132224
permitting the patient to communicate freely with others will	132225
present a substantial risk of physical harm to the patient or	132226
others or will substantially preclude effective treatment of the	132227
patient. If a right provided under this section is restricted or	132228
withheld for clear treatment reasons, the patient's written	132229

treatment plan shall specify the treatment designed to eliminate 132230
the restriction or withholding of the right at the earliest 132231
possible time. 132232

Sec. 5122.31. (A) All certificates, applications, records, 132233
and reports made for the purpose of this chapter and sections 132234
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 132235
Code, other than court journal entries or court docket entries, 132236
and directly or indirectly identifying a patient or former patient 132237
or person whose hospitalization has been sought under this 132238
chapter, shall be kept confidential and shall not be disclosed by 132239
any person except: 132240

(1) If the person identified, or the person's legal guardian, 132241
if any, or if the person is a minor, the person's parent or legal 132242
guardian, consents, and if the disclosure is in the best interests 132243
of the person, as may be determined by the court for judicial 132244
records and by the chief clinical officer for medical records; 132245

(2) When disclosure is provided for in this chapter or 132246
section ~~5123.60~~ 5123.601 of the Revised Code; 132247

(3) That hospitals, boards of alcohol, drug addiction, and 132248
mental health services, and community mental health agencies may 132249
release necessary medical information to insurers and other 132250
third-party payers, including government entities responsible for 132251
processing and authorizing payment, to obtain payment for goods 132252
and services furnished to the patient; 132253

(4) Pursuant to a court order signed by a judge; 132254

(5) That a patient shall be granted access to the patient's 132255
own psychiatric and medical records, unless access specifically is 132256
restricted in a patient's treatment plan for clear treatment 132257
reasons; 132258

(6) That hospitals and other institutions and facilities 132259

within the department of mental health may exchange psychiatric 132260
records and other pertinent information with other hospitals, 132261
institutions, and facilities of the department, and with community 132262
mental health agencies and boards of alcohol, drug addiction, and 132263
mental health services with which the department has a current 132264
agreement for patient care or services. Records and information 132265
that may be released pursuant to this division shall be limited to 132266
medication history, physical health status and history, financial 132267
status, summary of course of treatment in the hospital, summary of 132268
treatment needs, and a discharge summary, if any. 132269

(7) That hospitals within the department, other institutions 132270
and facilities within the department, hospitals licensed by the 132271
department under section 5119.20 of the Revised Code, and 132272
community mental health agencies may exchange psychiatric records 132273
and other pertinent information with payers and other providers of 132274
treatment and health services if the purpose of the exchange is to 132275
facilitate continuity of care for a patient; 132276

(8) That a patient's family member who is involved in the 132277
provision, planning, and monitoring of services to the patient may 132278
receive medication information, a summary of the patient's 132279
diagnosis and prognosis, and a list of the services and personnel 132280
available to assist the patient and the patient's family, if the 132281
patient's treating physician determines that the disclosure would 132282
be in the best interests of the patient. No such disclosure shall 132283
be made unless the patient is notified first and receives the 132284
information and does not object to the disclosure. 132285

(9) That community mental health agencies may exchange 132286
psychiatric records and certain other information with the board 132287
of alcohol, drug addiction, and mental health services and other 132288
agencies in order to provide services to a person involuntarily 132289
committed to a board. Release of records under this division shall 132290
be limited to medication history, physical health status and 132291

history, financial status, summary of course of treatment, summary 132292
of treatment needs, and discharge summary, if any. 132293

(10) That information may be disclosed to the executor or the 132294
administrator of an estate of a deceased patient when the 132295
information is necessary to administer the estate; 132296

(11) That records in the possession of the Ohio historical 132297
society may be released to the closest living relative of a 132298
deceased patient upon request of that relative; 132299

(12) That information may be disclosed to staff members of 132300
the appropriate board or to staff members designated by the 132301
director of mental health for the purpose of evaluating the 132302
quality, effectiveness, and efficiency of services and determining 132303
if the services meet minimum standards. Information obtained 132304
during such evaluations shall not be retained with the name of any 132305
patient. 132306

(13) That records pertaining to the patient's diagnosis, 132307
course of treatment, treatment needs, and prognosis shall be 132308
disclosed and released to the appropriate prosecuting attorney if 132309
the patient was committed pursuant to section 2945.38, 2945.39, 132310
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 132311
attorney designated by the board for proceedings pursuant to 132312
involuntary commitment under this chapter. 132313

(14) That the department of mental health may exchange 132314
psychiatric hospitalization records, other mental health treatment 132315
records, and other pertinent information with the department of 132316
rehabilitation and correction to ensure continuity of care for 132317
inmates who are receiving mental health services in an institution 132318
of the department of rehabilitation and correction. The department 132319
shall not disclose those records unless the inmate is notified, 132320
receives the information, and does not object to the disclosure. 132321
The release of records under this division is limited to records 132322

regarding an inmate's medication history, physical health status 132323
and history, summary of course of treatment, summary of treatment 132324
needs, and a discharge summary, if any. 132325

(15) That a community mental health agency that ceases to 132326
operate may transfer to either a community mental health agency 132327
that assumes its caseload or to the board of alcohol, drug 132328
addiction, and mental health services of the service district in 132329
which the patient resided at the time services were most recently 132330
provided any treatment records that have not been transferred 132331
elsewhere at the patient's request. 132332

(B) Before records are disclosed pursuant to divisions 132333
(A)(3), (6), (7), and (9) of this section, the custodian of the 132334
records shall attempt to obtain the patient's consent for the 132335
disclosure. No person shall reveal the contents of a medical 132336
record of a patient except as authorized by law. 132337

(C) The managing officer of a hospital who releases necessary 132338
medical information under division (A)(3) of this section to allow 132339
an insurance carrier or other third party payor to comply with 132340
section 5121.43 of the Revised Code shall neither be subject to 132341
criminal nor civil liability. 132342

Sec. 5122.32. (A) As used in this section: 132343

(1) "Quality assurance committee" means a committee that is 132344
appointed in the central office of the department of mental health 132345
by the director of mental health, a committee of a hospital or 132346
community setting program, a committee established pursuant to 132347
section 5119.47 of the Revised Code of the department of mental 132348
health appointed by the managing officer of the hospital or 132349
program, or a duly authorized subcommittee of a committee of that 132350
nature and that is designated to carry out quality assurance 132351
program activities. 132352

(2) "Quality assurance program" means a comprehensive program 132353
within the department of mental health to systematically review 132354
and improve the quality of medical and mental health services 132355
within the department and its hospitals and community setting 132356
programs, the safety and security of persons receiving medical and 132357
mental health services within the department and its hospitals and 132358
community setting programs, and the efficiency and effectiveness 132359
of the utilization of staff and resources in the delivery of 132360
medical and mental health services within the department and its 132361
hospitals and community setting programs. "Quality assurance 132362
program" includes the central office quality assurance committees, 132363
morbidity and mortality review committees, quality assurance 132364
programs of community setting programs, quality assurance 132365
committees of hospitals operated by the department of mental 132366
health, and the office of licensure and certification of the 132367
department. 132368

(3) "Quality assurance program activities" include collecting 132369
or compiling information and reports required by a quality 132370
assurance committee, receiving, reviewing, or implementing the 132371
recommendations made by a quality assurance committee, and 132372
credentialing, privileging, infection control, tissue review, peer 132373
review, utilization review including access to patient care 132374
records, patient care assessment records, and medical and mental 132375
health records, medical and mental health resource management, 132376
mortality and morbidity review, and identification and prevention 132377
of medical or mental health incidents and risks, whether performed 132378
by a quality assurance committee or by persons who are directed by 132379
a quality assurance committee. 132380

(4) "Quality assurance records" means the proceedings, 132381
discussion, records, findings, recommendations, evaluations, 132382
opinions, minutes, reports, and other documents or actions that 132383
emanate from quality assurance committees, quality assurance 132384

programs, or quality assurance program activities. "Quality
assurance records" does not include aggregate statistical
information that does not disclose the identity of persons
receiving or providing medical or mental health services in
department of mental health institutions.

(B)(1) Except as provided in division (E) of this section,
quality assurance records are confidential and are not public
records under section 149.43 of the Revised Code, and shall be
used only in the course of the proper functions of a quality
assurance program.

(2) Except as provided in division (E) of this section, no
person who possesses or has access to quality assurance records
and who knows that the records are quality assurance records shall
willfully disclose the contents of the records to any person or
entity.

(C)(1) Except as provided in division (E) of this section, no
quality assurance record shall be subject to discovery in, and is
not admissible in evidence, in any judicial or administrative
proceeding.

(2) Except as provided in division (E) of this section, no
member of a quality assurance committee or a person who is
performing a function that is part of a quality assurance program
shall be permitted or required to testify in a judicial or
administrative proceeding with respect to quality assurance
records or with respect to any finding, recommendation,
evaluation, opinion, or other action taken by the committee,
member, or person.

(3) Information, documents, or records otherwise available
from original sources are not to be construed as being unavailable
for discovery or admission in evidence in a judicial or
administrative proceeding merely because they were presented to a

quality assurance committee. No person testifying before a quality 132416
assurance committee or person who is a member of a quality 132417
assurance committee shall be prevented from testifying as to 132418
matters within the person's knowledge, but the witness cannot be 132419
asked about the witness' testimony before the quality assurance 132420
committee or about an opinion formed by the person as a result of 132421
the quality assurance committee proceedings. 132422

(D)(1) A person who, without malice and in the reasonable 132423
belief that the information is warranted by the facts known to the 132424
person, provides information to a person engaged in quality 132425
assurance program activities is not liable for damages in a civil 132426
action for injury, death, or loss to person or property to any 132427
person as a result of providing the information. 132428

(2) A member of a quality assurance committee, a person 132429
engaged in quality assurance program activities, and an employee 132430
of the department of mental health shall not be liable in damages 132431
in a civil action for injury, death, or loss to person or property 132432
to any person for any acts, omissions, decisions, or other conduct 132433
within the scope of the functions of the quality assurance 132434
program. 132435

(3) Nothing in this section shall relieve any institution or 132436
individual from liability arising from the treatment of a patient. 132437

(E) Quality assurance records may be disclosed, and testimony 132438
may be provided concerning quality assurance records, only to the 132439
following persons or entities: 132440

(1) Persons who are employed or retained by the department of 132441
mental health and who have authority to evaluate or implement the 132442
recommendations of a state-operated hospital, community setting 132443
program, or central office quality assurance committee; 132444

(2) Public or private agencies or organizations if needed to 132445
perform a licensing or accreditation function related to 132446

department of mental health hospitals or community setting 132447
programs, or to perform monitoring of a hospital or program of 132448
that nature as required by law. 132449

(F) A disclosure of quality assurance records pursuant to 132450
division (E) of this section does not otherwise waive the 132451
confidential and privileged status of the disclosed quality 132452
assurance records. 132453

(G) Nothing in this section shall limit the access of the 132454
~~legal rights service~~ Ohio protection and advocacy system to 132455
records or personnel as ~~set forth in sections 5123.60 to 5123.604~~ 132456
required under section 5123.601 of the Revised Code. Nothing in 132457
this section shall limit the admissibility of documentary or 132458
testimonial evidence in an action brought by the ~~legal rights~~ 132459
~~service~~ Ohio protection and advocacy system in its own name or on 132460
behalf of a client. 132461

Sec. 5123.092. (A) There is hereby established at each 132462
institution and branch institution under the control of the 132463
department of developmental disabilities a citizen's advisory 132464
council consisting of thirteen members. At least seven of the 132465
members shall be persons who are not providers of mental 132466
retardation services. Each council shall include parents or other 132467
relatives of residents of institutions under the control of the 132468
department, community leaders, professional persons in relevant 132469
fields, and persons who have an interest in or knowledge of mental 132470
retardation. The managing officer of the institution shall be a 132471
nonvoting member of the council. 132472

(B) The director of developmental disabilities shall be the 132473
appointing authority for the voting members of each citizen's 132474
advisory council. Each time the term of a voting member expires, 132475
the remaining members of the council shall recommend to the 132476
director one or more persons to serve on the council. The director 132477

may accept a nominee of the council or reject the nominee or 132478
nominees. If the director rejects the nominee or nominees, the 132479
remaining members of the advisory council shall further recommend 132480
to the director one or more other persons to serve on the advisory 132481
council. This procedure shall continue until a member is appointed 132482
to the advisory council. 132483

Each advisory council shall elect from its appointed members 132484
a chairperson, vice-chairperson, and a secretary to serve for 132485
terms of one year. Advisory council officers shall not serve for 132486
more than two consecutive terms in the same office. A majority of 132487
the advisory council members constitutes a quorum. 132488

(C) Terms of office shall be for three years, each term 132489
ending on the same day of the same month of the year as did the 132490
term which it succeeds. No member shall serve more than two 132491
consecutive terms, except that any former member may be appointed 132492
if one year or longer has elapsed since the member served two 132493
consecutive terms. Each member shall hold office from the date of 132494
appointment until the end of the term for which the member was 132495
appointed. Any vacancy shall be filled in the same manner in which 132496
the original appointment was made, and the appointee to a vacancy 132497
in an unexpired term shall serve the balance of the term of the 132498
original appointee. Any member shall continue in office subsequent 132499
to the expiration date of the member's term until the member's 132500
successor takes office, or until a period of sixty days has 132501
elapsed, whichever occurs first. 132502

(D) Members shall be expected to attend all meetings of the 132503
advisory council. Unexcused absence from two successive regularly 132504
scheduled meetings shall be considered prima-facie evidence of 132505
intent not to continue as a member. The chairperson of the board 132506
shall, after a member has been absent for two successive regularly 132507
scheduled meetings, direct a letter to the member asking if the 132508
member wishes to remain in membership. If an affirmative reply is 132509

received, the member shall be retained as a member except that, 132510
if, after having expressed a desire to remain a member, the member 132511
then misses a third successive regularly scheduled meeting without 132512
being excused, the chairperson shall terminate the member's 132513
membership. 132514

(E) A citizen's advisory council shall meet six times 132515
annually, or more frequently if three council members request the 132516
chairperson to call a meeting. The council shall keep minutes of 132517
each meeting and shall submit them to the managing officer of the 132518
institution with which the council is associated, and the 132519
department of developmental disabilities, ~~and the legal rights~~ 132520
~~service.~~ 132521

(F) Members of citizen's advisory councils shall receive no 132522
compensation for their services, except that they shall be 132523
reimbursed for their actual and necessary expenses incurred in the 132524
performance of their official duties by the institution with which 132525
they are associated from funds allocated to it, provided that 132526
reimbursement for those expenses shall not exceed limits imposed 132527
upon the department of developmental disabilities by 132528
administrative rules regulating travel within this state. 132529

(G) The councils shall have reasonable access to all patient 132530
treatment and living areas and records of the institution, except 132531
those records of a strictly personal or confidential nature. The 132532
councils shall have access to a patient's personal records with 132533
the consent of the patient or the patient's legal guardian or, if 132534
the patient is a minor, with the consent of the parent or legal 132535
guardian of the patient. 132536

(H) As used in this section, "branch institution" means a 132537
facility that is located apart from an institution and is under 132538
the control of the managing officer of the institution. 132539

Sec. 5123.19. (A) As used in this section and in sections 132540

5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and 5123.20 of 132541
the Revised Code: 132542

(1)(a) "Residential facility" means a home or facility in 132543
which a mentally retarded or developmentally disabled person 132544
resides, except the home of a relative or legal guardian in which 132545
a mentally retarded or developmentally disabled person resides, a 132546
respite care home certified under section 5126.05 of the Revised 132547
Code, a county home or district home operated pursuant to Chapter 132548
5155. of the Revised Code, or a dwelling in which the only 132549
mentally retarded or developmentally disabled residents are in an 132550
independent living arrangement or are being provided supported 132551
living. 132552

(b) "Intermediate care facility for the mentally retarded" 132553
means a residential facility that is considered an intermediate 132554
care facility for the mentally retarded for the purposes of 132555
Chapter 5111. of the Revised Code. 132556

(2) "Political subdivision" means a municipal corporation, 132557
county, or township. 132558

(3) "Independent living arrangement" means an arrangement in 132559
which a mentally retarded or developmentally disabled person 132560
resides in an individualized setting chosen by the person or the 132561
person's guardian, which is not dedicated principally to the 132562
provision of residential services for mentally retarded or 132563
developmentally disabled persons, and for which no financial 132564
support is received for rendering such service from any 132565
governmental agency by a provider of residential services. 132566

(4) "Licensee" means the person or government agency that has 132567
applied for a license to operate a residential facility and to 132568
which the license was issued under this section. 132569

(5) "Related party" has the same meaning as in section 132570

5123.16 of the Revised Code except that "provider" as used in the 132571
definition of "related party" means a person or government entity 132572
that held or applied for a license to operate a residential 132573
facility, rather than a person or government entity certified to 132574
provide supported living. 132575

(B) Every person or government agency desiring to operate a 132576
residential facility shall apply for licensure of the facility to 132577
the director of developmental disabilities unless the residential 132578
facility is subject to section 3721.02, 5119.73, 5103.03, or 132579
5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the 132580
Revised Code, a nursing home that is certified as an intermediate 132581
care facility for the mentally retarded under Title XIX of the 132582
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as 132583
amended, shall apply for licensure of the portion of the home that 132584
is certified as an intermediate care facility for the mentally 132585
retarded. 132586

(C) Subject to section 5123.196 of the Revised Code, the 132587
director of developmental disabilities shall license the operation 132588
of residential facilities. An initial license shall be issued for 132589
a period that does not exceed one year, unless the director denies 132590
the license under division (D) of this section. A license shall be 132591
renewed for a period that does not exceed three years, unless the 132592
director refuses to renew the license under division (D) of this 132593
section. The director, when issuing or renewing a license, shall 132594
specify the period for which the license is being issued or 132595
renewed. A license remains valid for the length of the licensing 132596
period specified by the director, unless the license is 132597
terminated, revoked, or voluntarily surrendered. 132598

(D) If it is determined that an applicant or licensee is not 132599
in compliance with a provision of this chapter that applies to 132600
residential facilities or the rules adopted under such a 132601
provision, the director may deny issuance of a license, refuse to 132602

renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed

the basis for the order has been corrected. 132635

(5) If the director determines that two or more residential 132636
facilities owned or operated by the same person or government 132637
entity are not being operated in compliance with a provision of 132638
this chapter that applies to residential facilities or the rules 132639
adopted under such a provision, and the director's findings are 132640
based on the same or a substantially similar action, practice, 132641
circumstance, or incident that creates a substantial risk to the 132642
health and safety of the residents, the director shall conduct a 132643
survey as soon as practicable at each residential facility owned 132644
or operated by that person or government entity. The director may 132645
take any action authorized by this section with respect to any 132646
facility found to be operating in violation of a provision of this 132647
chapter that applies to residential facilities or the rules 132648
adopted under such a provision. 132649

(6) When the director initiates license revocation 132650
proceedings, no opportunity for submitting a plan of correction 132651
shall be given. The director shall notify the licensee by letter 132652
of the initiation of the proceedings. The letter shall list the 132653
deficiencies of the residential facility and inform the licensee 132654
that no plan of correction will be accepted. The director shall 132655
also send a copy of the letter to the county board of 132656
developmental disabilities. The county board shall send a copy of 132657
the letter to each of the following: 132658

(a) Each resident who receives services from the licensee; 132659

(b) The guardian of each resident who receives services from 132660
the licensee if the resident has a guardian; 132661

(c) The parent or guardian of each resident who receives 132662
services from the licensee if the resident is a minor. 132663

(7) Pursuant to rules which shall be adopted in accordance 132664
with Chapter 119. of the Revised Code, the director may order the 132665

immediate removal of residents from a residential facility 132666
whenever conditions at the facility present an immediate danger of 132667
physical or psychological harm to the residents. 132668

(8) In determining whether a residential facility is being 132669
operated in compliance with a provision of this chapter that 132670
applies to residential facilities or the rules adopted under such 132671
a provision, or whether conditions at a residential facility 132672
present an immediate danger of physical or psychological harm to 132673
the residents, the director may rely on information obtained by a 132674
county board of developmental disabilities or other governmental 132675
agencies. 132676

(9) In proceedings initiated to deny, refuse to renew, or 132677
revoke licenses, the director may deny, refuse to renew, or revoke 132678
a license regardless of whether some or all of the deficiencies 132679
that prompted the proceedings have been corrected at the time of 132680
the hearing. 132681

(E) The director shall establish a program under which public 132682
notification may be made when the director has initiated license 132683
revocation proceedings or has issued an order for the suspension 132684
of admissions, placement of a monitor, or removal of residents. 132685
The director shall adopt rules in accordance with Chapter 119. of 132686
the Revised Code to implement this division. The rules shall 132687
establish the procedures by which the public notification will be 132688
made and specify the circumstances for which the notification must 132689
be made. The rules shall require that public notification be made 132690
if the director has taken action against the facility in the 132691
eighteen-month period immediately preceding the director's latest 132692
action against the facility and the latest action is being taken 132693
for the same or a substantially similar violation of a provision 132694
of this chapter that applies to residential facilities or the 132695
rules adopted under such a provision. The rules shall specify a 132696
method for removing or amending the public notification if the 132697

director's action is found to have been unjustified or the 132698
violation at the residential facility has been corrected. 132699

(F)(1) Except as provided in division (F)(2) of this section, 132700
appeals from proceedings initiated to impose a sanction under 132701
division (D) of this section shall be conducted in accordance with 132702
Chapter 119. of the Revised Code. 132703

(2) Appeals from proceedings initiated to order the 132704
suspension of admissions to a facility shall be conducted in 132705
accordance with Chapter 119. of the Revised Code, unless the order 132706
was issued before providing an opportunity for an adjudication, in 132707
which case all of the following apply: 132708

(a) The licensee may request a hearing not later than ten 132709
days after receiving the notice specified in section 119.07 of the 132710
Revised Code. 132711

(b) If a timely request for a hearing that includes the 132712
licensee's current address is made, the hearing shall commence not 132713
later than thirty days after the department receives the request. 132714

(c) After commencing, the hearing shall continue 132715
uninterrupted, except for Saturdays, Sundays, and legal holidays, 132716
unless other interruptions are agreed to by the licensee and the 132717
director. 132718

(d) If the hearing is conducted by a hearing examiner, the 132719
hearing examiner shall file a report and recommendations not later 132720
than ten days after the last of the following: 132721

(i) The close of the hearing; 132722

(ii) If a transcript of the proceedings is ordered, the 132723
hearing examiner receives the transcript; 132724

(iii) If post-hearing briefs are timely filed, the hearing 132725
examiner receives the briefs. 132726

(e) A copy of the written report and recommendation of the 132727

hearing examiner shall be sent, by certified mail, to the licensee 132728
and the licensee's attorney, if applicable, not later than five 132729
days after the report is filed. 132730

(f) Not later than five days after the hearing examiner files 132731
the report and recommendations, the licensee may file objections 132732
to the report and recommendations. 132733

(g) Not later than fifteen days after the hearing examiner 132734
files the report and recommendations, the director shall issue an 132735
order approving, modifying, or disapproving the report and 132736
recommendations. 132737

(h) Notwithstanding the pendency of the hearing, the director 132738
shall lift the order for the suspension of admissions when the 132739
director determines that the violation that formed the basis for 132740
the order has been corrected. 132741

(G) Neither a person or government agency whose application 132742
for a license to operate a residential facility is denied nor a 132743
related party of the person or government agency may apply for a 132744
license to operate a residential facility before the date that is 132745
one year after the date of the denial. Neither a licensee whose 132746
residential facility license is revoked nor a related party of the 132747
licensee may apply for a residential facility license before the 132748
date that is five years after the date of the revocation. 132749

(H) In accordance with Chapter 119. of the Revised Code, the 132750
director shall adopt and may amend and rescind rules for licensing 132751
and regulating the operation of residential facilities, including 132752
intermediate care facilities for the mentally retarded. The rules 132753
for intermediate care facilities for the mentally retarded may 132754
differ from those for other residential facilities. The rules 132755
shall establish and specify the following: 132756

(1) Procedures and criteria for issuing and renewing 132757
licenses, including procedures and criteria for determining the 132758

length of the licensing period that the director must specify for	132759
each license when it is issued or renewed;	132760
(2) Procedures and criteria for denying, refusing to renew,	132761
terminating, and revoking licenses and for ordering the suspension	132762
of admissions to a facility, placement of a monitor at a facility,	132763
and the immediate removal of residents from a facility;	132764
(3) Fees for issuing and renewing licenses, which shall be	132765
deposited into the program fee fund created under section 5123.033	132766
of the Revised Code;	132767
(4) Procedures for surveying residential facilities;	132768
(5) Requirements for the training of residential facility	132769
personnel;	132770
(6) Classifications for the various types of residential	132771
facilities;	132772
(7) Certification procedures for licensees and management	132773
contractors that the director determines are necessary to ensure	132774
that they have the skills and qualifications to properly operate	132775
or manage residential facilities;	132776
(8) The maximum number of persons who may be served in a	132777
particular type of residential facility;	132778
(9) Uniform procedures for admission of persons to and	132779
transfers and discharges of persons from residential facilities;	132780
(10) Other standards for the operation of residential	132781
facilities and the services provided at residential facilities;	132782
(11) Procedures for waiving any provision of any rule adopted	132783
under this section.	132784
(I) Before issuing a license, the director of the department	132785
or the director's designee shall conduct a survey of the	132786
residential facility for which application is made. The director	132787
or the director's designee shall conduct a survey of each licensed	132788

residential facility at least once during the period the license 132789
is valid and may conduct additional inspections as needed. A 132790
survey includes but is not limited to an on-site examination and 132791
evaluation of the residential facility, its personnel, and the 132792
services provided there. 132793

In conducting surveys, the director or the director's 132794
designee shall be given access to the residential facility; all 132795
records, accounts, and any other documents related to the 132796
operation of the facility; the licensee; the residents of the 132797
facility; and all persons acting on behalf of, under the control 132798
of, or in connection with the licensee. The licensee and all 132799
persons on behalf of, under the control of, or in connection with 132800
the licensee shall cooperate with the director or the director's 132801
designee in conducting the survey. 132802

Following each survey, unless the director initiates a 132803
license revocation proceeding, the director or the director's 132804
designee shall provide the licensee with a report listing any 132805
deficiencies, specifying a timetable within which the licensee 132806
shall submit a plan of correction describing how the deficiencies 132807
will be corrected, and, when appropriate, specifying a timetable 132808
within which the licensee must correct the deficiencies. After a 132809
plan of correction is submitted, the director or the director's 132810
designee shall approve or disapprove the plan. A copy of the 132811
report and any approved plan of correction shall be provided to 132812
any person who requests it. 132813

The director shall initiate disciplinary action against any 132814
department employee who notifies or causes the notification to any 132815
unauthorized person of an unannounced survey of a residential 132816
facility by an authorized representative of the department. 132817

(J) In addition to any other information which may be 132818
required of applicants for a license pursuant to this section, the 132819
director shall require each applicant to provide a copy of an 132820

approved plan for a proposed residential facility pursuant to 132821
section 5123.042 of the Revised Code. This division does not apply 132822
to renewal of a license or to an applicant for an initial or 132823
modified license who meets the requirements of section 5123.193 or 132824
5123.197 of the Revised Code. 132825

(K) A licensee shall notify the owner of the building in 132826
which the licensee's residential facility is located of any 132827
significant change in the identity of the licensee or management 132828
contractor before the effective date of the change if the licensee 132829
is not the owner of the building. 132830

Pursuant to rules which shall be adopted in accordance with 132831
Chapter 119. of the Revised Code, the director may require 132832
notification to the department of any significant change in the 132833
ownership of a residential facility or in the identity of the 132834
licensee or management contractor. If the director determines that 132835
a significant change of ownership is proposed, the director shall 132836
consider the proposed change to be an application for development 132837
by a new operator pursuant to section 5123.042 of the Revised Code 132838
and shall advise the applicant within sixty days of the 132839
notification that the current license shall continue in effect or 132840
a new license will be required pursuant to this section. If the 132841
director requires a new license, the director shall permit the 132842
facility to continue to operate under the current license until 132843
the new license is issued, unless the current license is revoked, 132844
refused to be renewed, or terminated in accordance with Chapter 132845
119. of the Revised Code. 132846

(L) A county board of developmental disabilities, ~~the legal~~ 132847
~~rights service,~~ and any interested person may file complaints 132848
alleging violations of statute or department rule relating to 132849
residential facilities with the department. All complaints shall 132850
be in writing and shall state the facts constituting the basis of 132851
the allegation. The department shall not reveal the source of any 132852

complaint unless the complainant agrees in writing to waive the 132853
right to confidentiality or until so ordered by a court of 132854
competent jurisdiction. 132855

The department shall adopt rules in accordance with Chapter 132856
119. of the Revised Code establishing procedures for the receipt, 132857
referral, investigation, and disposition of complaints filed with 132858
the department under this division. 132859

(M) The department shall establish procedures for the 132860
notification of interested parties of the transfer or interim care 132861
of residents from residential facilities that are closing or are 132862
losing their license. 132863

(N) Before issuing a license under this section to a 132864
residential facility that will accommodate at any time more than 132865
one mentally retarded or developmentally disabled individual, the 132866
director shall, by first class mail, notify the following: 132867

(1) If the facility will be located in a municipal 132868
corporation, the clerk of the legislative authority of the 132869
municipal corporation; 132870

(2) If the facility will be located in unincorporated 132871
territory, the clerk of the appropriate board of county 132872
commissioners and the fiscal officer of the appropriate board of 132873
township trustees. 132874

The director shall not issue the license for ten days after 132875
mailing the notice, excluding Saturdays, Sundays, and legal 132876
holidays, in order to give the notified local officials time in 132877
which to comment on the proposed issuance. 132878

Any legislative authority of a municipal corporation, board 132879
of county commissioners, or board of township trustees that 132880
receives notice under this division of the proposed issuance of a 132881
license for a residential facility may comment on it in writing to 132882
the director within ten days after the director mailed the notice, 132883

excluding Saturdays, Sundays, and legal holidays. If the director 132884
receives written comments from any notified officials within the 132885
specified time, the director shall make written findings 132886
concerning the comments and the director's decision on the 132887
issuance of the license. If the director does not receive written 132888
comments from any notified local officials within the specified 132889
time, the director shall continue the process for issuance of the 132890
license. 132891

(O) Any person may operate a licensed residential facility 132892
that provides room and board, personal care, habilitation 132893
services, and supervision in a family setting for at least six but 132894
not more than eight persons with mental retardation or a 132895
developmental disability as a permitted use in any residential 132896
district or zone, including any single-family residential district 132897
or zone, of any political subdivision. These residential 132898
facilities may be required to comply with area, height, yard, and 132899
architectural compatibility requirements that are uniformly 132900
imposed upon all single-family residences within the district or 132901
zone. 132902

(P) Any person may operate a licensed residential facility 132903
that provides room and board, personal care, habilitation 132904
services, and supervision in a family setting for at least nine 132905
but not more than sixteen persons with mental retardation or a 132906
developmental disability as a permitted use in any multiple-family 132907
residential district or zone of any political subdivision, except 132908
that a political subdivision that has enacted a zoning ordinance 132909
or resolution establishing planned unit development districts may 132910
exclude these residential facilities from those districts, and a 132911
political subdivision that has enacted a zoning ordinance or 132912
resolution may regulate these residential facilities in 132913
multiple-family residential districts or zones as a conditionally 132914
permitted use or special exception, in either case, under 132915

reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:	132916
	132917
(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;	132918
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(2) Require compliance with yard, parking, and sign regulation;	132922
	132923
(3) Limit excessive concentration of these residential facilities.	132924
	132925
(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.	132926
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(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.	132930
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(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:	132936
	132937
	132938
(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.	132939
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(b) The director determines that the issuance of an interim	132945

license is necessary to meet a temporary need for a residential facility. 132946
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 132948
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days. 132953
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 132956
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132958

(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986. 132959
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(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section. 132968
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The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court 132973
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may grant the injunction on a showing that the person or 132977
governmental agency named in the petition is operating a 132978
residential facility without a license. The court may grant the 132979
injunction, regardless of whether the residential facility meets 132980
the requirements for receiving a license under this section. 132981

Sec. 5123.191. (A) The court of common pleas or a judge 132982
thereof in the judge's county, or the probate court, may appoint a 132983
receiver to take possession of and operate a residential facility 132984
licensed by the department of developmental disabilities, in 132985
causes pending in such courts respectively, when conditions 132986
existing at the facility present a substantial risk of physical or 132987
mental harm to residents and no other remedies at law are adequate 132988
to protect the health, safety, and welfare of the residents. 132989
Conditions at the facility that may present such risk of harm 132990
include, but are not limited to, instances when any of the 132991
following occur: 132992

(1) The residential facility is in violation of state or 132993
federal law or regulations. 132994

(2) The facility has had its license revoked or procedures 132995
for revocation have been initiated, or the facility is closing or 132996
intends to cease operations. 132997

(3) Arrangements for relocating residents need to be made. 132998

(4) Insolvency of the operator, licensee, or landowner 132999
threatens the operation of the facility. 133000

(5) The facility or operator has demonstrated a pattern and 133001
practice of repeated violations of state or federal laws or 133002
regulations. 133003

(B) A court in which a petition is filed pursuant to this 133004
section shall notify the person holding the license for the 133005
facility and the department of developmental disabilities of the 133006

filing. The court shall order the department to notify the ~~legal~~ 133007
~~rights service~~, facility owner, facility operator, county board of 133008
developmental disabilities, facility residents, and residents' 133009
parents and guardians of the filing of the petition. 133010

The court shall provide a hearing on the petition within five 133011
court days of the time it was filed, except that the court may 133012
appoint a receiver prior to that time if it determines that the 133013
circumstances necessitate such action. Following a hearing on the 133014
petition, and upon a determination that the appointment of a 133015
receiver is warranted, the court shall appoint a receiver and 133016
notify the department of developmental disabilities and 133017
appropriate persons of this action. 133018

(C) A residential facility for which a receiver has been 133019
named is deemed to be in compliance with section 5123.19 and 133020
Chapter 3721. of the Revised Code for the duration of the 133021
receivership. 133022

(D) When the operating revenue of a residential facility in 133023
receivership is insufficient to meet its operating expenses, 133024
including the cost of bringing the facility into compliance with 133025
state or federal laws or regulations, the court may order the 133026
state to provide necessary funding, except as provided in division 133027
(K) of this section. The state shall provide such funding, subject 133028
to the approval of the controlling board. The court may also order 133029
the appropriate authorities to expedite all inspections necessary 133030
for the issuance of licenses or the certification of a facility, 133031
and order a facility to be closed if it determines that reasonable 133032
efforts cannot bring the facility into substantial compliance with 133033
the law. 133034

(E) In establishing a receivership, the court shall set forth 133035
the powers and duties of the receiver. The court may generally 133036
authorize the receiver to do all that is prudent and necessary to 133037
safely and efficiently operate the residential facility within the 133038

requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver it has appointed and shall require regular and detailed reports. The receivership shall be reviewed at least every sixty days.

(F) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the following:

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility.

(2) Circumstances no longer exist at the facility that present a substantial risk of physical or mental harm to residents, and there is no deficiency in the facility that is likely to create a future risk of harm.

Notwithstanding division (F)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of developmental disabilities.

(G) The department of developmental disabilities may, upon its own initiative or at the request of an owner, operator, or resident of a residential facility, or at the request of a resident's guardian or relative, or a county board of developmental disabilities, ~~or the legal rights service~~, petition the court to appoint a receiver to take possession of and operate a residential facility. When the department has been requested to file a petition by any of the parties listed above, it shall, within forty-eight hours of such request, either file such a

petition or notify the requesting party of its decision not to 133070
file. If the department refuses to file, the requesting party may 133071
file a petition with the court requesting the appointment of a 133072
receiver to take possession of and operate a residential facility. 133073

Petitions filed pursuant to this division shall include the 133074
following: 133075

(1) A description of the specific conditions existing at the 133076
facility which present a substantial risk of physical or mental 133077
harm to residents; 133078

(2) A statement of the absence of other adequate remedies at 133079
law; 133080

(3) The number of individuals residing at the facility; 133081

(4) A statement that the facts have been brought to the 133082
attention of the owner or licensee and that conditions have not 133083
been remedied within a reasonable period of time or that the 133084
conditions, though remedied periodically, habitually exist at the 133085
facility as a pattern or practice; 133086

(5) The name and address of the person holding the license 133087
for the facility and the address of the department of 133088
developmental disabilities. 133089

The court may award to an operator appropriate costs and 133090
expenses, including reasonable attorney's fees, if it determines 133091
that a petitioner has initiated a proceeding in bad faith or 133092
merely for the purpose of harassing or embarrassing the operator. 133093

(H) Except for the department of developmental disabilities 133094
or a county board of developmental disabilities, no party or 133095
person interested in an action shall be appointed a receiver 133096
pursuant to this section. 133097

To assist the court in identifying persons qualified to be 133098
named as receivers, the director of developmental disabilities or 133099

the director's designee shall maintain a list of the names of such persons. The director shall, in accordance with Chapter 119. of the Revised Code, establish standards for evaluating persons desiring to be included on such a list.

(I) Before a receiver enters upon the duties of that person, the receiver must be sworn to perform the duties of receiver faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the effect that such receiver will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

(J) Under the control of the appointing court, a receiver may bring and defend actions in the receiver's own name as receiver and take and keep possession of property.

The court shall authorize the receiver to do the following:

(1) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;

(2) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession and continues to use, subject to the following conditions:

(a) In the case of a rental agreement, only to the extent of payments that are for the use of the property during the period of the receivership;

(b) In the case of a purchase agreement only to the extent of payments that come due during the period of the receivership.

(3) If transfer of residents is necessary, provide for the

orderly transfer of residents by doing the following:	133130
(a) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;	133131 133132 133133
(b) Providing for the transportation of residents' belongings and records;	133134 133135
(c) Helping to locate alternative placements and develop discharge plans;	133136 133137
(d) Preparing residents for the trauma of discharge;	133138
(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary.	133139 133140 133141
(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents;	133142 133143 133144
(5) Compromise demands or claims;	133145
(6) Generally do such acts respecting the residential facility as the court authorizes.	133146 133147
(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.	133148 133149 133150
(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid.	133151 133152 133153 133154 133155 133156
(M) The department of developmental disabilities, the department of job and family services, and the department of health shall provide technical assistance to any receiver	133157 133158 133159

appointed pursuant to this section. 133160

Sec. 5123.35. (A) There is hereby created the Ohio 133161
developmental disabilities council, which shall serve as an 133162
advocate for all persons with developmental disabilities. The 133163
council shall act in accordance with the "Developmental 133164
Disabilities Assistance and Bill of Rights Act," 98 Stat. 2662 133165
(1984), 42 U.S.C. 6001, as amended. The governor shall appoint the 133166
members of the council in accordance with 42 U.S.C. 6024. 133167

(B) The Ohio developmental disabilities council shall develop 133168
the state plan required by federal law as a condition of receiving 133169
federal assistance under 42 U.S.C. 6021 to 6030. The department of 133170
developmental disabilities, as the state agency selected by the 133171
governor for purposes of receiving the federal assistance, shall 133172
receive, account for, and disburse funds based on the state plan 133173
and shall provide assurances and other administrative support 133174
services required as a condition of receiving the federal 133175
assistance. 133176

(C) The federal funds may be disbursed through grants to or 133177
contracts with persons and government agencies for the provision 133178
of necessary or useful goods and services for developmentally 133179
disabled persons. The Ohio developmental disabilities council may 133180
award the grants or enter into the contracts. 133181

(D) The Ohio developmental disabilities council may award 133182
grants to or enter into contracts with a member of the council or 133183
an entity that the member represents if all of the following 133184
apply: 133185

(1) The member serves on the council as a representative of 133186
one of the principal state agencies concerned with services for 133187
persons with developmental disabilities as specified in 42 U.S.C. 133188
6024(b)(3), a representative of a university affiliated program as 133189
defined in 42 U.S.C. 6001(18), or a representative of the ~~legal~~ 133190

~~rights service created under Ohio protection and advocacy system,~~ 133191
~~as defined in section 5123.60 of the Revised Code.~~ 133192

(2) The council determines that the member or the entity the 133193
member represents is capable of providing the goods or services 133194
specified under the terms of the grant or contract. 133195

(3) The member has not taken part in any discussion or vote 133196
of the council related to awarding the grant or entering into the 133197
contract, including service as a member of a review panel 133198
established by the council to award grants or enter into contracts 133199
or to make recommendations with regard to awarding grants or 133200
entering into contracts. 133201

(E) A member of the Ohio developmental disabilities council 133202
is not in violation of Chapter 102. or section 2921.42 of the 133203
Revised Code with regard to receiving a grant or entering into a 133204
contract under this section if the requirements of division (D) of 133205
this section have been met. 133206

Sec. 5123.60. (A) As used in this section and section 133207
5123.601 of the Revised Code, "Ohio protection and advocacy 133208
system" means the nonprofit entity designated by the governor in 133209
accordance with H.B. 153 of the 129th general assembly to serve as 133210
the state's protection and advocacy system and client assistance 133211
program. 133212

(B) The Ohio protection and advocacy system shall provide 133213
both of the following: 133214

(1) Advocacy services for people with disabilities, as 133215
provided under section 101 of the "Developmental Disabilities 133216
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 133217
42 U.S.C. 15001; 133218

(2) A client assistance program, as provided under section 133219
112 of the "Workforce Investment Act of 1998," 112 Stat. 1163 133220

(1998), 29 U.S.C. 732, as amended. 133221

(C) The Ohio protection and advocacy system may establish any 133222
guidelines necessary for its operation. 133223

Sec. ~~5123.60~~ 5123.601. (A) ~~A legal rights service is hereby~~ 133224
~~created and established to protect and advocate the rights of~~ 133225
~~mentally ill persons, mentally retarded persons, developmentally~~ 133226
~~disabled persons, and other disabled persons who may be~~ 133227
~~represented by the service pursuant to division (L) of this~~ 133228
~~section; to receive and act upon complaints concerning~~ 133229
~~institutional and hospital practices and conditions of~~ 133230
~~institutions for mentally retarded or developmentally disabled~~ 133231
~~persons and hospitals for the mentally ill; and to assure that all~~ 133232
~~persons detained, hospitalized, discharged, or institutionalized,~~ 133233
~~and all persons whose detention, hospitalization, discharge, or~~ 133234
~~institutionalization is sought or has been sought under this~~ 133235
~~chapter or Chapter 5122. of the Revised Code are fully informed of~~ 133236
~~their rights and adequately represented by counsel in proceedings~~ 133237
~~under this chapter or Chapter 5122. of the Revised Code and in any~~ 133238
~~proceedings to secure the rights of those persons. Notwithstanding~~ 133239
~~the definitions of "mentally retarded person" and "developmentally~~ 133240
~~disabled person" in section 5123.01 of the Revised Code, the legal~~ 133241
~~rights service shall determine who is a mentally retarded or~~ 133242
~~developmentally disabled person for purposes of this section and~~ 133243
~~sections 5123.601 to 5123.604 of the Revised Code.~~ 133244

~~(B)(1) In regard to those persons detained, hospitalized, or~~ 133245
~~institutionalized under Chapter 5122. of the Revised Code, the~~ 133246
~~legal rights service shall undertake formal representation only of~~ 133247
~~those persons who are involuntarily detained, hospitalized, or~~ 133248
~~institutionalized pursuant to sections 5122.10 to 5122.15 of the~~ 133249
~~Revised Code, and those voluntarily detained, hospitalized, or~~ 133250
~~institutionalized who are minors, who have been adjudicated~~ 133251

~~incompetent, who have been detained, hospitalized, or 133252
institutionalized in a public hospital, or who have requested 133253
representation by the legal rights service. 133254~~

~~(2) If a person referred to in division (A) of this section 133255
voluntarily requests in writing that the legal rights service 133256
terminate participation in the person's case, such involvement 133257
shall cease. 133258~~

~~(3) Persons described in divisions (A) and (B)(1) of this 133259
section who are represented by the legal rights service are 133260
clients of the legal rights service. 133261~~

~~(C) Any person voluntarily hospitalized or institutionalized 133262
in a public hospital under division (A) of section 5122.02 of the 133263
Revised Code, after being fully informed of the person's rights 133264
under division (A) of this section, may, by written request, waive 133265
assistance by the legal rights service if the waiver is knowingly 133266
and intelligently made, without duress or coercion. 133267~~

~~The waiver may be rescinded at any time by the voluntary 133268
patient or resident, or by the voluntary patient's or resident's 133269
legal guardian. 133270~~

~~(D)(1) The legal rights service commission is hereby created 133271
for the purposes of appointing an administrator of the legal 133272
rights service, advising the administrator, assisting the 133273
administrator in developing a budget, advising the administrator 133274
in establishing and annually reviewing a strategic plan, creating 133275
a procedure for filing and determination of grievances against the 133276
legal rights service, and establishing general policy guidelines, 133277
including guidelines for the commencement of litigation, for the 133278
legal rights service. The commission may adopt rules to carry 133279
these purposes into effect and may receive and act upon appeals of 133280
personnel decisions by the administrator. 133281~~

~~(2) The commission shall consist of seven members. One 133282~~

~~member, who shall serve as chairperson, shall be appointed by the 133283
chief justice of the supreme court, three members shall be 133284
appointed by the speaker of the house of representatives, and 133285
three members shall be appointed by the president of the senate. 133286
At least two members shall have experience in the field of 133287
developmental disabilities, and at least two members shall have 133288
experience in the field of mental health. No member shall be a 133289
provider or related to a provider of services to mentally 133290
retarded, developmentally disabled, or mentally ill persons. 133291~~

~~(3) Terms of office of the members of the commission shall be 133292
for three years, each term ending on the same day of the month of 133293
the year as did the term which it succeeds. Each member shall 133294
serve subsequent to the expiration of the member's term until a 133295
successor is appointed and qualifies, or until sixty days has 133296
elapsed, whichever occurs first. No member shall serve more than 133297
two consecutive terms. 133298~~

~~All vacancies in the membership of the commission shall be 133299
filled in the manner prescribed for regular appointments to the 133300
commission and shall be limited to the unexpired terms. 133301~~

~~(4) The commission shall meet at least four times each year. 133302
Members shall be reimbursed for their necessary and actual 133303
expenses incurred in the performance of their official duties. 133304~~

~~(5) The administrator of the legal rights service shall serve 133305
at the pleasure of the commission. 133306~~

~~The administrator shall be an attorney admitted to practice 133307
law in this state. The salary of the administrator shall be 133308
established in accordance with section 124.14 of the Revised Code. 133309~~

~~(E) The legal rights service shall be completely independent 133310
of the department of mental health and the department of 133311
developmental disabilities and, notwithstanding section 109.02 of 133312
the Revised Code, shall also be independent of the office of the 133313~~

~~attorney general.~~ The ~~administrator of the legal rights service,~~ 133314
Ohio protection and advocacy system staff, and attorneys 133315
designated by the ~~administrator~~ system to represent persons 133316
detained, hospitalized, or institutionalized under this chapter or 133317
Chapter 5122. of the Revised Code shall have ready access to all 133318
of the following: 133319

(1) During normal business hours and at other reasonable 133320
times, all records, except records of community residential 133321
facilities and records of contract agencies of county boards of 133322
developmental disabilities and boards of alcohol, drug addiction, 133323
and mental health services, relating to expenditures of state and 133324
federal funds or to the commitment, care, treatment, and 133325
habilitation of all persons represented by the ~~legal rights~~ 133326
~~service~~ Ohio protection and advocacy system, including those who 133327
may be represented pursuant to division ~~(L)~~(D) of this section, or 133328
persons detained, hospitalized, institutionalized, or receiving 133329
services under this chapter or Chapter 340., 5119., 5122., or 133330
5126. of the Revised Code that are records maintained by the 133331
following entities providing services for those persons: 133332
departments; institutions; hospitals; boards of alcohol, drug 133333
addiction, and mental health services; county boards of 133334
developmental disabilities; and any other entity providing 133335
services to persons who may be represented by the ~~service~~ Ohio 133336
protection and advocacy system pursuant to division ~~(L)~~(D) of this 133337
section; 133338

(2) Any records maintained in computerized data banks of the 133339
departments or boards or, in the case of persons who may be 133340
represented by the ~~service~~ Ohio protection and advocacy system 133341
pursuant to division ~~(L)~~(D) of this section, any other entity that 133342
provides services to those persons; 133343

(3) During their normal working hours, personnel of the 133344
departments, facilities, boards, agencies, institutions, 133345

hospitals, and other service-providing entities; 133346

(4) At any time, all persons detained, hospitalized, or 133347
institutionalized; persons receiving services under this chapter 133348
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 133349
persons who may be represented by the ~~service~~ Ohio protection and 133350
advocacy system pursuant to division ~~(L)~~(D) of this section. 133351

(5) Records of a community residential facility, a contract 133352
agency of a board of alcohol, drug addiction, and mental health 133353
services, or a contract agency of a county board of developmental 133354
disabilities with one of the following consents: 133355

(a) The consent of the person, including when the person is a 133356
minor or has been adjudicated incompetent; 133357

(b) The consent of the person's guardian of the person, if 133358
any, or the parent if the person is a minor; 133359

(c) No consent, if the person is unable to consent for any 133360
reason, and the guardian of the person, if any, or the parent of 133361
the minor, has refused to consent or has not responded to a 133362
request for consent and either of the following has occurred: 133363

(i) A complaint regarding the person has been received by the 133364
~~legal rights service~~ Ohio protection and advocacy system; 133365

(ii) The ~~legal rights service~~ Ohio protection and advocacy 133366
system has determined that there is probable cause to believe that 133367
such person has been subjected to abuse or neglect. 133368

~~(F) The administrator of the legal rights service shall do~~ 133369
~~the following:~~ 133370

~~(1) Administer and organize the work of the legal rights~~ 133371
~~service and establish administrative or geographic divisions as~~ 133372
~~the administrator considers necessary, proper, and expedient;~~ 133373

~~(2) Adopt and promulgate rules that are not in conflict with~~ 133374
~~rules adopted by the commission and prescribe duties for the~~ 133375

~~efficient conduct of the business and general administration of
the legal rights service;~~ 133376
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~~(3) Appoint and discharge employees, and hire experts,
consultants, advisors, or other professionally qualified persons
as the administrator considers necessary to carry out the duties
of the legal rights service;~~ 133378
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~~(4) Apply for and accept grants of funds, and accept
charitable gifts and bequests;~~ 133382
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~~(5) Prepare and submit a budget to the general assembly for
the operation of the legal rights service. At least thirty days
prior to submitting the budget to the general assembly, the
administrator shall provide a copy of the budget to the commission
for review and comment. When submitting the budget to the general
assembly, the administrator shall include a copy of any written
comments returned by the commission to the administrator.~~ 133384
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~~(6) Enter into contracts and make expenditures necessary for
the efficient operation of the legal rights service;~~ 133391
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~~(7) Annually prepare a report of activities and submit copies
of the report to the governor, the chief justice of the supreme
court, the president of the senate, the speaker of the house of
representatives, the director of mental health, and the director
of developmental disabilities, and make the report available to
the public;~~ 133393
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~~(8) Upon request of the commission or of the chairperson of
the commission, report to the commission on specific litigation
issues or activities.~~ 133399
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~~(C)(1) The legal rights service may act directly or contract
with other organizations or individuals for the provision of the
services envisioned under this section.~~ 133402
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~~(2) Whenever possible, the administrator shall attempt to~~ 133405

~~facilitate the resolution of complaints through administrative channels. Subject to division (G)(3) of this section, if attempts at administrative resolution prove unsatisfactory, the administrator may pursue any legal, administrative, and other appropriate remedies or approaches that may be necessary to accomplish the purposes of this section.~~

~~(3) The administrator may not pursue a class action lawsuit under division (G)(2) of this section when attempts at administrative resolution of a complaint prove unsatisfactory under that division unless both of the following have first occurred:~~

~~(a) At least four members of the commission, by their affirmative vote, have consented to the pursuit of the class action lawsuit;~~

~~(b) At least five members of the commission are present at the meeting of the commission at which that consent is obtained.~~

~~(4) If compensation for the work of attorneys employed by the legal rights service or another agency or political subdivision of the state is awarded to the service in a class action lawsuit pursued by the service, the compensation shall be limited to the actual hourly rate of pay for that legal work.~~

~~(5)(B) All records received or maintained by the legal rights service Ohio protection and advocacy system in connection with any investigation, representation, or other activity under this section shall be confidential and shall not be disclosed except as authorized by the person represented by the legal rights service Ohio protection and advocacy system or, subject to any privilege, a guardian of the person or parent of the minor. Subject to division (G)(7) of this section, Relationships between personnel and the agents of the legal rights service Ohio protection and advocacy system and its clients shall be fiduciary~~

relationships, and all communications shall be privileged as if 133437
between attorney and client. 133438

~~(6) Any person who has been represented by the legal rights 133439
service or who has applied for and been denied representation and 133440
who files a grievance with the service concerning the 133441
representation or application may appeal the decision of the 133442
service on the grievance to the commission. The person may appeal 133443
notwithstanding any objections of the person's legal guardian. The 133444
commission may examine any records relevant to the appeal and 133445
shall maintain the confidentiality of any records that are 133446
required to be kept confidential. 133447~~

~~(H)(C) The legal rights service, on the order of the 133448
administrator, with the approval by an affirmative vote of at 133449
least four members of the commission, Ohio protection and advocacy 133450
system may compel by subpoena the appearance and sworn testimony 133451
of any person the administrator Ohio protection and advocacy 133452
system reasonably believes may be able to provide information or 133453
to produce any documents, books, records, papers, or other 133454
information necessary to carry out its duties. On the refusal of 133455
any person to produce or authenticate any requested documents, the 133456
~~legal rights service~~ Ohio protection and advocacy system may apply 133457
to the Franklin county court of common pleas to compel the 133458
production or authentication of requested documents. If the court 133459
finds that failure to produce or authenticate any requested 133460
documents was improper, the court may hold the person in contempt 133461
as in the case of disobedience of the requirements of a subpoena 133462
issued from the court, or a refusal to testify in the court. 133463~~

~~(I) The legal rights service may conduct public hearings. 133464~~

~~(J) The legal rights service may request from any 133465
governmental agency any cooperation, assistance, services, or data 133466
that will enable it to perform its duties. 133467~~

~~(K) In any malpractice action filed against the administrator of the legal rights service, a member of the staff of the legal rights service, or an attorney designated by the administrator to perform legal services under division (E) of this section, the state shall, when the administrator, member, or attorney has acted in good faith and in the scope of employment, indemnify the administrator, member, or attorney for any judgment awarded or amount negotiated in settlement, and for any court costs or legal fees incurred in defense of the claim.~~ 133468
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~~This division does not limit or waive, and shall not be construed to limit or waive, any defense that is available to the legal rights service, its administrator or employees, persons under a personal services contract with it, or persons designated under division (E) of this section, including, but not limited to, any defense available under section 9.86 of the Revised Code.~~ 133477
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~~(L)(D) In addition to providing services to mentally ill, mentally retarded, or developmentally disabled persons, when a grant authorizing the provision of services to other individuals is accepted pursuant to division (F)(4) of this section by the Ohio protection and advocacy system, the legal rights service and its ombudsperson section Ohio protection and advocacy system may provide advocacy or ombudsperson services to those other individuals and exercise any other authority granted by this section or sections 5123.601 to 5123.604 of the Revised Code on behalf of those individuals. Determinations of whether an individual is eligible for services under this division shall be made by the legal rights service Ohio protection and advocacy system.~~ 133483
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Sec. 5123.602. If compensation for the work of attorneys employed by the Ohio protection and advocacy system or an agency or political subdivision of the state is awarded to the system in 133496
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a class action lawsuit pursued by the system, the compensation shall be limited to the actual hourly rate of pay for that legal work. 133499
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Sec. 5123.61. (A) As used in this section: 133502

(1) "Law enforcement agency" means the state highway patrol, 133503
the police department of a municipal corporation, or a county 133504
sheriff. 133505

(2) "Abuse" has the same meaning as in section 5123.50 of the 133506
Revised Code, except that it includes a misappropriation, as 133507
defined in that section. 133508

(3) "Neglect" has the same meaning as in section 5123.50 of 133509
the Revised Code. 133510

(B) The department of developmental disabilities shall 133511
establish a registry office for the purpose of maintaining reports 133512
of abuse, neglect, and other major unusual incidents made to the 133513
department under this section and reports received from county 133514
boards of developmental disabilities under section 5126.31 of the 133515
Revised Code. The department shall establish committees to review 133516
reports of abuse, neglect, and other major unusual incidents. 133517

(C)(1) Any person listed in division (C)(2) of this section, 133518
having reason to believe that a person with mental retardation or 133519
a developmental disability has suffered or faces a substantial 133520
risk of suffering any wound, injury, disability, or condition of 133521
such a nature as to reasonably indicate abuse or neglect of that 133522
person, shall immediately report or cause reports to be made of 133523
such information to the entity specified in this division. Except 133524
as provided in section 5120.173 of the Revised Code or as 133525
otherwise provided in this division, the person making the report 133526
shall make it to a law enforcement agency or to the county board 133527
of developmental disabilities. If the report concerns a resident 133528

of a facility operated by the department of developmental 133529
disabilities the report shall be made either to a law enforcement 133530
agency or to the department. If the report concerns any act or 133531
omission of an employee of a county board of developmental 133532
disabilities, the report immediately shall be made to the 133533
department and to the county board. 133534

(2) All of the following persons are required to make a 133535
report under division (C)(1) of this section: 133536

(a) Any physician, including a hospital intern or resident, 133537
any dentist, podiatrist, chiropractor, practitioner of a limited 133538
branch of medicine as specified in section 4731.15 of the Revised 133539
Code, hospital administrator or employee of a hospital, nurse 133540
licensed under Chapter 4723. of the Revised Code, employee of an 133541
ambulatory health facility as defined in section 5101.61 of the 133542
Revised Code, employee of a home health agency, employee of an 133543
adult care facility licensed under Chapter 3722. of the Revised 133544
Code, or employee of a community mental health facility; 133545

(b) Any school teacher or school authority, social worker, 133546
psychologist, attorney, peace officer, coroner, or residents' 133547
rights advocate as defined in section 3721.10 of the Revised Code; 133548

(c) A superintendent, board member, or employee of a county 133549
board of developmental disabilities; an administrator, board 133550
member, or employee of a residential facility licensed under 133551
section 5123.19 of the Revised Code; an administrator, board 133552
member, or employee of any other public or private provider of 133553
services to a person with mental retardation or a developmental 133554
disability, or any MR/DD employee, as defined in section 5123.50 133555
of the Revised Code; 133556

(d) A member of a citizen's advisory council established at 133557
an institution or branch institution of the department of 133558
developmental disabilities under section 5123.092 of the Revised 133559

Code; 133560

(e) A clergyman who is employed in a position that includes 133561
providing specialized services to an individual with mental 133562
retardation or another developmental disability, while acting in 133563
an official or professional capacity in that position, or a person 133564
who is employed in a position that includes providing specialized 133565
services to an individual with mental retardation or another 133566
developmental disability and who, while acting in an official or 133567
professional capacity, renders spiritual treatment through prayer 133568
in accordance with the tenets of an organized religion. 133569

(3)(a) The reporting requirements of this division do not 133570
apply to ~~members of the legal rights service commission or to~~ 133571
employees of the ~~legal rights service~~ Ohio protection and advocacy 133572
system. 133573

(b) An attorney or physician is not required to make a report 133574
pursuant to division (C)(1) of this section concerning any 133575
communication the attorney or physician receives from a client or 133576
patient in an attorney-client or physician-patient relationship, 133577
if, in accordance with division (A) or (B) of section 2317.02 of 133578
the Revised Code, the attorney or physician could not testify with 133579
respect to that communication in a civil or criminal proceeding, 133580
except that the client or patient is deemed to have waived any 133581
testimonial privilege under division (A) or (B) of section 2317.02 133582
of the Revised Code with respect to that communication and the 133583
attorney or physician shall make a report pursuant to division 133584
(C)(1) of this section, if both of the following apply: 133585

(i) The client or patient, at the time of the communication, 133586
is a person with mental retardation or a developmental disability. 133587

(ii) The attorney or physician knows or suspects, as a result 133588
of the communication or any observations made during that 133589
communication, that the client or patient has suffered or faces a 133590

substantial risk of suffering any wound, injury, disability, or 133591
condition of a nature that reasonably indicates abuse or neglect 133592
of the client or patient. 133593

(4) Any person who fails to make a report required under 133594
division (C) of this section and who is an MR/DD employee, as 133595
defined in section 5123.50 of the Revised Code, shall be eligible 133596
to be included in the registry regarding misappropriation, abuse, 133597
neglect, or other specified misconduct by MR/DD employees 133598
established under section 5123.52 of the Revised Code. 133599

(D) The reports required under division (C) of this section 133600
shall be made forthwith by telephone or in person and shall be 133601
followed by a written report. The reports shall contain the 133602
following: 133603

(1) The names and addresses of the person with mental 133604
retardation or a developmental disability and the person's 133605
custodian, if known; 133606

(2) The age of the person with mental retardation or a 133607
developmental disability; 133608

(3) Any other information that would assist in the 133609
investigation of the report. 133610

(E) When a physician performing services as a member of the 133611
staff of a hospital or similar institution has reason to believe 133612
that a person with mental retardation or a developmental 133613
disability has suffered injury, abuse, or physical neglect, the 133614
physician shall notify the person in charge of the institution or 133615
that person's designated delegate, who shall make the necessary 133616
reports. 133617

(F) Any person having reasonable cause to believe that a 133618
person with mental retardation or a developmental disability has 133619
suffered or faces a substantial risk of suffering abuse or neglect 133620
may report or cause a report to be made of that belief to the 133621

entity specified in this division. Except as provided in section 133622
5120.173 of the Revised Code or as otherwise provided in this 133623
division, the person making the report shall make it to a law 133624
enforcement agency or the county board of developmental 133625
disabilities. If the person is a resident of a facility operated 133626
by the department of developmental disabilities, the report shall 133627
be made to a law enforcement agency or to the department. If the 133628
report concerns any act or omission of an employee of a county 133629
board of developmental disabilities, the report immediately shall 133630
be made to the department and to the county board. 133631

(G)(1) Upon the receipt of a report concerning the possible 133632
abuse or neglect of a person with mental retardation or a 133633
developmental disability, the law enforcement agency shall inform 133634
the county board of developmental disabilities or, if the person 133635
is a resident of a facility operated by the department of 133636
developmental disabilities, the director of the department or the 133637
director's designee. 133638

(2) On receipt of a report under this section that includes 133639
an allegation of action or inaction that may constitute a crime 133640
under federal law or the law of this state, the department of 133641
developmental disabilities shall notify the law enforcement 133642
agency. 133643

(3) When a county board of developmental disabilities 133644
receives a report under this section that includes an allegation 133645
of action or inaction that may constitute a crime under federal 133646
law or the law of this state, the superintendent of the board or 133647
an individual the superintendent designates under division (H) of 133648
this section shall notify the law enforcement agency. The 133649
superintendent or individual shall notify the department of 133650
developmental disabilities when it receives any report under this 133651
section. 133652

(4) When a county board of developmental disabilities 133653

receives a report under this section and believes that the degree 133654
of risk to the person is such that the report is an emergency, the 133655
superintendent of the board or an employee of the board the 133656
superintendent designates shall attempt a face-to-face contact 133657
with the person with mental retardation or a developmental 133658
disability who allegedly is the victim within one hour of the 133659
board's receipt of the report. 133660

(H) The superintendent of the board may designate an 133661
individual to be responsible for notifying the law enforcement 133662
agency and the department when the county board receives a report 133663
under this section. 133664

(I) An adult with mental retardation or a developmental 133665
disability about whom a report is made may be removed from the 133666
adult's place of residence only by law enforcement officers who 133667
consider that the adult's immediate removal is essential to 133668
protect the adult from further injury or abuse or in accordance 133669
with the order of a court made pursuant to section 5126.33 of the 133670
Revised Code. 133671

(J) A law enforcement agency shall investigate each report of 133672
abuse or neglect it receives under this section. In addition, the 133673
department, in cooperation with law enforcement officials, shall 133674
investigate each report regarding a resident of a facility 133675
operated by the department to determine the circumstances 133676
surrounding the injury, the cause of the injury, and the person 133677
responsible. The investigation shall be in accordance with the 133678
memorandum of understanding prepared under section 5126.058 of the 133679
Revised Code. The department shall determine, with the registry 133680
office which shall be maintained by the department, whether prior 133681
reports have been made concerning an adult with mental retardation 133682
or a developmental disability or other principals in the case. If 133683
the department finds that the report involves action or inaction 133684
that may constitute a crime under federal law or the law of this 133685

state, it shall submit a report of its investigation, in writing, 133686
to the law enforcement agency. If the person with mental 133687
retardation or a developmental disability is an adult, with the 133688
consent of the adult, the department shall provide such protective 133689
services as are necessary to protect the adult. The law 133690
enforcement agency shall make a written report of its findings to 133691
the department. 133692

If the person is an adult and is not a resident of a facility 133693
operated by the department, the county board of developmental 133694
disabilities shall review the report of abuse or neglect in 133695
accordance with sections 5126.30 to 5126.33 of the Revised Code 133696
and the law enforcement agency shall make the written report of 133697
its findings to the county board. 133698

(K) Any person or any hospital, institution, school, health 133699
department, or agency participating in the making of reports 133700
pursuant to this section, any person participating as a witness in 133701
an administrative or judicial proceeding resulting from the 133702
reports, or any person or governmental entity that discharges 133703
responsibilities under sections 5126.31 to 5126.33 of the Revised 133704
Code shall be immune from any civil or criminal liability that 133705
might otherwise be incurred or imposed as a result of such actions 133706
except liability for perjury, unless the person or governmental 133707
entity has acted in bad faith or with malicious purpose. 133708

(L) No employer or any person with the authority to do so 133709
shall discharge, demote, transfer, prepare a negative work 133710
performance evaluation, reduce pay or benefits, terminate work 133711
privileges, or take any other action detrimental to an employee or 133712
retaliate against an employee as a result of the employee's having 133713
made a report under this section. This division does not preclude 133714
an employer or person with authority from taking action with 133715
regard to an employee who has made a report under this section if 133716
there is another reasonable basis for the action. 133717

(M) Reports made under this section are not public records as 133718
defined in section 149.43 of the Revised Code. Information 133719
contained in the reports on request shall be made available to the 133720
person who is the subject of the report, to the person's legal 133721
counsel, and to agencies authorized to receive information in the 133722
report by the department or by a county board of developmental 133723
disabilities. 133724

(N) Notwithstanding section 4731.22 of the Revised Code, the 133725
physician-patient privilege shall not be a ground for excluding 133726
evidence regarding the injuries or physical neglect of a person 133727
with mental retardation or a developmental disability or the cause 133728
thereof in any judicial proceeding resulting from a report 133729
submitted pursuant to this section. 133730

Sec. 5123.63. Every state agency, county board of 133731
developmental disabilities, or political subdivision that provides 133732
services, either directly or through a contract, to persons with 133733
mental retardation or a developmental disability shall give each 133734
provider a copy of the list of rights contained in section 5123.62 133735
of the Revised Code. Each public and private provider of services 133736
shall carry out the requirements of this section in addition to 133737
any other posting or notification requirements imposed by local, 133738
state, or federal law or rules. 133739

The provider shall make copies of the list of rights and 133740
shall be responsible for an initial distribution of the list to 133741
each individual receiving services from the provider. If the 133742
individual is unable to read the list, the provider shall 133743
communicate the contents of the list to the individual to the 133744
extent practicable in a manner that the individual understands. 133745
The individual receiving services or the parent, guardian, or 133746
advocate of the individual shall sign an acknowledgement of 133747
receipt of a copy of the list of rights, and a copy of the signed 133748

acknowledgement shall be placed in the individual's file. The 133749
provider shall also be responsible for answering any questions and 133750
giving any explanations necessary to assist the individual to 133751
understand the rights enumerated. Instruction in these rights 133752
shall be documented. 133753

Each provider shall make available to all persons receiving 133754
services and all employees and visitors a copy of the list of 133755
rights and the addresses and telephone numbers of the ~~legal rights~~ 133756
~~service~~ Ohio protection and advocacy system, the department of 133757
developmental disabilities, and the county board of developmental 133758
disabilities of the county in which the provider provides 133759
services. 133760

Sec. 5123.64. (A) Every provider of services to persons with 133761
mental retardation or a developmental disability shall establish 133762
policies and programs to ensure that all staff members are 133763
familiar with the rights enumerated in section 5123.62 of the 133764
Revised Code and observe those rights in their contacts with 133765
persons receiving services. Any policy, procedure, or rule of the 133766
provider that conflicts with any of the rights enumerated shall be 133767
null and void. Every provider shall establish written procedures 133768
for resolving complaints of violations of those rights. A copy of 133769
the procedures shall be provided to any person receiving services 133770
or to any parent, guardian, or advocate of a person receiving 133771
services. 133772

(B) Any person with mental retardation or a developmental 133773
disability who believes that the person's rights as enumerated in 133774
section 5123.62 of the Revised Code have been violated may: 133775

(1) Bring the violation to the attention of the provider for 133776
resolution; 133777

(2) Report the violation to the department of developmental 133778
disabilities, the ~~ombuds~~~~person~~ ~~section of the legal rights service~~ 133779

Ohio protection and advocacy system, or the appropriate county board of developmental disabilities; 133780
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(3) Take any other appropriate action to ensure compliance 133782
with sections ~~5123.60~~ 5123.61 to 5123.64 of the Revised Code, 133783
including the filing of a legal action to enforce rights or to 133784
recover damages for violation of rights. 133785

Sec. 5123.69. (A) Except as provided in division ~~(E)~~(D) of 133786
this section, any person who is eighteen years of age or older and 133787
who is or believes self to be mentally retarded may make written 133788
application to the managing officer of any institution for 133789
voluntary admission. Except as provided in division ~~(E)~~(D) of this 133790
section, the application may be made on behalf of a minor by a 133791
parent or guardian, and on behalf of an adult adjudicated mentally 133792
incompetent by a guardian. 133793

(B) The managing officer of an institution, with the 133794
concurrence of the chief program director, may admit a person 133795
applying pursuant to this section only after a comprehensive 133796
evaluation has been made of the person and only if the 133797
comprehensive evaluation concludes that the person is mentally 133798
retarded and would benefit significantly from admission. 133799

~~(C) If application for voluntary admission of a minor or of a 133800
person adjudicated mentally incompetent is made by the parent or 133801
guardian of the minor or by the guardian of an incompetent and the 133802
minor or incompetent is admitted, the probate division of the 133803
court of common pleas shall determine, upon petition by the legal 133804
rights service, whether the voluntary admission or continued 133805
institutionalization is in the best interest of the minor or 133806
incompetent. 133807~~

~~(D)~~ The managing officer shall discharge any voluntary 133808
resident if, in the judgment of the chief program director, the 133809
results of a comprehensive examination indicate that 133810

institutionalization no longer is advisable. In light of the 133811
results of the comprehensive evaluation, the managing officer also 133812
may discharge any voluntary resident if, in the judgment of the 133813
chief program director, the discharge would contribute to the most 133814
effective use of the institution in the habilitation and care of 133815
the mentally retarded. 133816

~~(E)~~(D) A person who is found incompetent to stand trial or 133817
not guilty by reason of insanity and who is committed pursuant to 133818
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 133819
Code shall not voluntarily commit self pursuant to this section 133820
until after the final termination of the commitment, as described 133821
in division (J) of section 2945.401 of the Revised Code. 133822

Sec. 5123.701. (A) Except as provided in division ~~(E)~~(D) of 133823
this section, any person in the community who is eighteen years of 133824
age or older and who is or believes self to be mentally retarded 133825
may make written application to the managing officer of any 133826
institution for temporary admission for short-term care. The 133827
application may be made on behalf of a minor by a parent or 133828
guardian, and on behalf of an adult adjudicated mentally 133829
incompetent by a guardian. 133830

(B) For purposes of this section, short-term care shall be 133831
defined to mean appropriate services provided to a person with 133832
mental retardation for no more than fourteen consecutive days and 133833
for no more than forty-two days in a fiscal year. When 133834
circumstances warrant, the fourteen-day period may be extended at 133835
the discretion of the managing officer. Short-term care is 133836
provided in a developmental center to meet the family's or 133837
caretaker's needs for separation from the person with mental 133838
retardation. 133839

(C) The managing officer of an institution, with the 133840
concurrence of the chief program director, may admit a person for 133841

short-term care only after a medical examination has been made of 133842
the person and only if the managing officer concludes that the 133843
person is mentally retarded. 133844

~~(D) If application for admission for short term care of a 133845
minor or of a person adjudicated mentally incompetent is made by 133846
the minor's parent or guardian or by the incompetent's guardian 133847
and the minor or incompetent is admitted, the probate division of 133848
the court of common pleas shall determine, upon petition by the 133849
legal rights service, whether the admission for short term care is 133850
in the best interest of the minor or the incompetent. 133851~~

~~(E)~~ A person who is found not guilty by reason of insanity 133852
shall not admit self to an institution for short-term care unless 133853
a hearing was held regarding the person pursuant to division (A) 133854
of section 2945.40 of the Revised Code and either of the following 133855
applies: 133856

(1) The person was found at the hearing not to be a mentally 133857
retarded person subject to institutionalization by court order; 133858

(2) The person was found at the hearing to be a mentally 133859
retarded person subject to institutionalization by court order, 133860
was involuntarily committed, and was finally discharged. 133861

~~(F)~~(E) The mentally retarded person, liable relatives, and 133862
guardians of mentally retarded persons admitted for respite care 133863
shall pay support charges in accordance with sections 5121.01 to 133864
5121.21 of the Revised Code. 133865

~~(G)~~(F) At the conclusion of each period of short-term care, 133866
the person shall return to the person's family or caretaker. Under 133867
no circumstances shall a person admitted for short-term care 133868
according to this section remain in the institution after the 133869
period of short-term care unless the person is admitted according 133870
to section 5123.70, sections 5123.71 to 5123.76, or section 133871
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 133872

Code. 133873

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 133874
(E), and (F) of this section, the chief medical officer shall 133875
provide all information, including expected physical and medical 133876
consequences, necessary to enable any resident of an institution 133877
for the mentally retarded to give a fully informed, intelligent, 133878
and knowing consent if any of the following procedures are 133879
proposed: 133880

(1) Surgery; 133881

(2) Convulsive therapy; 133882

(3) Major aversive interventions; 133883

(4) Sterilization; 133884

(5) Experimental procedures; 133885

(6) Any unusual or hazardous treatment procedures. 133886

(B) No resident shall be subjected to any of the procedures 133887
listed in division (A)(4), (5), or (6) of this section without the 133888
resident's informed consent. 133889

(C) If a resident is physically or mentally unable to receive 133890
the information required for surgery under division (A)(1) of this 133891
section, or has been adjudicated incompetent, the information may 133892
be provided to the resident's natural or court-appointed guardian, 133893
including an agency providing guardianship services under contract 133894
with the department of developmental disabilities under sections 133895
5123.55 to 5123.59 of the Revised Code, who may give the informed, 133896
intelligent, and knowing written consent for surgery. Consent for 133897
surgery shall not be provided by a guardian who is an officer or 133898
employee of the department of mental health or the department of 133899
developmental disabilities. 133900

If a resident is physically or mentally unable to receive the 133901

information required for surgery under division (A)(1) of this 133902
section and has no guardian, then the information, the 133903
recommendation of the chief medical officer, and the concurring 133904
judgment of a licensed physician who is not a full-time employee 133905
of the state may be provided to the court in the county in which 133906
the institution is located, which may approve the surgery. Before 133907
approving the surgery, the court shall notify the ~~legal rights~~ 133908
~~service~~ Ohio protection and advocacy system created by section 133909
5123.60 of the Revised Code, and shall notify the resident of the 133910
resident's rights to consult with counsel, to have counsel 133911
appointed by the court if the resident is indigent, and to contest 133912
the recommendation of the chief medical officer. 133913

(D) If, in the judgment of two licensed physicians, delay in 133914
obtaining consent for surgery would create a grave danger to the 133915
health of a resident, emergency surgery may be performed without 133916
the consent of the resident if the necessary information is 133917
provided to the resident's guardian, including an agency providing 133918
guardianship services under contract with the department of 133919
developmental disabilities under sections 5123.55 to 5123.59 of 133920
the Revised Code, or to the resident's spouse or next of kin to 133921
enable that person or agency to give an informed, intelligent, and 133922
knowing written consent. 133923

If the guardian, spouse, or next of kin cannot be contacted 133924
through exercise of reasonable diligence, or if the guardian, 133925
spouse, or next of kin is contacted, but refuses to consent, then 133926
the emergency surgery may be performed upon the written 133927
authorization of the chief medical officer and after court 133928
approval has been obtained. However, if delay in obtaining court 133929
approval would create a grave danger to the life of the resident, 133930
the chief medical officer may authorize surgery, in writing, 133931
without court approval. If the surgery is authorized without court 133932
approval, the chief medical officer who made the authorization and 133933

the physician who performed the surgery shall each execute an 133934
affidavit describing the circumstances constituting the emergency 133935
and warranting the surgery and the circumstances warranting their 133936
not obtaining prior court approval. The affidavit shall be filed 133937
with the court with which the request for prior approval would 133938
have been filed within five court days after the surgery, and a 133939
copy of the affidavit shall be placed in the resident's file and 133940
shall be given to the guardian, spouse, or next of kin of the 133941
resident, to the hospital at which the surgery was performed, and 133942
to the ~~legal rights service~~ Ohio protection and advocacy system 133943
created by section 5123.60 of the Revised Code. 133944

(E)(1) If it is the judgment of two licensed physicians, as 133945
described in division (E)(2) of this section, that a medical 133946
emergency exists and delay in obtaining convulsive therapy creates 133947
a grave danger to the life of a resident who is both mentally 133948
retarded and mentally ill, convulsive therapy may be administered 133949
without the consent of the resident if the resident is physically 133950
or mentally unable to receive the information required for 133951
convulsive therapy and if the necessary information is provided to 133952
the resident's natural or court-appointed guardian, including an 133953
agency providing guardianship services under contract with the 133954
department of developmental disabilities under sections 5123.55 to 133955
5123.59 of the Revised Code, or to the resident's spouse or next 133956
of kin to enable that person or agency to give an informed, 133957
intelligent, and knowing written consent. If neither the 133958
resident's guardian, spouse, nor next of kin can be contacted 133959
through exercise of reasonable diligence, or if the guardian, 133960
spouse, or next of kin is contacted, but refuses to consent, then 133961
convulsive therapy may be performed upon the written authorization 133962
of the chief medical officer and after court approval has been 133963
obtained. 133964

(2) The two licensed physicians referred to in division 133965

(E)(1) of this section shall not be associated with each other in 133966
the practice of medicine or surgery by means of a partnership or 133967
corporate arrangement, other business arrangement, or employment. 133968
At least one of the physicians shall be a psychiatrist as defined 133969
in division (E) of section 5122.01 of the Revised Code. 133970

(F) Major aversive interventions shall not be used unless a 133971
resident continues to engage in behavior destructive to self or 133972
others after other forms of therapy have been attempted. ~~The~~ 133973
~~director of the legal rights service created by section 5123.60 of~~ 133974
~~the Revised Code shall be notified of any proposed major aversive~~ 133975
~~intervention.~~ Major aversive interventions shall not be applied to 133976
a voluntary resident without the informed, intelligent, and 133977
knowing written consent of the resident or the resident's 133978
guardian, including an agency providing guardianship services 133979
under contract with the department of developmental disabilities 133980
under sections 5123.55 to 5123.59 of the Revised Code. 133981

(G)(1) This chapter does not authorize any form of compulsory 133982
medical or psychiatric treatment of any resident who is being 133983
treated by spiritual means through prayer alone in accordance with 133984
a recognized religious method of healing. 133985

(2) For purposes of this section, "convulsive therapy" does 133986
not include defibrillation. 133987

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 133988
of the Revised Code is guilty of a misdemeanor of the first 133989
degree. 133990

(B) Whoever violates division (C), (E), or (G)(3) of section 133991
5123.61 of the Revised Code is guilty of a misdemeanor of the 133992
fourth degree or, if the abuse or neglect constitutes a felony, a 133993
misdemeanor of the second degree. In addition to any other 133994
sanction or penalty authorized or required by law, if a person who 133995
is convicted of or pleads guilty to a violation of division (C), 133996

(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD employee, as defined in section 5123.50 of the Revised Code, the offender shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by MR/DD employees established under section 5123.52 of the Revised Code.

~~(C) Whoever violates division (A) of section 5123.604 of the Revised Code is guilty of a misdemeanor of the second degree.~~

~~(D) Whoever violates division (B) of section 5123.604 of the Revised Code shall be fined not more than one thousand dollars. Each violation constitutes a separate offense.~~

Sec. 5126.33. (A) A county board of developmental disabilities may file a complaint with the probate court of the county in which an adult with mental retardation or a developmental disability resides for an order authorizing the board to arrange services described in division (C) of section 5126.31 of the Revised Code for that adult if the adult is eligible to receive services or support under section 5126.041 of the Revised Code and the board has been unable to secure consent. The complaint shall include:

(1) The name, age, and address of the adult;

(2) Facts describing the nature of the abuse, neglect, or exploitation and supporting the board's belief that services are needed;

(3) The types of services proposed by the board, as set forth in the protective service plan described in division (J) of section 5126.30 of the Revised Code and filed with the complaint;

(4) Facts showing the board's attempts to obtain the consent of the adult or the adult's guardian to the services.

(B) The board shall give the adult notice of the filing of

the complaint and in simple and clear language shall inform the 134027
adult of the adult's rights in the hearing under division (C) of 134028
this section and explain the consequences of a court order. This 134029
notice shall be personally served upon all parties, and also shall 134030
be given to the adult's legal counsel, if any, ~~and the legal~~ 134031
~~rights service~~. The notice shall be given at least twenty-four 134032
hours prior to the hearing, although the court may waive this 134033
requirement upon a showing that there is a substantial risk that 134034
the adult will suffer immediate physical harm in the twenty-four 134035
hour period and that the board has made reasonable attempts to 134036
give the notice required by this division. 134037

(C) Upon the filing of a complaint for an order under this 134038
section, the court shall hold a hearing at least twenty-four hours 134039
and no later than seventy-two hours after the notice under 134040
division (B) of this section has been given unless the court has 134041
waived the notice. All parties shall have the right to be present 134042
at the hearing, present evidence, and examine and cross-examine 134043
witnesses. The Ohio Rules of Evidence shall apply to a hearing 134044
conducted pursuant to this division. The adult shall be 134045
represented by counsel unless the court finds that the adult has 134046
made a voluntary, informed, and knowing waiver of the right to 134047
counsel. If the adult is indigent, the court shall appoint counsel 134048
to represent the adult. The board shall be represented by the 134049
county prosecutor or an attorney designated by the board. 134050

(D)(1) The court shall issue an order authorizing the board 134051
to arrange the protective services if it finds, on the basis of 134052
clear and convincing evidence, all of the following: 134053

(a) The adult has been abused, neglected, or exploited; 134054

(b) The adult is incapacitated; 134055

(c) There is a substantial risk to the adult of immediate 134056
physical harm or death; 134057

(d) The adult is in need of the services; 134058

(e) No person authorized by law or court order to give 134059
consent for the adult is available or willing to consent to the 134060
services. 134061

(2) The board shall develop a detailed protective service 134062
plan describing the services that the board will provide, or 134063
arrange for the provision of, to the adult to prevent further 134064
abuse, neglect, or exploitation. The board shall submit the plan 134065
to the court for approval. The protective service plan may be 134066
changed only by court order. 134067

(3) In formulating the order, the court shall consider the 134068
individual protective service plan and shall specifically 134069
designate the services that are necessary to deal with the abuse, 134070
neglect, or exploitation or condition resulting from abuse, 134071
neglect, or exploitation and that are available locally, and 134072
authorize the board to arrange for these services only. The court 134073
shall limit the provision of these services to a period not 134074
exceeding six months, renewable for an additional six-month period 134075
on a showing by the board that continuation of the order is 134076
necessary. 134077

(E) If the court finds that all other options for meeting the 134078
adult's needs have been exhausted, it may order that the adult be 134079
removed from the adult's place of residence and placed in another 134080
residential setting. Before issuing that order, the court shall 134081
consider the adult's choice of residence and shall determine that 134082
the new residential setting is the least restrictive alternative 134083
available for meeting the adult's needs and is a place where the 134084
adult can obtain the necessary requirements for daily living in 134085
safety. The court shall not order an adult to a hospital or public 134086
hospital as defined in section 5122.01 or a state institution as 134087
defined in section 5123.01 of the Revised Code. 134088

(F) The court shall not authorize a change in an adult's placement ordered under division (E) of this section unless it finds compelling reasons to justify a change. The parties to whom notice was given in division (B) of this section shall be given notice of a proposed change at least five working days prior to the change.

(G) The adult, the board, or any other person who received notice of the petition may file a motion for modification of the court order at any time.

(H) The county board shall pay court costs incurred in proceedings brought pursuant to this section. The adult shall not be required to pay for court-ordered services.

(I)(1) After the filing of a complaint for an order under this section, the court, prior to the final disposition, may enter any temporary order that the court finds necessary to protect the adult with mental retardation or a developmental disability from abuse, neglect, or exploitation including, but not limited to, the following:

(a) A temporary protection order;

(b) An order requiring the evaluation of the adult;

(c) An order requiring a party to vacate the adult's place of residence or legal settlement, provided that, subject to division (K)(1)(d) of this section, no operator of a residential facility licensed by the department may be removed under this division;

(d) In the circumstances described in, and in accordance with the procedures set forth in, section 5123.191 of the Revised Code, an order of the type described in that section that appoints a receiver to take possession of and operate a residential facility licensed by the department.

(2) The court may grant an ex parte order pursuant to this

division on its own motion or if a party files a written motion or 134119
makes an oral motion requesting the issuance of the order and 134120
stating the reasons for it if it appears to the court that the 134121
best interest and the welfare of the adult require that the court 134122
issue the order immediately. The court, if acting on its own 134123
motion, or the person requesting the granting of an ex parte 134124
order, to the extent possible, shall give notice of its intent or 134125
of the request to all parties, the adult's legal counsel, if any, 134126
~~and the legal rights service.~~ If the court issues an ex parte 134127
order, the court shall hold a hearing to review the order within 134128
seventy-two hours after it is issued or before the end of the next 134129
day after the day on which it is issued, whichever occurs first. 134130
The court shall give written notice of the hearing to all parties 134131
to the action. 134132

Section 120.21. That existing sections 3721.16, 5111.709, 134133
5119.221, 5122.01, 5122.02, 5122.27, 5122.271, 5122.29, 5122.31, 134134
5122.32, 5123.092, 5123.19, 5123.191, 5123.35, 5123.60, 5123.61, 134135
5123.63, 5123.64, 5123.69, 5123.701, 5123.86, 5123.99, and 5126.33 134136
of the Revised Code are hereby repealed. 134137

Section 120.22. That sections 5123.601, 5123.602, 5123.603, 134138
5123.604, and 5123.605 of the Revised Code are hereby repealed. 134139

Section 120.23. Sections 120.20, 120.21, and 120.22 of this 134140
act take effect October 1, 2012. 134141

Section 201.10. Except as otherwise provided in this act, all 134142
appropriation items in this act are appropriated out of any moneys 134143
in the state treasury to the credit of the designated fund that 134144
are not otherwise appropriated. For all appropriations made in 134145
this act, the amounts in the first column are for fiscal year 2012 134146
and the amounts in the second column are for fiscal year 2013. 134147

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Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

134149

General Services Fund Group

134150

4J80 889601 CPA Education \$ 200,000 \$ 200,000 134151
Assistance

4K90 889609 Operating Expenses \$ 977,200 \$ 977,500 134152

TOTAL GSF General Services Fund 134153

Group \$ 1,177,200 \$ 1,177,500 134154

TOTAL ALL BUDGET FUND GROUPS \$ 1,177,200 \$ 1,177,500 134155

Section 205.10. ADJ ADJUTANT GENERAL

134157

General Revenue Fund

134158

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 134159

GRF 745404 Air National Guard \$ 1,810,606 \$ 1,810,606 134160

GRF 745407 National Guard \$ 400,000 \$ 400,000 134161
Benefits

GRF 745409 Central \$ 2,692,098 \$ 2,692,098 134162
Administration

GRF 745499 Army National Guard \$ 3,687,888 \$ 3,689,871 134163

TOTAL GRF General Revenue Fund \$ 8,602,900 \$ 8,604,883 134164

General Services Fund Group

134165

5340 745612 Property Operations \$ 534,304 \$ 534,304 134166
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 134167
Activities

5360 745620 Camp Perry and \$ 1,178,311 \$ 978,846 134168
Buckeye Inn
Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 134169
Facilities
Maintenance

TOTAL GSF General Services Fund	\$	1,903,215	\$	1,703,750	134170
Group					
Federal Special Revenue Fund Group					134171
3410 745615 Air National Guard	\$	2,977,692	\$	2,977,692	134172
Base Security					
3420 745616 Army National Guard	\$	10,970,050	\$	10,970,050	134173
Service Agreement					
3E80 745628 Air National Guard	\$	16,958,595	\$	16,958,595	134174
Operations and					
Maintenance					
3R80 745603 Counter Drug	\$	25,000	\$	25,000	134175
Operations					
TOTAL FED Federal Special Revenue	\$	30,931,337	\$	30,931,337	134176
Fund Group					
State Special Revenue Fund Group					134177
5U80 745613 Community Match	\$	250,000	\$	250,000	134178
Armories					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	134179
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	41,687,452	\$	41,489,970	134180
NATIONAL GUARD BENEFITS					134181
The foregoing appropriation item 745407, National Guard					134182
Benefits, shall be used for purposes of sections 5919.31 and					134183
5919.33 of the Revised Code, and for administrative costs of the					134184
associated programs.					134185
For active duty members of the Ohio National Guard who died					134186
after October 7, 2001, while performing active duty, the death					134187
benefit, pursuant to section 5919.33 of the Revised Code, shall be					134188
paid to the beneficiary or beneficiaries designated on the					134189
member's Servicemembers' Group Life Insurance Policy.					134190
STATE ACTIVE DUTY COSTS					134191

Of the foregoing appropriation item 745409, Central Administration, \$50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department.

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Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

134199

General Revenue Fund

134200

GRF	100403	Public Employees	\$	400,000	\$	400,000	134201
		Health Care Program					
GRF	100415	OAKS Rental Payments	\$	23,024,500	\$	23,006,300	134202
GRF	100416	STARS Lease Rental Payments	\$	4,970,700	\$	4,971,300	134203
GRF	100418	Web Sites and Business Gateway	\$	2,895,063	\$	2,795,176	134204
GRF	100419	IT Security Infrastructure	\$	742,535	\$	742,648	134205
GRF	100439	Equal Opportunity Certification Programs	\$	625,000	\$	625,000	134206
GRF	100447	OBA - Building Rent Payments	\$	53,260,000	\$	83,504,200	134207
GRF	100448	OBA - Building Operating Payments	\$	21,000,000	\$	21,000,000	134208
GRF	100449	DAS - Building Operating Payments	\$	7,551,245	\$	7,551,571	134209
GRF	100451	Minority Affairs	\$	24,016	\$	24,016	134210
GRF	102321	Construction Compliance	\$	920,000	\$	920,000	134211
GRF	130321	State Agency Support Services	\$	2,779,457	\$	2,780,032	134212

TOTAL GRF General Revenue Fund	\$	118,192,516	\$	148,320,243	134213
General Services Fund Group					134214
1120 100616 DAS Administration	\$	5,974,625	\$	5,886,524	134215
1150 100632 Central Service Agency	\$	911,995	\$	912,305	134216
1170 100644 General Services	\$	13,000,000	\$	13,000,000	134217
Division - Operating					
1220 100637 Fleet Management	\$	3,978,827	\$	4,204,066	134218
1250 100622 Human Resources	\$	16,922,295	\$	16,717,009	134219
Division - Operating					
1250 100657 Benefits Communication	\$	925,586	\$	921,531	134220
1280 100620 Collective Bargaining	\$	3,462,529	\$	3,464,148	134221
1300 100606 Risk Management	\$	10,349,494	\$	12,149,884	134222
Reserve					
1310 100639 State Architect's	\$	9,812,132	\$	9,813,342	134223
Office					
1320 100631 DAS Building	\$	11,000,000	\$	11,000,000	134224
Management					
1330 100607 IT Services Delivery	\$	58,088,940	\$	58,103,005	134225
1880 100649 Equal Opportunity	\$	939,559	\$	863,013	134226
Division - Operating					
2100 100612 State Printing	\$	17,597,054	\$	16,659,526	134227
2290 100630 IT Governance	\$	14,000,000	\$	14,000,000	134228
2290 100640 Leveraged Enterprise	\$	3,000,000	\$	3,000,000	134229
Purchases					
4270 100602 Investment Recovery	\$	4,100,000	\$	4,100,000	134230
4N60 100617 Major IT Purchases	\$	1,950,000	\$	4,950,000	134231
4P30 100603 DAS Information	\$	5,047,565	\$	4,979,392	134232
Services					
5C20 100605 MARCS Administration	\$	14,075,705	\$	14,077,467	134233
5C30 100608 Skilled Trades	\$	404,297	\$	404,375	134234
5EB0 100635 OAKS Support	\$	19,000,539	\$	19,003,108	134235
Organization					
5EB0 100656 OAKS Updates and	\$	12,265,952	\$	8,743,462	134236

	Developments				
5HU0 100655	Construction Reform	\$	150,000	\$	150,000 134237
	Demo Compliance				
5L70 100610	Professional	\$	2,496,679	\$	2,496,760 134238
	Development				
5V60 100619	Employee Educational	\$	800,000	\$	850,000 134239
	Development				
5X30 100634	Centralized Gateway	\$	2,052,308	\$	2,052,308 134240
	Enhancement				
TOTAL GSF General Services Fund					134241
Group		\$	232,306,081	\$	232,501,225 134242
Federal Special Revenue Fund Group					134243
3AJ0 100654	ARRA Broadband Mapping	\$	270,756	\$	106,347 134244
	Grant				
TOTAL FED Federal Special Revenue					134245
Fund Group		\$	270,756	\$	106,347 134246
State Special Revenue Fund Group					134247
5JQ0 100658	Professions Licensing	\$	2,000,000	\$	1,000,000 134248
	System				
TOTAL SSR State Special Revenue					134249
Fund Group		\$	2,000,000	\$	1,000,000 134250
TOTAL ALL BUDGET FUND GROUPS		\$	352,769,353	\$	381,927,815 134251

Section 207.10.10. PUBLIC EMPLOYEES HEALTH CARE PROGRAM 134253

The foregoing appropriation item 100403, Public Employees 134254
 Health Care Program, shall be used by the Department of 134255
 Administrative Services to carry out its duties prescribed in 134256
 Section 515.60 of this act. 134257

Section 207.10.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM 134258

The Ohio Administrative Knowledge System (OAKS) is an 134259
 enterprise resource planning system that replaced the state's 134260

central services infrastructure systems, including, but not 134261
limited to, the Central Accounting System, the Human 134262
Resources/Payroll System, the Capital Improvements Projects 134263
Tracking System, the Fixed Assets Management System, and the 134264
Procurement System. The Department of Administrative Services, in 134265
conjunction with the Office of Budget and Management, may update 134266
or add functionality to the OAKS system that will support shared 134267
services, financial or human resources functions, and enterprise 134268
applications that improve the state's operational efficiency. This 134269
includes, but is not limited to, the installation and 134270
implementation of hardware and software. Any lease-purchase 134271
arrangement entered into under Chapter 125. of the Revised Code to 134272
finance the OAKS system and the enhancements described above, 134273
including any fractionalized interest therein, as defined in 134274
division (N) of section 133.01 of the Revised Code, shall provide 134275
that at the end of the lease period, the financed asset becomes 134276
the property of the state. 134277

Section 207.10.30. OAKS LEASE RENTAL PAYMENTS 134278

The foregoing appropriation item 100415, OAKS Rental 134279
Payments, shall be used for payments at the times they are 134280
required to be made for the period from July 1, 2011, through June 134281
30, 2013, pursuant to leases and agreements entered into under 134282
Chapter 125. of the Revised Code, as supplemented by Section 134283
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 134284
other prior acts of the General Assembly, with respect to 134285
financing the costs associated with the acquisition, development, 134286
installation, and implementation of the Ohio Administrative 134287
Knowledge System. If it is determined that additional 134288
appropriations are necessary for this purpose, the amounts are 134289
hereby appropriated. 134290

Section 207.10.40. STATE TAXATION ACCOUNTING AND REVENUE 134291

SYSTEM 134292

The Department of Administrative Services, in conjunction 134293
with the Department of Taxation, may acquire the State Taxation 134294
Accounting and Revenue System (STARS) pursuant to Chapter 125. of 134295
the Revised Code, including, but not limited to, the application 134296
hardware and software and installation and implementation thereof, 134297
for the use of the Department of Taxation. STARS is an integrated 134298
tax collection and audit system that will replace all of the 134299
state's existing separate tax software and administration systems 134300
for the various taxes collected by the state. Any lease-purchase 134301
arrangement used under Chapter 125. of the Revised Code to acquire 134302
STARS, including any fractionalized interests therein as defined 134303
in division (N) of section 133.01 of the Revised Code, shall 134304
provide that at the end of the lease period, STARS becomes the 134305
property of the state. 134306

Section 207.10.50. STARS LEASE RENTAL PAYMENTS 134307

The foregoing appropriation item 100416, STARS Lease Rental 134308
Payments, shall be used for payments at the times they are 134309
required to be made for the period from July 1, 2011, through June 134310
30, 2013, pursuant to leases and agreements entered into under 134311
Chapter 125. of the Revised Code, as supplemented by Section 134312
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 134313
other prior acts of the General Assembly, with respect to 134314
financing the cost for the acquisition, development, installation, 134315
and implementation of the State Taxation Accounting and Revenue 134316
System (STARS). If it is determined that additional appropriations 134317
are necessary for this purpose, the amounts are appropriated. 134318

Section 207.10.60. EQUAL OPPORTUNITY CERTIFICATION PROGRAMS 134319

The foregoing appropriation item 100439, Equal Opportunity 134320
Certification Programs, shall be used to pay costs associated with 134321

the equal employment opportunity project tracking software that 134322
were formerly paid from appropriation item 100423, EEO Project 134323
Tracking Software. 134324

Section 207.10.70. BUILDING RENT PAYMENTS 134325

The foregoing appropriation item 100447, OBA - Building Rent 134326
Payments, shall be used to meet all payments at the times they are 134327
required to be made during the period from July 1, 2011, through 134328
June 30, 2013, by the Department of Administrative Services to the 134329
Ohio Building Authority pursuant to leases and agreements under 134330
Chapter 152. of the Revised Code. These appropriations are the 134331
source of funds pledged for bond service charges on obligations 134332
issued pursuant to Chapter 152. of the Revised Code. 134333

The foregoing appropriation item 100448, OBA - Building 134334
Operating Payments, shall be used to meet all payments at the 134335
times that they are required to be made during the period from 134336
July 1, 2011, through June 30, 2013, by the Department of 134337
Administrative Services to the Ohio Building Authority pursuant to 134338
leases and agreements under Chapter 152. of the Revised Code, but 134339
limited to the aggregate amount of \$42,800,000. 134340

The payments to the Ohio Building Authority are for paying 134341
the expenses of agencies that occupy space in various state 134342
facilities. The Department of Administrative Services may enter 134343
into leases and agreements with the Ohio Building Authority 134344
providing for the payment of these expenses. The Ohio Building 134345
Authority shall report to the Department of Administrative 134346
Services and the Office of Budget and Management not later than 134347
five months after the start of each fiscal year the actual 134348
expenses incurred by the Ohio Building Authority in operating the 134349
facilities and any balances remaining from payments and rentals 134350
received in the prior fiscal year. The Department of 134351
Administrative Services shall reduce subsequent payments by the 134352

amount of the balance reported to it by the Ohio Building Authority. 134353
134354

Section 207.10.80. DAS - BUILDING OPERATING PAYMENTS 134355

The foregoing appropriation item 100449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2012 and 2013. 134356
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The foregoing appropriation item, 100449, DAS - Building Operating Payments, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state. 134360
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Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Building Management Fund (Fund 1320). 134366
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Section 207.10.90. CENTRAL SERVICE AGENCY FUND 134376

Appropriation item 100632, Central Service Agency, shall be used to purchase the equipment, products, and services that are needed to maintain existing automated applications for the professional licensing boards and to support board licensing functions in fiscal years 2012 and 2013 until these functions are replaced by the Ohio Professionals Licensing System. Appropriation 134377
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item 100632, Central Service Agency, may also be used for these 134383
purposes for the Casino Control Commission if the commission 134384
elects to use these automated applications for its licensing 134385
functions. The Department of Administrative Services shall 134386
establish charges for recovering the costs of carrying out these 134387
functions. The charges shall be billed to the professional 134388
licensing boards, and the Casino Control Commission if applicable, 134389
and deposited via intrastate transfer vouchers to the credit of 134390
the Central Service Agency Fund (Fund 1150). 134391

Section 207.20.10. GENERAL SERVICE CHARGES 134392

The Department of Administrative Services, with the approval 134393
of the Director of Budget and Management, shall establish charges 134394
for recovering the costs of administering the programs funded by 134395
the General Services Fund (Fund 1170) and the State Printing Fund 134396
(Fund 2100). Such charges within Fund 1170 may be used to recover 134397
the cost of paying a vendor to establish reduced pricing for 134398
contracted supplies or services. 134399

If the Director of Administrative Services determines that 134400
additional amounts are necessary to pay for consulting and 134401
administrative costs related to securing lower pricing, the 134402
Director of Administrative Services may request that the Director 134403
of Budget and Management approve additional expenditures. Such 134404
approved additional amounts are appropriated to appropriation item 134405
100644, General Services Division-Operating. 134406

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 134407

With approval of the Director of Budget and Management, the 134408
Department of Administrative Services may seek reimbursement from 134409
state agencies for the actual costs and expenses the Department 134410
incurs in the collective bargaining arbitration process. The 134411
reimbursements shall be processed through intrastate transfer 134412

vouchers and credited to the Collective Bargaining Fund (Fund 1280). 134413
134414

Section 207.20.30. EQUAL OPPORTUNITY PROGRAM 134415

The Department of Administrative Services, with the approval 134416
of the Director of Budget and Management, shall establish charges 134417
for recovering the costs of administering the activities supported 134418
by the State EEO Fund (Fund 1880). These charges shall be 134419
deposited to the credit of the State EEO Fund (Fund 1880) upon 134420
payment made by state agencies, state-supported or state-assisted 134421
institutions of higher education, and tax-supported agencies, 134422
municipal corporations, and other political subdivisions of the 134423
state, for services rendered. 134424

Section 207.20.40. INVESTMENT RECOVERY FUND 134425

Notwithstanding division (B) of section 125.14 of the Revised 134426
Code, cash balances in the Investment Recovery Fund (Fund 4270) 134427
may be used to support the operating expenses of the Federal 134428
Surplus Operating Program created in sections 125.84 to 125.90 of 134429
the Revised Code. 134430

Notwithstanding division (B) of section 125.14 of the Revised 134431
Code, cash balances in the Investment Recovery Fund may be used to 134432
support the operating expenses of the Asset Management Services 134433
Program, including, but not limited to, the cost of establishing 134434
and maintaining procedures for inventory records for state 134435
property as described in section 125.16 of the Revised Code. 134436

Of the foregoing appropriation item 100602, Investment 134437
Recovery, up to \$2,092,697 in fiscal year 2012 and up to 134438
\$2,092,697 in fiscal year 2013 may be used to pay the operating 134439
expenses of the State Surplus Property Program, the Surplus 134440
Federal Property Program, and the Asset Management Services 134441
Program under Chapter 125. of the Revised Code and this section. 134442

If additional appropriations are necessary for the operations of 134443
these programs, the Director of Administrative Services shall seek 134444
increased appropriations from the Controlling Board under section 134445
131.35 of the Revised Code. 134446

Of the foregoing appropriation item 100602, Investment 134447
Recovery, \$3,500,000 in each fiscal year shall be used to transfer 134448
proceeds from the sale of surplus property from the Investment 134449
Recovery Fund to non-General Revenue Funds under division (A)(2) 134450
of section 125.14 of the Revised Code. If it is determined by the 134451
Director of Administrative Services that additional amounts are 134452
necessary for the transfer of such sale proceeds, the Director of 134453
Administrative Services may request the Director of Budget and 134454
Management to authorize additional amounts. Such authorized 134455
additional amounts are hereby appropriated. 134456

Section 207.20.50. DAS INFORMATION SERVICES 134457

There is hereby established in the State Treasury the DAS 134458
Information Services Fund. The foregoing appropriation item 134459
100603, DAS Information Services, shall be used to pay the costs 134460
of providing information systems and services in the Department of 134461
Administrative Services. Any state agency, board, or commission 134462
may use DAS Information Services by paying for the services 134463
rendered. 134464

The Department of Administrative Services shall establish 134465
user charges for all information systems and services that are 134466
allowable in the statewide indirect cost allocation plan submitted 134467
annually to the United States Department of Health and Human 134468
Services. These charges shall comply with federal regulations and 134469
shall be deposited to the credit of the DAS Information Services 134470
Fund (Fund 4P30). 134471

Section 207.20.60. PROFESSIONAL DEVELOPMENT FUND 134472

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

Section 207.20.70. EMPLOYEE EDUCATIONAL DEVELOPMENT 134481

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

Section 207.20.80. CENTRALIZED GATEWAY ENHANCEMENT FUND 134497

(A) As used in this section, "Ohio Business Gateway" refers to the internet-based system operated by the Department of Administrative Services with the advice of the Ohio Business Gateway Steering Committee established under section 5703.57 of the Revised Code. The Ohio Business Gateway is established to

provide businesses a central web site where various filings and 134503
payments are submitted online to government. The information is 134504
then distributed to the various government entities that interact 134505
with the business community. 134506

(B) As used in this section: 134507

(1) "State Portal" refers to the official web site of the 134508
state, operated by the Department of Administrative Services. 134509

(2) "Shared Hosting Environment" refers to the computerized 134510
system operated by the Department of Administrative Services for 134511
the purpose of providing capability for state agencies to host web 134512
sites. 134513

(C) There is hereby created in the state treasury the 134514
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 134515
appropriation item 100634, Centralized Gateway Enhancement, shall 134516
be used by the Department of Administrative Services to pay the 134517
costs of enhancing, expanding, and operating the infrastructure of 134518
the Ohio Business Gateway, State Portal, and Shared Hosting 134519
Environment. The Director of Administrative Services shall submit 134520
spending plans to the Director of Budget and Management to justify 134521
operating transfers to the fund from the General Revenue Fund. 134522
Upon approval, the Director of Budget and Management shall 134523
transfer approved amounts to the fund, not to exceed the amount of 134524
the annual appropriation in each fiscal year. The spending plans 134525
may be based on the recommendations of the Ohio Business Gateway 134526
Steering Committee or its successor. 134527

Section 207.20.90. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 134528
FUND 134529

Upon request of the Director of Administrative Services, the 134530
Director of Budget and Management may make the following transfers 134531
from the Major IT Purchases Fund (Fund 4N60): 134532

(1) Up to \$2,800,000 in each fiscal year of the biennium to 134533
the State Architect's Fund (Fund 1310) to support the OAKS Capital 134534
Improvements Module and other costs of the State Architect's 134535
Office that are not directly related to capital projects managed 134536
by the State Architect; 134537

(2) Up to \$310,276 in fiscal year 2012 and up to \$305,921 in 134538
fiscal year 2013 to the Director's Office Fund (Fund 1120) to 134539
support operating expenses of the Accountability and Results 134540
Initiative. 134541

Section 207.20.93. CASH TRANSFERS FROM THE BUILDING 134542
MANAGEMENT FUND TO THE STATE ARCHITECT'S FUND 134543

Upon request of the Director of Administrative Services, the 134544
Director of Budget and Management may transfer up to \$2,000,000 134545
from the Building Management Fund (Fund 1320) to the State 134546
Architect's Fund (Fund 1310) to support the OAKS Capital 134547
Improvements Module and other costs of the State Architect's 134548
Office that are not directly related to capital projects managed 134549
by the State Architect. If the cash balance in the State 134550
Architect's Fund (Fund 1310) is determined to be sufficient, the 134551
Director of Administrative Services may request that the Director 134552
of Budget and Management transfer cash from the State Architect's 134553
Fund (Fund 1310) to the Building Management Fund (Fund 1320) in an 134554
amount equal to the initial cash transfer made under this section 134555
plus applicable interest. 134556

Section 207.30.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 134557
DEBT SERVICE PAYMENTS 134558

The Director of Administrative Services, in consultation with 134559
the Multi-Agency Radio Communication System (MARCS) Steering 134560
Committee and the Director of Budget and Management, shall 134561
determine the share of debt service payments attributable to 134562

spending for MARCS components that are not specific to any one 134563
agency and that shall be charged to agencies supported by the 134564
motor fuel tax. Such share of debt service payments shall be 134565
calculated for MARCS capital disbursements made beginning July 1, 134566
1997. Within thirty days of any payment made from appropriation 134567
item 100447, OBA - Building Rent Payments, the Director of 134568
Administrative Services shall certify to the Director of Budget 134569
and Management the amount of this share. The Director of Budget 134570
and Management shall transfer such amounts to the General Revenue 134571
Fund from the State Highway Safety Fund (Fund 7036) established in 134572
section 4501.06 of the Revised Code. 134573

The Director of Administrative Services shall consider 134574
renting or leasing existing tower sites at reasonable or current 134575
market rates, so long as these existing sites are equipped with 134576
the technical capabilities to support the MARCS project. 134577

Section 207.30.20. OHIO PROFESSIONALS LICENSING SYSTEM 134578

There is hereby created in the state treasury the Ohio 134579
Professionals Licensing System Fund (Fund 5JQ0). Appropriation 134580
item 100658, Ohio Professionals Licensing System, shall be used to 134581
make payments from the fund. The fund shall be used to purchase 134582
the equipment, products, and services necessary to develop and 134583
maintain a replacement automated licensing system for the 134584
professional licensing boards. The Director of Budget and 134585
Management may transfer up to a total of \$3,000,000 in cash from 134586
the Occupational Licensing and Regulatory Fund (4K90), the State 134587
Medical Board Operating Fund (Fund 5C60), and the Casino Control 134588
Commission - Operating Fund (Fund 5HS0) if the Casino Control 134589
Commission elects to use the replacement automated licensing 134590
system, to the Ohio Professionals Licensing System Fund during the 134591
FY 2012-FY 2013 biennium. These transfers shall be in proportion 134592
to the number of current licensees, or current and anticipated 134593

licensees in the case of the Casino Control Commission if 134594
applicable. The purpose of these cash transfers is to fund the 134595
initial acquisition and development of the system. Any cash 134596
balances not expended in fiscal year 2012 are reappropriated in 134597
fiscal year 2013. 134598

Effective with the implementation of the replacement 134599
licensing system, the Department of Administrative Services shall 134600
establish charges for recovering the costs of ongoing maintenance 134601
of the system. The charges shall be billed to the professional 134602
licensing boards, and the Casino Control Commission if applicable, 134603
and deposited via intrastate transfer vouchers to the credit of 134604
the Ohio Professionals Licensing System Fund. 134605

Section 207.30.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 134606

Whenever the Director of Administrative Services declares a 134607
"public exigency," as provided in division (C) of section 123.15 134608
of the Revised Code, the Director shall also notify the members of 134609
the Controlling Board. 134610

Section 209.10. AGE DEPARTMENT OF AGING 134611

General Revenue Fund 134612

GRF	490321	Operating Expenses	\$	1,501,616	\$	1,502,442	134613
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GRF	490410	Long-Term Care	\$	482,271	\$	482,271	134614
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Ombudsman

GRF	490411	Senior Community	\$	7,130,952	\$	7,131,236	134615
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Services

GRF	490414	Alzheimer's Respite	\$	1,917,740	\$	1,917,757	134616
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GRF	490423	Long Term Care Budget	\$	3,419,250	\$	3,419,250	134617
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- State

GRF	490506	National Senior	\$	241,413	\$	241,413	134618
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Service Corps

TOTAL GRF	General Revenue Fund	\$	14,693,242	\$	14,694,369	134619
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General Services Fund Group					134620
4800 490606 Senior Community	\$	372,518	\$	372,523	134621
Outreach and					
Education					
TOTAL GSF General Services Fund					134622
Group	\$	372,518	\$	372,523	134623
Federal Special Revenue Fund Group					134624
3220 490618 Federal Aging Grants	\$	14,000,000	\$	14,000,000	134625
3C40 490623 Long Term Care Budget	\$	3,525,000	\$	3,525,000	134626
3M40 490612 Federal Independence	\$	63,655,080	\$	63,655,080	134627
Services					
TOTAL FED Federal Special Revenue					134628
Fund Group	\$	81,180,080	\$	81,180,080	134629
State Special Revenue Fund Group					134630
4C40 490609 Regional Long-Term	\$	935,000	\$	935,000	134631
Care Ombudsman					
Program					
5BA0 490620 Ombudsman Support	\$	750,000	\$	750,000	134632
5K90 490613 Long Term Care	\$	1,059,400	\$	1,059,400	134633
Consumers Guide					
5W10 490616 Resident Services	\$	344,692	\$	344,700	134634
Coordinator Program					
TOTAL SSR State Special Revenue					134635
Fund Group	\$	3,089,092	\$	3,089,100	134636
TOTAL ALL BUDGET FUND GROUPS	\$	99,334,932	\$	99,336,072	134637

Section 209.20. LONG-TERM CARE 134639

Pursuant to an interagency agreement, the Department of Job 134640
and Family Services shall designate the Department of Aging to 134641
perform assessments under section 5111.204 of the Revised Code. 134642
The Department of Aging shall provide long-term care consultations 134643
under section 173.42 of the Revised Code to assist individuals in 134644

planning for their long-term health care needs. 134645

The Department of Aging shall administer the Medicaid 134646
waiver-funded PASSPORT Home Care Program, the Choices Program, the 134647
Assisted Living Program, and the PACE Program as delegated by the 134648
Department of Job and Family Services in an interagency agreement. 134649
The foregoing appropriation items 490423, Long Term Care Budget - 134650
State, and 490623, Long Term Care Budget, may be used to support 134651
the Department of Aging's administrative costs associated with 134652
operating the PASSPORT, Choices, Assisted Living, and PACE 134653
programs. 134654

Section 209.30. LONG-TERM CARE OMBUDSMAN 134655

The foregoing appropriation item 490410, Long-Term Care 134656
Ombudsman, shall be used for a program to fund ombudsman program 134657
activities as authorized in sections 173.14 to 173.27 and section 134658
173.99 of the Revised Code. 134659

SENIOR COMMUNITY SERVICES 134660

The foregoing appropriation item 490411, Senior Community 134661
Services, shall be used for services designated by the Department 134662
of Aging, including, but not limited to, home-delivered and 134663
congregate meals, transportation services, personal care services, 134664
respite services, adult day services, home repair, care 134665
coordination, and decision support systems. Service priority shall 134666
be given to low income, frail, and cognitively impaired persons 60 134667
years of age and over. The department shall promote cost sharing 134668
by service recipients for those services funded with senior 134669
community services funds, including, when possible, sliding-fee 134670
scale payment systems based on the income of service recipients. 134671

ALZHEIMER'S RESPITE 134672

The foregoing appropriation item 490414, Alzheimer's Respite, 134673
shall be used to fund only Alzheimer's disease services under 134674

section 173.04 of the Revised Code.	134675
SENIOR COMMUNITY OUTREACH AND EDUCATION	134676
The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.	134677 134678 134679 134680
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS	134681 134682
At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not 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.	134683 134684 134685 134686 134687 134688 134689 134690
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	134691
The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the Long-Term Care Ombudsman.	134692 134693 134694 134695
TRANSFER OF RESIDENT PROTECTION FUNDS	134696
In each fiscal year, the Director of Budget and Management may transfer up to \$750,000 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. The moneys in the Ombudsman Support Fund may be used by the state office of the Long-Term Care Ombudsman Program and by regional ombudsman programs to promote person-centered care in nursing homes.	134697 134698 134699 134700 134701 134702 134703 134704

On July 1, 2011, or as soon as possible thereafter, the Department of Aging shall certify to the Director of Budget and Management the amount of the cash balance in the Ombudsman Support Fund at the end of fiscal year 2011.

LONG-TERM CARE CONSUMERS GUIDE

The foregoing appropriation item 490613, Long-Term Care Consumers Guide, shall be used to conduct annual customer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide.

During fiscal year 2012 and fiscal year 2013, the Department of Aging shall identify methods and tools for assessing consumer satisfaction with adult care facilities and with the providers of home and community-based services. The Department shall also consider the development of a provider fee structure to support the inclusion of information about adult care facilities and providers of home and community-based services among the types of providers reviewed in the Ohio Long-Term Care Consumer Guide.

Section 209.40. UNIFIED LONG-TERM CARE SYSTEM ADVISORY WORKGROUP

(A) As used in this section, "long-term care services" means both of the following:

(1) Services of long-term care facilities as defined in section 173.14 of the Revised Code;

(2) Community-based long-term care services as defined in section 173.14 of the Revised Code.

(B) There is hereby created for fiscal year 2012 and fiscal year 2013 the Unified Long-Term Care System Advisory Workgroup. The Workgroup shall consist of the following members:

(1) The Director of Aging, or the Director's designee;

(2) The following persons appointed by the Governor:	134735
(a) Advocates for individuals who use long-term care services;	134736 134737
(b) Representatives of providers of long-term care services;	134738
(c) Representatives of managed care organizations under contract with the Department of Job and Family Services under section 5111.17 of the Revised Code;	134739 134740 134741
(d) State policy makers.	134742
(3) One member of the House of Representatives from the majority party and one member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;	134743 134744 134745 134746
(4) One member of the Senate from the majority party and one member of the Senate from the minority party, appointed by the President of the Senate.	134747 134748 134749
(C) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Except to the extent that serving on the Workgroup is part of a member's regular employment duties, a member of the Workgroup shall not be paid for the member's service on the Workgroup. Members of the Workgroup shall not be reimbursed for their expenses incurred in serving on the Workgroup.	134750 134751 134752 134753 134754 134755 134756
(D) The Director of Aging or the Director's designee shall serve as chairperson of the Workgroup. The Departments of Aging and Job and Family Services shall provide staff and other support services for the Workgroup.	134757 134758 134759 134760
(E) The Workgroup shall serve in an advisory capacity in the implementation of a unified system of long-term care services that facilitates all of the following:	134761 134762 134763
(1) Providing consumers choices of long-term care services	134764

that meet their health-care needs and improve their quality of life; 134765
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(2) Providing a continuum of long-term care services that meets consumers' needs throughout life and promotes consumers' independence and autonomy; 134767
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(3) Assuring that the state has a system of long-term care services that is cost effective and connects disparate services across agencies and jurisdictions. 134770
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(F) The Workgroup, with the assistance of the Directors of Job and Family Services and Budget and Management, shall submit two reports to the General Assembly in accordance with section 101.68 of the Revised Code regarding a unified system of long-term care services. The first report is due not later than July 1, 2012. The second report is due not later than July 1, 2013. A report due before the unified system of long-term care services is established shall discuss the progress being made in establishing the system. A report due after the system is established shall discuss the system's effectiveness. 134773
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Section 209.50. UNIFIED LONG-TERM CARE SYSTEM ADVISORY WORKGROUP SUBCOMMITTEES 134783
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The Unified Long-Term Care System Advisory Workgroup shall convene four subcommittees. 134785
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The first subcommittee shall study the current and future capacity of nursing facilities in this state, the configuration of that capacity, and strategies for addressing nursing facility capacity, including the ability of nursing facility operators to determine the number of beds to certify for participation in the Medicaid program. The subcommittee shall complete a report of the part of the study regarding the ability of nursing facility operators to determine the number of beds to certify for 134787
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participation in the Medicaid program not later than September 1, 2011.

For purposes related to division (D) of section 5111.244 of the Revised Code, the second subcommittee shall study the quality incentive payments to be paid to nursing facilities under the Medicaid program for fiscal year 2013, including accountability measures to be used in awarding points for the quality incentive payments and the methodology for calculating the quality incentive payments. The subcommittee shall complete a report of its study not later than September 1, 2011.

The third subcommittee shall study the process of making Medicaid eligibility determinations for individuals seeking nursing facility services. The subcommittee shall complete a report of its study not later than December 31, 2011.

The fourth subcommittee shall study Medicaid reimbursement for nursing facility services, including issues related to the composition of peer groups, methodologies used to calculate reimbursement for capital costs, and the proportion of the total nursing facility reimbursement rate that should be based on the quality of care nursing facilities provide. The subcommittee shall complete a report of its study not later than December 31, 2012.

Each subcommittee shall submit its report to the General Assembly in accordance with section 101.68 of the Revised Code and to the Directors of Aging, Health, and Job and Family Services. A subcommittee shall cease to exist on the submission of its report.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund						134820
GRF 700401	Animal Disease Control	\$	3,936,687	\$	3,936,687	134822
GRF 700403	Dairy Division	\$	1,088,115	\$	1,088,115	134823
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	134824

GRF 700406	Consumer Analytical Lab	\$ 1,287,556	\$ 1,287,556	134825
GRF 700407	Food Safety	\$ 848,792	\$ 848,792	134826
GRF 700409	Farmland Preservation	\$ 72,750	\$ 72,750	134827
GRF 700412	Weights and Measures	\$ 600,000	\$ 600,000	134828
GRF 700415	Poultry Inspection	\$ 392,978	\$ 392,978	134829
GRF 700418	Livestock Regulation Program	\$ 1,108,071	\$ 1,108,071	134830
GRF 700424	Livestock Testing and Inspections	\$ 102,770	\$ 102,770	134831
GRF 700499	Meat Inspection Program - State Share	\$ 4,175,097	\$ 4,175,097	134832
GRF 700501	County Agricultural Societies	\$ 391,413	\$ 391,413	134833
TOTAL GRF	General Revenue Fund	\$ 14,054,229	\$ 14,054,229	134834
	General Services Fund Group			134835
5DA0 700644	Laboratory Administration Support	\$ 1,094,867	\$ 1,094,867	134836
5GH0 700655	Central Support Indirect Cost	\$ 4,456,842	\$ 4,456,842	134837
TOTAL GSF	General Services Fund Group	\$ 5,551,709	\$ 5,551,709	134838
	Federal Special Revenue Fund Group			134839
3260 700618	Meat Inspection Program - Federal Share	\$ 4,950,000	\$ 4,950,000	134840
3360 700617	Ohio Farm Loan Revolving Fund	\$ 150,000	\$ 150,000	134841
3820 700601	Cooperative Contracts	\$ 2,000,000	\$ 2,000,000	134842
3AB0 700641	Agricultural Easement	\$ 1,000,000	\$ 1,000,000	134843
3J40 700607	Indirect Cost	\$ 600,000	\$ 600,000	134844

3R20	700614	Federal Plant	\$	1,000,000	\$	1,000,000	134845
		Industry					
TOTAL FED		Federal Special Revenue					134846
Fund Group			\$	9,700,000	\$	9,700,000	134847
State Special Revenue Fund Group							134848
4960	700626	Ohio Grape Industries	\$	846,611	\$	846,611	134849
4970	700627	Commodity Handlers	\$	483,402	\$	483,402	134850
		Regulatory Program					
4C90	700605	Commercial Feed and	\$	1,816,897	\$	1,816,897	134851
		Seed					
4D20	700609	Auction Education	\$	41,000	\$	41,000	134852
4E40	700606	Utility Radiological	\$	131,785	\$	131,785	134853
		Safety					
4P70	700610	Food Safety	\$	1,085,836	\$	1,085,836	134854
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	134855
4R20	700637	Dairy Industry	\$	1,758,247	\$	1,758,247	134856
		Inspection					
4T60	700611	Poultry and Meat	\$	180,000	\$	180,000	134857
		Inspection					
4T70	700613	Ohio Proud	\$	50,000	\$	50,000	134858
		International and					
		Domestic Market					
		Development					
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142	134859
5B80	700629	Auctioneers	\$	359,823	\$	359,823	134860
5FC0	700648	Plant Pest Program	\$	1,164,000	\$	1,164,000	134861
5H20	700608	Metrology Lab and	\$	750,000	\$	750,000	134862
		Scale Certification					
5HP0	700656	Livestock Care	\$	80,000	\$	80,000	134863
		Standards Board					
5L80	700604	Livestock Management	\$	584,000	\$	584,000	134864
		Program					

6520	700634	Animal and Consumer Analytical Laboratory	\$	4,366,383	\$	4,366,383	134865
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,418,041	\$	3,418,041	134866
TOTAL SSR State Special Revenue							134867
Fund Group			\$	18,321,667	\$	18,321,667	134868
Clean Ohio Conservation Fund Group							134869
7057	700632	Clean Ohio Agricultural Easement	\$	310,000	\$	310,000	134870
TOTAL CLF Clean Ohio Conservation Fund Group							134871
TOTAL ALL BUDGET FUND GROUPS			\$	47,937,605	\$	47,937,605	134872
COUNTY AGRICULTURAL SOCIETIES							134873
The foregoing appropriation item 700501, County Agricultural							134874
Societies, shall be used to reimburse county and independent							134875
agricultural societies for expenses related to Junior Fair							134876
activities.							134877
CLEAN OHIO AGRICULTURAL EASEMENT							134878
The foregoing appropriation item 700632, Clean Ohio							134879
Agricultural Easement, shall be used by the Department of							134880
Agriculture in administering Ohio Agricultural Easement Fund (Fund							134881
7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to							134882
5301.70 of the Revised Code.							134883
Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY							134884
General Services Fund Group							134885
5EG0	898608	Energy Strategy Development	\$	240,382	\$	240,681	134886
TOTAL GSF General Services Fund							134887
Agency Fund Group							134888

4Z90	898602	Small Business	\$	288,050	\$	288,232	134889
		Ombudsman					
5700	898601	Operating Expenses	\$	323,980	\$	323,980	134890
5A00	898603	Small Business	\$	71,087	\$	71,087	134891
		Assistance					
TOTAL AGY	Agency Fund Group		\$	683,117	\$	683,299	134892
TOTAL ALL BUDGET FUND GROUPS			\$	923,499	\$	923,980	134893

Section 213.20. ENERGY STRATEGY DEVELOPMENT 134895

The Ohio Air Quality Development Authority shall establish 134896
the Energy Strategy Development Program for the purpose of 134897
developing energy initiatives, projects, and policy for the state. 134898
Issues addressed by such initiatives, projects, and policy shall 134899
not be limited to those governed by Chapter 3706. of the Revised 134900
Code. 134901

There is hereby created in the state treasury the Energy 134902
Strategy Development Fund (Fund 5EG0). The fund shall consist of 134903
money credited to it and money obtained for advanced energy 134904
projects from federal or private grants, loans, or other sources. 134905
Money in the fund shall be used to carry out the purposes of the 134906
program. Interest earned on the money in the fund shall be 134907
credited to the General Revenue Fund. 134908

On July 1 of each fiscal year, or as soon as possible 134909
thereafter, the Director of Budget and Management may transfer 134910
cash from the funds specified below, in the amounts specified 134911
below, to the Energy Strategy Development Fund. Fund 5EG0 may 134912
accept contributions and transfers made to the fund. On July 1, 134913
2013, or as soon as possible thereafter, the Director shall 134914
transfer to the General Revenue Fund all cash credited to Fund 134915
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 134916

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2012</u>	<u>FY 2013</u>	
1170	Office Services	Department of	\$27,405	\$27,439	134918

		Administrative Services			
5GH0	Central Support	Department of	\$27,405	\$27,439	134919
	Indirect Cost	Agriculture			
1350	Supportive	Department of	\$27,405	\$27,439	134920
	Services	Development			
2190	Central Support	Environmental	\$27,405	\$27,439	134921
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	134922
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	134923
		Transportation			

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 134924

AUTHORITY TRUST ACCOUNT 134925

Notwithstanding any other provision of law to the contrary, 134926
the Air Quality Development Authority may reimburse the Air 134927
Quality Development Authority trust account established under 134928
section 3706.10 of the Revised Code from all operating funds of 134929
the agency for expenses pertaining to the administration and 134930
shared costs incurred by the Air Quality Development Authority in 134931
the execution of responsibilities as prescribed in Chapter 3706. 134932
of the Revised Code. Reimbursement shall be made by voucher and 134933
completed in accordance with the administrative indirect costs 134934
allocation plan approved by the Office of Budget and Management. 134935

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 134936

SERVICES 134937

General Revenue Fund 134938

GRF	038401	Treatment Services	\$	11,225,590	\$	7,020,974	134939
GRF	038404	Prevention Services	\$	868,659	\$	868,659	134940

GRF 038501	Medicaid Match	\$	23,959,113	\$	0	134941
TOTAL GRF	General Revenue Fund	\$	36,053,362	\$	7,889,633	134942
	General Services Fund					134943
5T90 038616	Problem Gambling	\$	335,000	\$	335,000	134944
	Services					
TOTAL GSF	General Services Fund	\$	335,000	\$	335,000	134945
	Group					
	Federal Special Revenue Fund Group					134946
3G40 038614	Substance Abuse Block	\$	69,000,000	\$	69,000,000	134947
	Grant					
3H80 038609	Demonstration Grants	\$	8,675,580	\$	8,675,580	134948
3J80 038610	Medicaid	\$	69,200,000	\$	0	134949
3N80 038611	Administrative	\$	300,000	\$	300,000	134950
	Reimbursement					
TOTAL FED	Federal Special Revenue					134951
	Fund Group	\$	147,175,580	\$	77,975,580	134952
	State Special Revenue Fund Group					134953
4750 038621	Statewide Treatment	\$	16,000,000	\$	14,000,000	134954
	and Prevention					
5JW0 038615	Board Match	\$	3,000,000	\$	3,000,000	134955
	Reimbursement					
6890 038604	Education and	\$	75,000	\$	75,000	134956
	Conferences					
TOTAL SSR	State Special Revenue					134957
	Fund Group	\$	19,075,000	\$	17,075,000	134958
TOTAL ALL BUDGET FUND GROUPS		\$	202,638,942	\$	103,275,213	134959

Section 215.20. ALCOHOL AND DRUG ADDICTION MEDICAID MATCH 134961

(A) As used in this section, "community alcohol and drug 134962
addiction Medicaid services" means services provided under the 134963
component, or aspect of the component, of the Medicaid program 134964
that the Department of Alcohol and Drug Addiction Services 134965

administers pursuant to a contract entered into with the 134966
Department of Job and Family Services under section 5111.91 of the 134967
Revised Code. 134968

(B) Subject to division (C) of this section, the foregoing 134969
appropriation item 038501, Medicaid Match, shall be used by the 134970
Department of Alcohol and Drug Addiction Services to make payments 134971
for community alcohol and drug addiction Medicaid services. 134972

(C) For state fiscal year 2012, the Department shall allocate 134973
foregoing appropriation item 038501, Medicaid Match, and a portion 134974
of appropriation item 038621, Statewide Treatment and Prevention, 134975
to boards of alcohol, drug addiction, and mental health services 134976
in accordance with a distribution methodology the Department shall 134977
establish. Notwithstanding sections 5111.911 and 5111.913 of the 134978
Revised Code, the boards shall use the funds allocated to them 134979
under this section to pay claims for community alcohol and drug 134980
addiction Medicaid services provided during fiscal year 2012. The 134981
boards shall use all federal financial participation that the 134982
Department receives for claims paid for community alcohol and drug 134983
addiction Medicaid services provided during fiscal year 2012 as 134984
the first payment source to pay claims for community alcohol and 134985
drug addiction Medicaid services provided during fiscal year 2012. 134986
The boards are not required to use any funds other than the funds 134987
allocated to them under this section and the federal financial 134988
participation received for claims for community alcohol and drug 134989
addiction Medicaid services provided during fiscal year 2012 to 134990
pay for such claims. 134991

(D) The Department shall enter into an agreement with each 134992
board regarding the issue of paying claims that are for community 134993
alcohol and drug addiction Medicaid services provided before July 134994
1, 2011, and submitted for payment on or after that date. Such 134995
claims shall be paid in accordance with the agreements. A board 134996
shall receive the federal financial participation received for 134997

claims for community alcohol and drug addiction Medicaid services 134998
that were provided before July 1, 2011, and paid by the board. 134999

Section 217.10. ARC ARCHITECTS BOARD 135000

General Services Fund Group 135001
4K90 891609 Operating Expenses \$ 494,459 \$ 478,147 135002
TOTAL GSF General Services Fund 135003
Group \$ 494,459 \$ 478,147 135004
TOTAL ALL BUDGET FUND GROUPS \$ 494,459 \$ 478,147 135005

Section 219.10. ART OHIO ARTS COUNCIL 135007

General Revenue Fund 135008
GRF 370321 Operating Expenses \$ 1,605,704 \$ 1,605,704 135009
GRF 370502 State Program \$ 6,000,000 \$ 8,000,000 135010
Subsidies
TOTAL GRF General Revenue Fund \$ 7,605,704 \$ 9,605,704 135011
General Services Fund Group 135012
4600 370602 Management Expenses \$ 247,000 \$ 247,000 135013
and Donations
4B70 370603 Percent for Art \$ 247,000 \$ 247,000 135014
Acquisitions
TOTAL GSF General Services Fund \$ 494,000 \$ 494,000 135015
Group
Federal Special Revenue Fund Group 135016
3140 370601 Federal Support \$ 1,000,000 \$ 1,000,000 135017
TOTAL FED Federal Special Revenue \$ 1,000,000 \$ 1,000,000 135018
Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 9,099,704 \$ 11,099,704 135019

FEDERAL SUPPORT 135020

Notwithstanding any provision of law to the contrary, the 135021
foregoing appropriation item 370601, Federal Support, shall be 135022

used by the Ohio Arts Council for subsidies only, and not for its 135023
administrative costs, unless the Council is required to use a 135024
portion of the funds for administrative costs under conditions of 135025
the federal grant. 135026

Section 221.10. ATH ATHLETIC COMMISSION 135027

General Services Fund Group 135028
4K90 175609 Operating Expenses \$ 281,904 \$ 292,509 135029
TOTAL GSF General Services Fund \$ 281,904 \$ 292,509 135030
Group
TOTAL ALL BUDGET FUND GROUPS \$ 281,904 \$ 292,509 135031

Section 223.10. AGO ATTORNEY GENERAL 135033

General Revenue Fund 135034
GRF 055321 Operating Expenses \$ 42,514,169 \$ 42,514,169 135035
GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 135036
GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 135037
Supplement
GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 135038
Pay Supplement
TOTAL GRF General Revenue Fund \$ 44,203,589 \$ 44,203,589 135039
General Services Fund Group 135040
1060 055612 General Reimbursement \$ 43,357,968 \$ 43,011,277 135041
1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 135042
Section
4180 055615 Charitable \$ 7,286,000 \$ 7,286,000 135043
Foundations
4200 055603 Attorney General \$ 1,871,674 \$ 1,839,074 135044
Antitrust
4210 055617 Police Officers' \$ 2,124,942 \$ 2,088,805 135045
Training Academy Fee
4Z20 055609 BCI Asset Forfeiture \$ 1,529,685 \$ 1,521,731 135046

		and Cost				
		Reimbursement				
5900	055633	Peace Officer Private	\$	98,370	\$	98,370 135047
		Security Fund				
5A90	055618	Telemarketing Fraud	\$	7,500	\$	7,500 135048
		Enforcement				
5L50	055619	Law Enforcement	\$	300,222	\$	0 135049
		Assistance Program				
6310	055637	Consumer Protection	\$	3,799,115	\$	3,718,973 135050
		Enforcement				
TOTAL GSF General Services Fund						135051
Group						\$ 68,790,980 \$ 67,987,234 135052
Federal Special Revenue Fund Group						135053
3060	055620	Medicaid Fraud	\$	4,211,235	\$	4,122,399 135054
		Control				
3810	055611	Civil Rights Legal	\$	402,540	\$	402,540 135055
		Service				
3830	055634	Crime Victims	\$	13,000,000	\$	13,000,000 135056
		Assistance				
3E50	055638	Attorney General	\$	1,223,606	\$	1,222,172 135057
		Pass-Through Funds				
3R60	055613	Attorney General	\$	3,823,251	\$	3,673,251 135058
		Federal Funds				
TOTAL FED Federal Special Revenue						135059
Fund Group						\$ 22,660,632 \$ 22,420,362 135060
State Special Revenue Fund Group						135061
4020	055616	Victims of Crime	\$	26,000,000	\$	26,000,000 135062
4170	055621	Domestic Violence	\$	25,000	\$	25,000 135063
		Shelter				
4190	055623	Claims Section	\$	44,197,843	\$	41,953,025 135064
4L60	055606	DARE Programs	\$	4,477,962	\$	4,477,962 135065
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000 135066

6590	055641	Solid and Hazardous Waste Background Investigations	\$	662,227	\$	651,049	135067
TOTAL SSR State Special Revenue							135068
Fund Group			\$	75,963,032	\$	73,707,036	135069
Holding Account Redistribution Fund Group							135070
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	135071
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	135072
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	135073
R042	055601	Organized Crime Commission Distributions	\$	25,025	\$	25,025	135074
R054	055650	Collection Outside Counsel Payments	\$	4,500,000	\$	4,500,000	135075
TOTAL 090 Holding Account Redistribution Fund Group							135076
Tobacco Master Settlement Agreement Fund Group			\$	6,276,025	\$	6,276,025	135077
J087	055635	Law Enforcement Technology, Training, and Facility Enhancements	\$	2,300,000	\$	0	135079
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,527,992	\$	2,514,690	135080
TOTAL TSF Tobacco Master Settlement Agreement Fund Group							135081
TOTAL ALL BUDGET FUND GROUPS			\$	222,722,250	\$	217,108,936	135082
COUNTY SHERIFFS' PAY SUPPLEMENT							135083
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the							135084 135085

annual compensation of county sheriffs as required by section 135086
325.06 of the Revised Code. 135087

At the request of the Attorney General, the Director of 135088
Budget and Management may transfer appropriation from 135089
appropriation item 055321, Operating Expenses, to appropriation 135090
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 135091
transferred shall be used to supplement the annual compensation of 135092
county sheriffs as required by section 325.06 of the Revised Code. 135093

COUNTY PROSECUTORS' PAY SUPPLEMENT 135094

The foregoing appropriation item 055415, County Prosecutors' 135095
Pay Supplement, shall be used for the purpose of supplementing the 135096
annual compensation of certain county prosecutors as required by 135097
section 325.111 of the Revised Code. 135098

At the request of the Attorney General, the Director of 135099
Budget and Management may transfer appropriation from 135100
appropriation item 055321, Operating Expenses, to appropriation 135101
item 055415, County Prosecutors' Pay Supplement. Any appropriation 135102
so transferred shall be used to supplement the annual compensation 135103
of county prosecutors as required by section 325.111 of the 135104
Revised Code. 135105

GENERAL REIMBURSEMENT FUND 135106

Notwithstanding any other provision of law to the contrary, 135107
on July 1, 2011, or as soon as possible thereafter, the Director 135108
of Budget and Management shall transfer \$160,000 cash from the 135109
General Revenue Fund to the General Reimbursement Fund (Fund 1060) 135110
used by the Office of the Attorney General. 135111

WORKERS' COMPENSATION SECTION 135112

The Workers' Compensation Fund (Fund 1950) is entitled to 135113
receive payments from the Bureau of Workers' Compensation and the 135114
Ohio Industrial Commission at the beginning of each quarter of 135115

each fiscal year to fund legal services to be provided to the 135116
Bureau of Workers' Compensation and the Ohio Industrial Commission 135117
during the ensuing quarter. The advance payment shall be subject 135118
to adjustment. 135119

In addition, the Bureau of Workers' Compensation shall 135120
transfer payments at the beginning of each quarter for the support 135121
of the Workers' Compensation Fraud Unit. 135122

All amounts shall be mutually agreed upon by the Attorney 135123
General, the Bureau of Workers' Compensation, and the Ohio 135124
Industrial Commission. 135125

ATTORNEY GENERAL PASS-THROUGH FUNDS 135126

The foregoing appropriation item 055638, Attorney General 135127
Pass-Through Funds, shall be used to receive federal grant funds 135128
provided to the Attorney General by other state agencies, 135129
including, but not limited to, the Department of Youth Services 135130
and the Department of Public Safety. 135131

GENERAL HOLDING ACCOUNT 135132

The foregoing appropriation item 055631, General Holding 135133
Account, shall be used to distribute moneys under the terms of 135134
relevant court orders or other settlements received in a variety 135135
of cases involving the Office of the Attorney General. If it is 135136
determined that additional amounts are necessary for this purpose, 135137
the amounts are hereby appropriated. 135138

ANTITRUST SETTLEMENTS 135139

The foregoing appropriation item 055632, Antitrust 135140
Settlements, shall be used to distribute moneys under the terms of 135141
relevant court orders or other out of court settlements in 135142
antitrust cases or antitrust matters involving the Office of the 135143
Attorney General. If it is determined that additional amounts are 135144
necessary for this purpose, the amounts are hereby appropriated. 135145

CONSUMER FRAUDS	135146
The foregoing appropriation item 055630, Consumer Frauds,	135147
shall be used for distribution of moneys from court-ordered	135148
judgments against sellers in actions brought by the Office of	135149
Attorney General under sections 1334.08 and 4549.48 and division	135150
(B) of section 1345.07 of the Revised Code. These moneys shall be	135151
used to provide restitution to consumers victimized by the fraud	135152
that generated the court-ordered judgments. If it is determined	135153
that additional amounts are necessary for this purpose, the	135154
amounts are hereby appropriated.	135155
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	135156
The foregoing appropriation item 055601, Organized Crime	135157
Commission Distributions, shall be used by the Organized Crime	135158
Investigations Commission, as provided by section 177.011 of the	135159
Revised Code, to reimburse political subdivisions for the expenses	135160
the political subdivisions incur when their law enforcement	135161
officers participate in an organized crime task force. If it is	135162
determined that additional amounts are necessary for this purpose,	135163
the amounts are hereby appropriated.	135164
COLLECTION OUTSIDE COUNSEL PAYMENTS	135165
The foregoing appropriation item 055650, Collection Outside	135166
Counsel Payments, shall be used for the purpose of paying	135167
contingency counsel fees for cases where debtors mistakenly paid	135168
the client agencies instead of the Attorney General's Revenue	135169
Recovery/Collections Enforcement Section. If it is determined that	135170
additional amounts are necessary for this purpose, the amounts are	135171
hereby appropriated.	135172
Section 225.10. AUD AUDITOR OF STATE	135173
General Revenue Fund	135174
GRF 070321 Operating Expenses \$ 27,434,452 \$ 27,434,452	135175

GRF 070403	Fiscal	\$	800,000	\$	800,000	135176
	Watch/Emergency					
	Technical Assistance					
TOTAL GRF	General Revenue Fund	\$	28,234,452	\$	28,234,452	135177
	Auditor of State Fund Group					135178
1090 070601	Public Audit Expense	\$	9,000,000	\$	8,700,000	135179
	- Intra-State					
4220 070602	Public Audit Expense	\$	31,422,959	\$	31,052,999	135180
	- Local Government					
5840 070603	Training Program	\$	181,250	\$	181,250	135181
5JZ0 070606	LEAP Revolving Loans	\$	850,000	\$	650,000	135182
6750 070605	Uniform Accounting	\$	3,500,000	\$	3,500,000	135183
	Network					
TOTAL AUD	Auditor of State Fund					135184
Group		\$	44,954,209	\$	44,084,249	135185
TOTAL ALL BUDGET FUND GROUPS		\$	73,188,661	\$	72,318,701	135186
	FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					135187
	The foregoing appropriation item 070403, Fiscal					135188
	Watch/Emergency Technical Assistance, shall be used for expenses					135189
	incurred by the Office of the Auditor of State in its role					135190
	relating to fiscal watch or fiscal emergency activities under					135191
	Chapters 118. and 3316. of the Revised Code. Expenses include, but					135192
	are not limited to, the following: duties related to the					135193
	determination or termination of fiscal watch or fiscal emergency					135194
	of municipal corporations, counties, townships, or school					135195
	districts; development of preliminary accounting reports;					135196
	performance of annual forecasts; provision of performance audits;					135197
	and supervisory, accounting, or auditing services for the					135198
	municipal corporations, counties, townships, or school districts.					135199
	An amount equal to the unexpended, unencumbered portion of					135200
	appropriation item 070403, Fiscal Watch/Emergency Technical					135201
	Assistance, at the end of fiscal year 2012 is hereby					135202

reappropriated for the same purpose in fiscal year 2013. 135203

Section 227.10. BRB BOARD OF BARBER EXAMINERS 135204

General Services Fund Group 135205

4K90 877609 Operating Expenses \$ 656,320 \$ 649,211 135206

TOTAL GSF General Services Fund 135207

Group \$ 656,320 \$ 649,211 135208

TOTAL ALL BUDGET FUND GROUPS \$ 656,320 \$ 649,211 135209

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 135211

General Revenue Fund 135212

GRF 042321 Budget Development \$ 2,362,025 \$ 2,378,166 135213
and Implementation

GRF 042409 Commission Closures \$ 50,000 \$ 50,000 135214

GRF 042416 Office of Health \$ 306,285 \$ 0 135215
Transformation

GRF 042423 Liquor Enterprise \$ 500,000 \$ 0 135216
Transaction

TOTAL GRF General Revenue Fund \$ 3,218,310 \$ 2,428,166 135217

General Services Fund Group 135218

1050 042603 State Accounting and \$ 21,917,230 \$ 22,006,331 135219
Budgeting

5N40 042602 OAKS Project \$ 1,358,000 \$ 1,309,500 135220
Implementation

5Z80 042608 Office of Health \$ 57,752 \$ 0 135221
Transformation

Administration

TOTAL GSF General Services Fund \$ 23,332,982 \$ 23,315,831 135222

Group

Federal Special Revenue Fund Group 135223

3CM0 042606 Office of Health \$ 384,037 \$ 145,500 135224
Transformation -

Federal

TOTAL FED Federal Special Revenue	\$	384,037	\$	145,500	135225
Fund Group					
Agency Fund Group					135226
5EH0 042604 Forgery Recovery	\$	50,000	\$	50,000	135227
TOTAL AGY Agency Fund Group	\$	50,000	\$	50,000	135228
TOTAL ALL BUDGET FUND GROUPS	\$	26,985,329	\$	25,939,497	135229

COMMISSION CLOSURES 135230

The foregoing appropriation item 042409, Commission Closures, 135231
 may be used to pay obligations associated with the closure of the 135232
 Commission on Dispute Resolution and Conflict Management, the 135233
 School Employees Health Care Board, the Legal Rights Service, and 135234
 the Workers' Compensation Council. Notwithstanding any provision 135235
 of law to the contrary, this appropriation item may also be used 135236
 to pay final payroll expenses occurring after the closure of the 135237
 Commission on Dispute Resolution and Conflict Management, the 135238
 School Employees Health Care Board, the Legal Rights Service, and 135239
 the Workers' Compensation Council in the event that appropriations 135240
 or cash in the closing agency are insufficient to do so. 135241

The Director of Budget and Management may request Controlling 135242
 Board approval for funds to be transferred to appropriation item 135243
 042409, Commission Closures, from appropriation item 911614, CB 135244
 Emergency Purposes, for anticipated expenses associated with 135245
 agency closures. 135246

LIQUOR ENTERPRISE TRANSACTION 135247

The foregoing appropriation item 042423, Liquor Enterprise 135248
 Transaction, shall be used by the Director of Budget and 135249
 Management, without need for any other approval, to retain or 135250
 contract for the services of commercial appraisers, underwriters, 135251
 investment bankers, and financial advisers, as are necessary in 135252
 the Director's judgment to commence negotiation of the transfer 135253

agreement referred to in sections 4313.01 and 4313.02 of the 135254
Revised Code, as enacted by this act. Any amounts expended from 135255
appropriation item 042423 shall be reimbursed from the proceeds of 135256
the enterprise acquisition project transaction authorized in those 135257
sections. 135258

The Director of Budget and Management, in consultation with 135259
the Director of Commerce, may negotiate an initial agreement with 135260
JobsOhio, which shall be executed by the Directors of Budget and 135261
Management and Commerce upon its completion. 135262

AUDIT COSTS AND DUES 135263

All centralized audit costs associated with either Single 135264
Audit Schedules or financial statements prepared in conformance 135265
with generally accepted accounting principles for the state shall 135266
be paid from the foregoing appropriation item 042603, State 135267
Accounting and Budgeting. 135268

Costs associated with the audit of the Auditor of State and 135269
national association dues shall be paid from the foregoing 135270
appropriation item 042321, Budget Development and Implementation. 135271

SHARED SERVICES CENTER 135272

The Director of Budget and Management shall use the OAKS 135273
Project Implementation Fund (Fund 5N40) and the Accounting and 135274
Budgeting Fund (Fund 1050) to support a Shared Services Center 135275
within the Office of Budget and Management for the purpose of 135276
consolidating statewide business functions and common 135277
transactional processes. 135278

The Director of Budget and Management shall include the 135279
recovery of costs to operate the Shared Services Center in the 135280
accounting and budgeting services payroll rate and through a 135281
direct charge using intrastate transfer vouchers to agencies for 135282
services rendered. The Director of Budget and Management shall 135283
determine the cost recovery methodology. Such cost recovery 135284

revenues shall be deposited to the credit of Fund 1050.	135285
INTERNAL CONTROL AND AUDIT OVERSIGHT	135286
The Director of Budget and Management shall include the	135287
recovery of costs to operate the Internal Control and Audit	135288
Oversight Program in the accounting and budgeting services payroll	135289
rate and through a direct charge using intrastate transfer	135290
vouchers to agencies reviewed by the program. The Director of	135291
Budget and Management, with advice from the Internal Audit	135292
Advisory Council, shall determine the cost recovery methodology.	135293
Such cost recovery revenues shall be deposited to the credit of	135294
the Accounting and Budgeting Fund (Fund 1050).	135295
FORGERY RECOVERY	135296
The foregoing appropriation item 042604, Forgery Recovery,	135297
shall be used to reissue warrants that have been certified as	135298
forgeries by the rightful recipient as determined by the Bureau of	135299
Criminal Identification and Investigation and the Treasurer of	135300
State. Upon receipt of funds to cover the reissuance of the	135301
warrant, the Director of Budget and Management shall reissue a	135302
state warrant of the same amount.	135303
GRF TRANSFER TO THE OAKS PROJECT IMPLEMENTATION FUND	135304
On July 1 of each fiscal year, or as soon as possible	135305
thereafter, the Director of Budget and Management shall transfer	135306
an amount not to exceed \$1,100,000 in cash from the General	135307
Revenue Fund to the OAKS Project Implementation Fund (Fund 5N40).	135308
Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD	135309
General Revenue Fund	135310
GRF 874100 Personal Services \$ 1,272,017 \$ 1,272,017	135311
GRF 874320 Maintenance and \$ 529,391 \$ 529,391	135312
Equipment	
TOTAL GRF General Revenue Fund \$ 1,801,408 \$ 1,801,408	135313

General Services Fund Group					135314
4G50 874603 Capitol Square	\$	15,000	\$	15,000	135315
Education Center and					
Arts					
4S70 874602 Statehouse Gift	\$	686,708	\$	686,708	135316
Shop/Events					
TOTAL GSF General Services					135317
Fund Group	\$	701,708	\$	701,708	135318
Underground Parking Garage					135319
2080 874601 Underground Parking	\$	3,290,052	\$	3,186,573	135320
Garage Operations					
TOTAL UPG Underground Parking					135321
Garage	\$	3,290,052	\$	3,186,573	135322
TOTAL ALL BUDGET FUND GROUPS	\$	5,793,168	\$	5,689,689	135323
WAREHOUSE PAYMENTS					135324
Of the foregoing appropriation item 874601, Underground					135325
Parking Garage Operations, \$48,000 in each fiscal year shall be					135326
used to meet all payments at the times they are required to be					135327
made during the period from July 1, 2011, through June 30, 2013,					135328
to the Ohio Building Authority for bond service charges relating					135329
to the purchase and improvement of a warehouse acquired pursuant					135330
to section 105.41 of the Revised Code, in which to store items of					135331
the Capitol Collection Trust and, whenever necessary, equipment or					135332
other property of the Board.					135333
UNDERGROUND PARKING GARAGE FUND					135334
Notwithstanding division (G) of section 105.41 of the Revised					135335
Code and any other provision to the contrary, moneys in the					135336
Underground Parking Garage Fund (Fund 2080) may be used for					135337
personnel and operating costs related to the operations of the					135338
Statehouse and the Statehouse Underground Parking Garage.					135339

Section 233.10.	SCR STATE BOARD OF CAREER COLLEGES AND				135340
	SCHOOLS				135341
	General Services Fund Group				135342
4K90 233601	Operating Expenses	\$	558,658	\$	579,328 135343
TOTAL GSF	General Services Fund	\$	558,658	\$	579,328 135344
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	558,658	\$	579,328 135345
Section 235.10.	CAC CASINO CONTROL COMMISSION				135347
	State Special Revenue Fund Group				135348
5HS0 955321	Casino Control -	\$	8,263,312	\$	13,121,283 135349
	Operating				
TOTAL SSR	State Special Revenue	\$	8,263,312	\$	13,121,283 135350
	Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$	8,263,312	\$	13,121,283 135351
Section 237.10.	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD				135353
	General Services Fund Group				135354
4K90 930609	Operating Expenses	\$	433,734	\$	417,827 135355
TOTAL GSF	General Services Fund	\$	433,734	\$	417,827 135356
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	433,734	\$	417,827 135357
Section 239.10.	CHR STATE CHIROPRACTIC BOARD				135359
	General Services Fund Group				135360
4K90 878609	Operating Expenses	\$	592,916	\$	584,925 135361
TOTAL GSF	General Services Fund	\$	592,916	\$	584,925 135362
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	592,916	\$	584,925 135363
Section 241.10.	CIV OHIO CIVIL RIGHTS COMMISSION				135365

General Revenue Fund				135366
GRF 876321 Operating Expenses	\$	4,725,784	\$ 4,725,784	135367
TOTAL GRF General Revenue Fund	\$	4,725,784	\$ 4,725,784	135368
General Services Fund Group				135369
2170 876604 Operations Support	\$	8,000	\$ 8,000	135370
TOTAL GSF General Services				135371
Fund Group	\$	8,000	\$ 8,000	135372
Federal Special Revenue Fund Group				135373
3340 876601 Federal Programs	\$	2,762,000	\$ 2,762,000	135374
TOTAL FED Federal Special Revenue				135375
Fund Group	\$	2,762,000	\$ 2,762,000	135376
TOTAL ALL BUDGET FUND GROUPS	\$	7,495,784	\$ 7,495,784	135377

Section 243.10. COM DEPARTMENT OF COMMERCE 135379

General Services Fund Group				135380
1630 800620 Division of Administration	\$	6,200,000	\$ 6,200,000	135381
1630 800637 Information Technology	\$	5,999,892	\$ 6,011,977	135382
5430 800602 Unclaimed Funds-Operating	\$	7,836,107	\$ 7,841,473	135383
5430 800625 Unclaimed Funds-Claims	\$	69,700,000	\$ 69,800,000	135384
5F10 800635 Small Government Fire Departments	\$	300,000	\$ 300,000	135385
TOTAL GSF General Services Fund				135386
Group	\$	90,035,999	\$ 90,153,450	135387
Federal Special Revenue Fund Group				135388
3480 800622 Underground Storage Tanks	\$	1,129,518	\$ 1,129,518	135389
3480 800624 Leaking Underground	\$	1,556,211	\$ 1,556,211	135390

Storage Tanks			
TOTAL FED Federal Special Revenue			135391
Fund Group	\$	2,685,729	\$ 2,685,729 135392
State Special Revenue Fund Group			135393
4B20 800631 Real Estate Appraisal	\$	35,000	\$ 35,000 135394
Recovery			
4H90 800608 Cemeteries	\$	268,067	\$ 268,293 135395
4X20 800619 Financial Institutions	\$	2,186,271	\$ 1,990,693 135396
5440 800612 Banks	\$	7,242,364	\$ 6,942,336 135397
5450 800613 Savings Institutions	\$	2,257,220	\$ 2,259,536 135398
5460 800610 Fire Marshal	\$	15,400,000	\$ 15,501,562 135399
5460 800639 Fire Department Grants	\$	1,698,802	\$ 1,698,802 135400
5470 800603 Real Estate	\$	125,000	\$ 125,000 135401
Education/Research			
5480 800611 Real Estate Recovery	\$	25,000	\$ 25,000 135402
5490 800614 Real Estate	\$	3,413,708	\$ 3,332,308 135403
5500 800617 Securities	\$	4,312,434	\$ 4,314,613 135404
5520 800604 Credit Union	\$	3,450,390	\$ 3,450,390 135405
5530 800607 Consumer Finance	\$	3,613,016	\$ 3,516,861 135406
5560 800615 Industrial Compliance	\$	27,639,372	\$ 27,664,695 135407
5FW0 800616 Financial Literacy	\$	240,000	\$ 240,000 135408
Education			
5GK0 800609 Securities Investor	\$	1,135,000	\$ 485,000 135409
Education/Enforcement			
5HV0 800641 Cigarette Enforcement	\$	120,000	\$ 120,000 135410
5X60 800623 Video Service	\$	340,299	\$ 340,630 135411
6530 800629 UST	\$	1,854,675	\$ 1,509,653 135412
Registration/Permit Fee			
6A40 800630 Real Estate	\$	699,565	\$ 648,890 135413
Appraiser-Operating			
TOTAL SSR State Special Revenue			135414
Fund Group	\$	76,056,183	\$ 74,469,262 135415

Liquor Control Fund Group				135416
7043 800601	Merchandising	\$ 472,209,274	\$ 0	135417
7043 800627	Liquor Control	\$ 13,398,274	\$ 10,110,479	135418
	Operating			
7043 800633	Development Assistance	\$ 51,973,200	\$ 0	135419
	Debt Service			
7043 800636	Revitalization Debt	\$ 21,129,800	\$ 0	135420
	Service			
TOTAL LCF Liquor Control				135421
Fund Group		\$ 558,710,548	\$ 10,110,479	135422
TOTAL ALL BUDGET FUND GROUPS		\$ 727,488,459	177,418,920	135423
SMALL GOVERNMENT FIRE DEPARTMENTS				135424
Notwithstanding section 3737.17 of the Revised Code, the				135425
foregoing appropriation item 800635, Small Government Fire				135426
Departments, may be used to provide loans to private fire				135427
departments.				135428
UNCLAIMED FUNDS PAYMENTS				135429
The foregoing appropriation item 800625, Unclaimed				135430
Funds-Claims, shall be used to pay claims under section 169.08 of				135431
the Revised Code. If it is determined that additional amounts are				135432
necessary, the amounts are appropriated.				135433
UNCLAIMED FUNDS TRANSFERS				135434
Notwithstanding division (A) of section 169.05 of the Revised				135435
Code, during the FY 2012-FY 2013 biennium, the Director of Budget				135436
and Management shall request the Director of Commerce to transfer				135437
to the General Revenue Fund up to \$215,000,000 of unclaimed funds				135438
that have been reported by holders of unclaimed funds under				135439
section 169.05 of the Revised Code, irrespective of the allocation				135440
of the unclaimed funds under that section. The Director of				135441
Commerce shall transfer the funds at the times requested by the				135442
Director of Budget and Management.				135443

FIRE DEPARTMENT GRANTS 135444

Of the foregoing appropriation item 800639, Fire Department 135445
Grants, up to \$1,647,140 in each fiscal year shall be used to make 135446
annual grants to the following eligible recipients: volunteer fire 135447
departments, fire departments that serve one or more small 135448
municipalities or small townships, joint fire districts comprised 135449
of fire departments that primarily serve small municipalities or 135450
small townships, local units of government responsible for such 135451
fire departments, and local units of government responsible for 135452
the provision of fire protection services for small municipalities 135453
or small townships. For the purposes of these grants, a private 135454
fire company, as that phrase is defined in section 9.60 of the 135455
Revised Code, that is providing fire protection services under a 135456
contract to a political subdivision of the state, is an additional 135457
eligible recipient for a training grant. 135458

Eligible recipients that consist of small municipalities or 135459
small townships that all intend to contract with the same fire 135460
department or private fire company for fire protection services 135461
may jointly apply and be considered for a grant. If a joint 135462
applicant is awarded a grant, the State Fire Marshal shall, if 135463
feasible, proportionately award the grant and any equipment 135464
purchased with grant funds to each of the joint applicants based 135465
upon each applicant's contribution to and demonstrated need for 135466
fire protection services. 135467

If the grant awarded to joint applicants is an equipment 135468
grant and the equipment to be purchased cannot be readily 135469
distributed or possessed by multiple recipients, each of the joint 135470
applicants shall be awarded by the State Fire Marshal an ownership 135471
interest in the equipment so purchased in proportion to each 135472
applicant's contribution to and demonstrated need for fire 135473
protection services. The joint applicants shall then mutually 135474
agree on how the equipment is to be maintained, operated, stored, 135475

or disposed of. If, for any reason, the joint applicants cannot 135476
agree as to how jointly owned equipment is to be maintained, 135477
operated, stored, or disposed of or any of the joint applicants no 135478
longer maintain a contract with the same fire protection service 135479
provider as the other applicants, then the joint applicants shall, 135480
with the assistance of the State Fire Marshal, mutually agree as 135481
to how the jointly owned equipment is to be maintained, operated, 135482
stored, disposed of, or owned. If the joint applicants cannot 135483
agree how the grant equipment is to be maintained, operated, 135484
stored, disposed of, or owned, the State Fire Marshal may, in its 135485
discretion, require all of the equipment acquired by the joint 135486
applicants with grant funds to be returned to the State Fire 135487
Marshal. The State Fire Marshal may then award the returned 135488
equipment to any eligible recipients. 135489

The grants shall be used by recipients to purchase 135490
firefighting or rescue equipment or gear or similar items, to 135491
provide full or partial reimbursement for the documented costs of 135492
firefighter training, or, at the discretion of the State Fire 135493
Marshal, to cover fire department costs for providing fire 135494
protection services in that grant recipient's jurisdiction. 135495

Grant awards for firefighting or rescue equipment or gear or 135496
for fire department costs of providing fire protection services 135497
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 135498
fiscal year if an eligible entity serves a jurisdiction in which 135499
the Governor declared a natural disaster during the preceding or 135500
current fiscal year in which the grant was awarded. In addition to 135501
any grant funds awarded for rescue equipment or gear, or for fire 135502
department costs associated with the provision of fire protection 135503
services, an eligible entity may receive a grant for up to \$15,000 135504
per fiscal year for full or partial reimbursement of the 135505
documented costs of firefighter training. For each fiscal year, 135506
the State Fire Marshal shall determine the total amounts to be 135507

allocated for each eligible purpose. 135508

The grant program shall be administered by the State Fire 135509
Marshal in accordance with rules the State Fire Marshal adopts as 135510
part of the state fire code adopted pursuant to section 3737.82 of 135511
the Revised Code that are necessary for the administration and 135512
operation of the grant program. The rules may further define the 135513
entities eligible to receive grants and establish criteria for the 135514
awarding and expenditure of grant funds, including methods the 135515
State Fire Marshal may use to verify the proper use of grant funds 135516
or to obtain reimbursement for or the return of equipment for 135517
improperly used grant funds. Any amounts in appropriation item 135518
800639, Fire Department Grants, in excess of the amount allocated 135519
for these grants may be used for the administration of the grant 135520
program. 135521

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 135522
EDUCATION AND ENFORCEMENT EXPENSE FUND 135523

The Director of Budget and Management, upon the request of 135524
the Director of Commerce, shall transfer up to \$485,000 in cash in 135525
each fiscal year from the Division of Securities Fund (Fund 5500) 135526
to the Division of Securities Investor Education and Enforcement 135527
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 135528
Code. 135529

CASH TRANSFER TO VIDEO SERVICE AUTHORIZATION FUND 135530

The Director of Budget and Management, upon the request of 135531
the Director of Commerce, shall transfer up to \$340,000 in cash in 135532
each fiscal year from the Division of Administration Fund (Fund 135533
1630) to the Video Service Authorization Fund (Fund 5X60). 135534

INCREASED APPROPRIATION - MERCHANDISING 135535

The foregoing appropriation item 800601, Merchandising, shall 135536
be used under section 4301.12 of the Revised Code. If it is 135537
determined that additional expenditures are necessary, the amounts 135538

are hereby appropriated. 135539

DEVELOPMENT ASSISTANCE DEBT SERVICE 135540

The foregoing appropriation item 800633, Development 135541
Assistance Debt Service, shall be used to pay debt service and 135542
related financing costs at the times they are required to be made 135543
during the period from July 1, 2011, to June 30, 2012, for bond 135544
service charges on obligations issued under Chapter 166. of the 135545
Revised Code. If it is determined that additional appropriations 135546
are necessary for this purpose, such amounts are appropriated, 135547
subject to the limitations set forth in section 166.11 of the 135548
Revised Code. An appropriation for this purpose is not required, 135549
but is made in this form and in this act for record purposes only. 135550

REVITALIZATION DEBT SERVICE 135551

The foregoing appropriation item 800636, Revitalization Debt 135552
Service, shall be used to pay debt service and related financing 135553
costs at the times they are required to be made pursuant to 135554
sections 151.01 and 151.40 of the Revised Code during the period 135555
from July 1, 2011, to June 30, 2012. If it is determined that 135556
additional appropriations are necessary for this purpose, such 135557
amounts are hereby appropriated. The General Assembly acknowledges 135558
the priority of the pledge of a portion of receipts from that 135559
source to obligations issued and to be issued under Chapter 166. 135560
of the Revised Code. 135561

LIQUOR CONTROL FUND TRANSFER 135562

On January 1, 2012, or as soon as possible thereafter, the 135563
Director of Budget and Management may transfer up to \$10,600,000 135564
in cash from the General Revenue Fund to the Liquor Control Fund 135565
(Fund 7043) for the liquor permitting and compliance functions of 135566
the Division of Liquor Control in the Department of Commerce and 135567
for the operations of the Liquor Control Commission and the 135568
Department of Public Safety pursuant to Chapter 4301. of the 135569

Revised Code. 135570

On July 1, 2012, or as soon as possible thereafter, the 135571
 Director of Budget and Management may transfer up to \$21,800,000 135572
 in cash from the General Revenue Fund to the Liquor Control Fund 135573
 (Fund 7043) for the liquor permitting and compliance functions of 135574
 the Division of Liquor Control in the Department of Commerce and 135575
 for the operations of the Liquor Control Commission and the 135576
 Department of Public Safety pursuant to Chapter 4301. of the 135577
 Revised Code. 135578

ADMINISTRATIVE ASSESSMENTS 135579

Notwithstanding any other provision of law to the contrary, 135580
 the Division of Administration Fund (Fund 1630) is entitled to 135581
 receive assessments from all operating funds of the Department in 135582
 accordance with procedures prescribed by the Director of Commerce 135583
 and approved by the Director of Budget and Management. 135584

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 135585

General Services Fund Group 135586
 5F50 053601 Operating Expenses \$ 5,641,093 \$ 4,142,070 135587
 TOTAL GSF General Services Fund \$ 5,641,093 \$ 4,142,070 135588
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 4,142,070 135589

Section 247.10. CEB CONTROLLING BOARD 135591

General Revenue Fund 135592
 GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 135593
 Costs
 TOTAL GRF General Revenue Fund \$ 475,000 \$ 475,000 135594
 General Services Fund Group 135595
 5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 135596
 TOTAL GSF General Services Fund \$ 10,000,000 \$ 10,000,000 135597

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ 10,475,000 135598

FEDERAL SHARE 135599

In transferring appropriations to or from appropriation items 135600
that have federal shares identified in this act, the Controlling 135601
Board shall add or subtract corresponding amounts of federal 135602
matching funds at the percentages indicated by the state and 135603
federal division of the appropriations in this act. Such changes 135604
are hereby appropriated. 135605

DISASTER SERVICES 135606

Pursuant to requests submitted by the Department of Public 135607
Safety, the Controlling Board may approve transfers from the 135608
Disaster Services Fund (5E20) to a fund and appropriation item 135609
used by the Department of Public Safety to provide for assistance 135610
to political subdivisions made necessary by natural disasters or 135611
emergencies. These transfers may be requested and approved prior 135612
to the occurrence of any specific natural disasters or emergencies 135613
in order to facilitate the provision of timely assistance. The 135614
Emergency Management Agency of the Department of Public Safety 135615
shall use the funding to fund the State Disaster Relief Program 135616
for disasters that have been declared by the Governor, and the 135617
State Individual Assistance Program for disasters that have been 135618
declared by the Governor and the federal Small Business 135619
Administration. The Ohio Emergency Management Agency shall publish 135620
and make available application packets outlining procedures for 135621
the State Disaster Relief Program and the State Individual 135622
Assistance Program. 135623

Fund 5E20 shall be used by the Controlling Board, pursuant to 135624
requests submitted by state agencies, to transfer cash and 135625
appropriations to any fund and appropriation item for the payment 135626
of state agency disaster relief program expenses for disasters 135627
declared by the Governor, if the Director of Budget and Management 135628

determines that sufficient funds exist.				135629
BALLOT ADVERTISING COSTS				135630
Pursuant to section 3501.17 of the Revised Code, and upon				135631
requests submitted by the Secretary of State, the Controlling				135632
Board shall approve transfers from the foregoing appropriation				135633
item 911441, Ballot Advertising Costs, to appropriation item				135634
050621, Statewide Ballot Advertising, in order to pay for the cost				135635
of public notices associated with statewide ballot initiatives.				135636
CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS				135637
ELIGIBILITY				135638
A state agency director shall request that the Controlling				135639
Board increase the amount of the agency's capital appropriations				135640
if the director determines such an increase is necessary for the				135641
agency to receive and use funds under the federal American				135642
Recovery and Reinvestment Act of 2009. The Controlling Board may				135643
increase the capital appropriations pursuant to the request up to				135644
the exact amount necessary under the federal act if the Board				135645
determines it is necessary for the agency to receive and use those				135646
federal funds.				135647
Section 249.10. COS STATE BOARD OF COSMETOLOGY				135648
General Services Fund Group				135649
4K90 879609 Operating Expenses	\$	3,439,545	\$	3,364,030
TOTAL GSF General Services Fund				135651
Group	\$	3,439,545	\$	3,364,030
TOTAL ALL BUDGET FUND GROUPS	\$	3,439,545	\$	3,364,030
Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				135655
AND FAMILY THERAPIST BOARD				135656
General Services Fund Group				135657
4K90 899609 Operating Expenses	\$	1,204,235	\$	1,234,756

TOTAL GSF General Services Fund				135659
Group	\$	1,204,235	\$ 1,234,756	135660
TOTAL ALL BUDGET FUND GROUPS	\$	1,204,235	\$ 1,234,756	135661

Section 253.10. CLA COURT OF CLAIMS 135663

General Revenue Fund				135664
GRF 015321 Operating Expenses	\$	2,573,508	\$ 2,501,052	135665
TOTAL GRF General Revenue Fund	\$	2,573,508	\$ 2,501,052	135666
State Special Revenue Fund Group				135667
5K20 015603 CLA Victims of Crime	\$	1,582,684	\$ 1,582,684	135668
TOTAL SSR State Special Revenue				135669
Fund Group	\$	1,582,684	\$ 1,582,684	135670
TOTAL ALL BUDGET FUND GROUPS	\$	4,156,192	\$ 4,083,736	135671

Section 255.10. AFC OHIO CULTURAL FACILITIES COMMISSION 135673

General Revenue Fund				135674
GRF 371321 Operating Expenses	\$	98,636	\$ 98,636	135675
GRF 371401 Lease Rental Payments	\$	27,804,900	\$ 28,465,000	135676
TOTAL GRF General Revenue Fund	\$	27,903,536	\$ 28,563,636	135677
State Special Revenue Fund Group				135678
4T80 371601 Riffe Theatre	\$	80,891	\$ 80,891	135679
Equipment Maintenance				
4T80 371603 Project	\$	1,200,000	\$ 1,200,000	135680
Administration				
Services				
TOTAL SSR State Special Revenue	\$	1,280,891	\$ 1,280,891	135681
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	29,184,427	\$ 29,844,527	135682

LEASE RENTAL PAYMENTS 135683

The foregoing appropriation item 371401, Lease Rental				135684
Payments, shall be used to meet all payments at the times they are				135685
required to be made during the period from July 1, 2011 through				135686

June 30, 2013, from the Ohio Cultural Facilities Commission under 135687
the primary leases and agreements for those arts and sports 135688
facilities made under Chapters 152. and 154. of the Revised Code. 135689
These appropriations are the source of funds pledged for bond 135690
service charges on related obligations issued under Chapters 152. 135691
and 154. of the Revised Code. 135692

OPERATING EXPENSES 135693

The foregoing appropriation item 371321, Operating Expenses, 135694
shall be used by the Ohio Cultural Facilities Commission to carry 135695
out its responsibilities under this section and Chapter 3383. of 135696
the Revised Code. 135697

The foregoing appropriation item 371603, Project 135698
Administration Services, shall be used by the Ohio Cultural 135699
Facilities Commission in administering Cultural and Sports 135700
Facilities Building Fund (Fund 7030) projects pursuant to Chapter 135701
3383. of the Revised Code. 135702

By the tenth day following each calendar quarter in each 135703
fiscal year, or as soon as possible thereafter, the Director of 135704
Budget and Management shall determine the amount of cash from 135705
interest earnings to be transferred from the Cultural and Sports 135706
Facilities Building Fund (Fund 7030) to the Cultural Facilities 135707
Commission Administration Fund (Fund 4T80). 135708

As soon as possible after each bond issuance made on behalf 135709
of the Cultural Facilities Commission, the Director of Budget and 135710
Management shall determine the amount of cash from any premium 135711
paid on each issuance that is available to be transferred, after 135712
all issuance costs have been paid, from the Cultural and Sports 135713
Facilities Building Fund (Fund 7030) to the Cultural Facilities 135714
Commission Administration Fund (Fund 4T80). 135715

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 135716

The Executive Director of the Cultural Facilities Commission 135717

shall certify to the Director of Budget and Management the amount 135718
of cash receipts and related investment income, irrevocable 135719
letters of credit from a bank, or certification of the 135720
availability of funds that have been received from a county or a 135721
municipal corporation for deposit into the Capital Donations Fund 135722
(Fund 5A10) and that are related to an anticipated project. These 135723
amounts are hereby appropriated to appropriation item C37146, 135724
Capital Donations. Prior to certifying these amounts to the 135725
Director, the Executive Director shall make a written agreement 135726
with the participating entity on the necessary cash flows required 135727
for the anticipated construction or equipment acquisition project. 135728

Section 257.10. DEN STATE DENTAL BOARD 135729

General Services Fund Group 135730
4K90 880609 Operating Expenses \$ 1,574,715 \$ 1,545,684 135731
TOTAL GSF General Services Fund 135732
Group \$ 1,574,715 \$ 1,545,684 135733
TOTAL ALL BUDGET FUND GROUPS \$ 1,574,715 \$ 1,545,684 135734

Section 259.10. BDP BOARD OF DEPOSIT 135736

General Services Fund Group 135737
4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 135738
TOTAL GSF General Services Fund 135739
Group \$ 1,876,000 \$ 1,876,000 135740
TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 135741

BOARD OF DEPOSIT EXPENSE FUND 135742

Upon receiving certification of expenses from the Treasurer 135743
of State, the Director of Budget and Management shall transfer 135744
cash from the Investment Earnings Redistribution Fund (Fund 6080) 135745
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 135746
shall be used pursuant to section 135.02 of the Revised Code to 135747
pay for any and all necessary expenses of the Board of Deposit or 135748

for banking charges and fees required for the operation of the 135749
State of Ohio Regular Account. 135750

Section 261.10. DEV DEPARTMENT OF DEVELOPMENT 135751

General Revenue Fund 135752

GRF 195401 Thomas Edison Program \$ 14,820,354 \$ 0 135753

GRF 195402 Coal Development \$ 260,983 \$ 261,205 135754
Office

GRF 195404 Small Business \$ 1,565,770 \$ 0 135755
Development

GRF 195405 Minority Business \$ 1,118,528 \$ 0 135756
Enterprise Division

GRF 195407 Travel and Tourism \$ 5,000,000 \$ 0 135757

GRF 195412 Rapid Outreach Grants \$ 9,000,000 \$ 0 135758

GRF 195415 Strategic Business \$ 4,500,000 \$ 0 135759
Investment Division
and Regional Offices

GRF 195416 Governor's Office of \$ 3,700,000 \$ 3,700,000 135760
Appalachia

GRF 195422 Technology Action \$ 547,341 \$ 0 135761

GRF 195426 Clean Ohio \$ 468,365 \$ 0 135762
Implementation

GRF 195432 Global Markets \$ 3,500,000 \$ 0 135763

GRF 195434 Industrial Training \$ 10,000,000 \$ 0 135764
Grants

GRF 195497 CDBG Operating Match \$ 1,015,000 \$ 0 135765

GRF 195501 Appalachian Local \$ 391,482 \$ 391,482 135766
Development Districts

GRF 195502 Appalachian Regional \$ 195,000 \$ 195,000 135767
Commission Dues

GRF 195528 Economic Development \$ 0 \$ 26,943,518 135768
Projects

GRF	195901	Coal Research & Development General Obligation Debt Service	\$	7,861,100	\$	5,577,700	135769
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	29,323,300	\$	63,640,300	135770
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	9,859,200	\$	15,680,500	135771
TOTAL GRF	General Revenue Fund		\$	103,126,423	\$	116,389,705	135772
General Services Fund Group							135773
1350	195684	Supportive Services	\$	11,700,000	\$	11,700,000	135774
4W10	195646	Minority Business Enterprise Loan	\$	2,500,000	\$	2,500,000	135775
5AD0	195633	Legacy Projects	\$	15,000,000	\$	15,000,000	135776
5AD0	195677	Economic Development Contingency	\$	10,000,000	\$	0	135777
5W50	195690	Travel and Tourism Cooperative Projects	\$	50,000	\$	50,000	135778
6850	195636	Direct Cost Recovery Expenditures	\$	750,000	\$	750,000	135779
TOTAL GSF	General Services Fund Group		\$	40,000,000	\$	30,000,000	135781
Federal Special Revenue Fund Group							135782
3080	195602	Appalachian Regional Commission	\$	475,000	\$	475,000	135783
3080	195603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	135784

3080	195605	Federal Projects	\$	85,028,606	\$	85,470,106	135785
3080	195609	Small Business Administration	\$	6,438,143	\$	5,511,381	135786
3080	195618	Energy Federal Grants	\$	38,000,000	\$	3,400,000	135787
3350	195610	Energy Conservation and Emerging Technology	\$	1,100,000	\$	1,100,000	135788
3AE0	195643	Workforce Development Initiatives	\$	16,300,000	\$	16,300,000	135789
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	3,000,000	\$	42,485	135790
3EG0	195608	Federal Energy Training	\$	5,000,000	\$	1,344,056	135791
3K80	195613	Community Development Block Grant	\$	76,795,818	\$	65,210,000	135792
3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	135793
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	135794
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	135795
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	135796
TOTAL FED Federal Special Revenue							135797
Fund Group			\$	443,121,392	\$	389,836,853	135798
State Special Revenue Fund Group							135799
4500	195624	Minority Business Bonding Program Administration	\$	160,110	\$	159,069	135800
4510	195625	Economic Development Financing Operating	\$	3,000,000	\$	3,000,000	135801
4F20	195639	State Special	\$	180,437	\$	180,436	135802

		Projects					
4F20	195676	Marketing	\$	5,000,000	\$	0	135803
		Initiatives					
4F20	195699	Utility Provided	\$	500,000	\$	500,000	135804
		Funds					
4S00	195630	Tax Incentive	\$	650,800	\$	650,800	135805
		Programs					
5CG0	195679	Alterative Fuel	\$	750,000	\$	750,000	135806
		Transportation					
5HJ0	195604	Motion Picture Tax	\$	50,000	\$	50,000	135807
		Credit Program					
5HR0	195526	Ohio Workforce Job	\$	20,000,000	\$	30,000,000	135808
		Training					
5HR0	195622	Defense Development	\$	5,000,000	\$	5,000,000	135809
		Assistance					
5JR0	195656	New Market Tax	\$	50,000	\$	50,000	135810
		Credit Program					
5KD0	195621	Brownfield	\$	50,000	\$	50,000	135811
		Stormwater Loan					
5KN0	195640	Local Government	\$	0	\$	45,000,000	135812
		Innovation					
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000	135813
		Assistance					
5M50	195660	Advanced Energy	\$	8,000,000	\$	0	135814
		Programs					
5W60	195691	International Trade	\$	160,000	\$	160,000	135815
		Cooperative Projects					
6170	195654	Volume Cap	\$	94,397	\$	92,768	135816
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	135817
		Income Housing Trust					
		Fund					
TOTAL SSR		State Special Revenue					135818

Fund Group		\$	341,645,744	\$	383,643,073	135819
Facilities Establishment Fund Group						135820
5S90 195628	Capital Access Loan	\$	1,500,000	\$	1,500,000	135821
	Program					
7009 195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	135822
7010 195665	Research and	\$	22,000,000	\$	22,000,000	135823
	Development					
7037 195615	Facilities	\$	50,000,000	\$	50,000,000	135824
	Establishment					
TOTAL 037	Facilities					135825
Establishment Fund Group		\$	88,500,000	\$	88,500,000	135826
Clean Ohio Revitalization Fund						135827
7003 195663	Clean Ohio Operating	\$	950,000	\$	950,000	135828
TOTAL 7003	Clean Ohio	\$	950,000	\$	950,000	135829
Revitalization Fund						
Third Frontier Research & Development Fund Group						135830
7011 195686	Third Frontier	\$	1,149,750	\$	1,149,750	135831
	Operating					
7011 195687	Third Frontier	\$	183,850,250	\$	133,850,250	135832
	Research &					
	Development Projects					
7014 195620	Third Frontier	\$	1,700,000	\$	1,700,000	135833
	Operating - Tax					
7014 195692	Research &	\$	38,300,000	\$	38,300,000	135834
	Development Taxable					
	Bond Projects					
TOTAL 011	Third Frontier Research &	\$	225,000,000	\$	175,000,000	135835
Development Fund Group						
Job Ready Site Development Fund Group						135836
7012 195688	Job Ready Site	\$	800,000	\$	800,000	135837
	Operating					
TOTAL 012	Job Ready Site	\$	800,000	\$	800,000	135838

Development Fund Group

Tobacco Master Settlement Agreement Fund Group				135839
M087 195435 Biomedical Research	\$	1,999,224	\$	1,999,224
and Technology				135840
Transfer				
TOTAL TSF Tobacco Master Settlement	\$	1,999,224	\$	1,999,224
Agreement Fund Group				135841
TOTAL ALL BUDGET FUND GROUPS	\$	1,245,142,783	\$	1,187,118,855

Section 261.10.10. THOMAS EDISON PROGRAM 135844

The foregoing appropriation item 195401, Thomas Edison 135845
Program, shall be used for the purposes of sections 122.28 to 135846
122.38 of the Revised Code. Of the foregoing appropriation item 135847
195401, Thomas Edison Program, not more than ten per cent in each 135848
fiscal year shall be used for operating expenditures in 135849
administering the programs of the Technology and Innovation 135850
Division. 135851

Section 261.10.20. SMALL BUSINESS DEVELOPMENT 135852

The foregoing appropriation item 195404, Small Business 135853
Development, shall be used as matching funds for grants from the 135854
United States Small Business Administration and other federal 135855
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 135856
L. No. 98-395 (1984), and regulations and policy guidelines for 135857
the programs pursuant thereto. This appropriation item also may be 135858
used to provide grants to local organizations to support the 135859
operation of small business development centers and other local 135860
economic development activities that promote small business 135861
development and entrepreneurship. 135862

Section 261.10.30. RAPID OUTREACH GRANTS 135863

Appropriation item 195412, Rapid Outreach Grants, shall be 135864

used as an incentive for attracting, expanding, and retaining 135865
business opportunities for the state in accordance with Chapter 135866
166. of the Revised Code. Of the amount appropriated, no more than 135867
five per cent in each fiscal year shall be used for administrative 135868
costs of the Rapid Outreach Program. 135869

The department shall award funds directly to business 135870
entities considering Ohio for their expansion or new site location 135871
opportunities. Rapid Outreach grants shall be used by recipients 135872
to purchase equipment, make infrastructure improvements, make real 135873
property improvements, or fund other fixed assets. To meet the 135874
particular needs of economic development in a region, the 135875
department may elect to award funds directly to a political 135876
subdivision to assist with making on- or off-site infrastructure 135877
improvements to water and sewage treatment facilities, electric or 135878
gas service connections, fiber optic access, rail facilities, site 135879
preparation, and parking facilities. The Director of Development 135880
may recommend that the funds be used for alternative purposes when 135881
considered appropriate to satisfy an economic development 135882
opportunity or need deemed extraordinary in nature by the Director 135883
including, but not limited to, construction, rehabilitation, and 135884
acquisition projects for rail freight assistance as requested by 135885
the Department of Transportation. The Director of Transportation 135886
shall submit the proposed projects to the Director of Development 135887
for an evaluation of potential economic benefit. 135888

Moneys awarded directly to business entities from the 135889
foregoing appropriation item 195412, Rapid Outreach Grants, may be 135890
expended only after the submission of a request to the Controlling 135891
Board by the Department of Development outlining the planned use 135892
of the funds, and the subsequent approval of the request by the 135893
Controlling Board. 135894

Section 261.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 135895

REGIONAL OFFICES	135896
The foregoing appropriation item 195415, Strategic Business Investment Division and Regional Offices, shall be used for the operating expenses of the Strategic Business Investment Division and the regional economic development offices and for grants for cooperative economic development ventures.	135897 135898 135899 135900 135901
Section 261.10.50. GOVERNOR'S OFFICE OF APPALACHIA	135902
The foregoing appropriation item 195416, Governor's Office of Appalachia, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, and to match federal funds from the Appalachian Regional Commission.	135903 135904 135905 135906 135907 135908
Section 261.10.60. TECHNOLOGY ACTION	135909
The foregoing appropriation item 195422, Technology Action, shall be used for operating expenses the Department of Development incurs for administering sections 184.10 to 184.20 of the Revised Code. If the appropriation is insufficient to cover the operating expenses, the Department may request Controlling Board approval to appropriate the additional amount needed in appropriation item 195686, Third Frontier Operating. The Department shall not request an amount in excess of the amount needed.	135910 135911 135912 135913 135914 135915 135916 135917
Section 261.10.70. CLEAN OHIO IMPLEMENTATION	135918
The foregoing appropriation item 195426, Clean Ohio Implementation, shall be used to fund the costs of administering the Clean Ohio Revitalization program and other urban revitalization programs that may be implemented by the Department of Development.	135919 135920 135921 135922 135923

Section 261.10.80. GLOBAL MARKETS 135924

The foregoing appropriation item 195432, Global Markets, 135925
shall be used to administer Ohio's foreign trade and investment 135926
programs, including operation and maintenance of Ohio's 135927
out-of-state trade and investment offices. This appropriation item 135928
also shall be used to fund the Global Markets Division and to 135929
assist Ohio manufacturers, agricultural producers, and service 135930
providers in exporting to foreign countries and to assist in the 135931
attraction of foreign direct investment. 135932

Section 261.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 135933

The foregoing appropriation item 195434, Industrial Training 135934
Grants, may be used for the Ohio Workforce Guarantee Program to 135935
promote training through grants to businesses and, in the case of 135936
a business consortium, training and education providers for the 135937
reimbursement of eligible training expenses. 135938

Section 261.20.10. ECONOMIC DEVELOPMENT PROJECTS 135939

The foregoing appropriation item 195528, Economic Development 135940
Projects, may be used for the purposes of Chapter 122. of the 135941
Revised Code. This appropriation item is made in anticipation of 135942
the evaluation of all powers, functions, and duties of the 135943
Department of Development by the Director of Development, as 135944
prescribed in Section 187.05 of the Revised Code. It is the intent 135945
of the General Assembly that the appropriations in the 135946
appropriation item be reallocated upon completion of the 135947
evaluation. 135948

Section 261.20.20. OHIO FILM OFFICE 135949

The Ohio Film Office shall promote media productions in the 135950
state and help the industry optimize its production experience in 135951

the state by enhancing local economies through increased 135952
employment and tax revenues and ensuring an accurate portrayal of 135953
Ohio. The Office shall serve as an informational clearinghouse and 135954
provide technical assistance to the media production industry and 135955
business entities engaged in media production in the state. The 135956
Office shall promote Ohio as the ideal site for media production 135957
and help those in the industry benefit from their experience in 135958
the state. 135959

The primary objective of the Office shall be to encourage 135960
development of a strong capital base for electronic media 135961
production in order to achieve an independent, self-supporting 135962
industry in Ohio. Other objectives shall include: 135963

(A) Attracting private investment for the electronic media 135964
production industry; 135965

(B) Developing a tax infrastructure that encourages private 135966
investment; and 135967

(C) Encouraging increased employment opportunities within 135968
this sector and increased competition with other states. 135969

Section 261.20.30. COAL RESEARCH AND DEVELOPMENT GENERAL 135970
OBLIGATION DEBT SERVICE 135971

The foregoing appropriation line item 195901, Coal Research 135972
and Development General Obligation Debt Service, shall be used to 135973
pay all debt service and related financing costs during the period 135974
July 1, 2011, through June 30, 2013 for obligations issued under 135975
sections 151.01 and 151.07 of the Revised Code. 135976

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT 135977
SERVICE 135978

The foregoing appropriation item 195905, Third Frontier 135979
Research & Development General Obligation Debt Service, shall be 135980
used to pay all debt service and related financing costs during 135981

the period from July 1, 2011, through June 30, 2013, on 135982
obligations issued for research and development purposes under 135983
sections 151.01 and 151.10 of the Revised Code. 135984

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 135985

The foregoing appropriation item 195912, Job Ready Site 135986
Development General Obligation Debt Service, shall be used to pay 135987
all debt service and related financing costs during the period 135988
from July 1, 2011, through June 30, 2013, on obligations issued 135989
for job ready site development purposes under sections 151.01 and 135990
151.11 of the Revised Code. 135991

Section 261.20.40. SUPPORTIVE SERVICES 135992

The Director of Development may assess divisions of the 135993
department for the cost of central service operations. An 135994
assessment shall contain the characteristics of administrative 135995
ease and uniform application. A division's payments shall be 135996
credited to the Supportive Services Fund (Fund 1350) using an 135997
intrastate transfer voucher. 135998

ECONOMIC DEVELOPMENT CONTINGENCY 135999

The foregoing appropriation item 195677, Economic Development 136000
Contingency, may be used to award funds directly to either (1) 136001
business entities considering Ohio for expansion or new site 136002
location opportunities or (2) political subdivisions to assist 136003
with necessary costs involved in attracting a business entity. In 136004
addition, the Director of Development may award funds for 136005
alternative purposes when appropriate to satisfy an economic 136006
development opportunity or need deemed extraordinary in nature by 136007
the Director. 136008

DIRECT COST RECOVERY EXPENDITURES 136009

The foregoing appropriation item 195636, Direct Cost Recovery 136010
Expenditures, shall be used for reimbursable costs. Revenues to 136011

the General Reimbursement Fund (Fund 6850) shall consist of moneys 136012
charged for administrative costs that are not central service 136013
costs. 136014

Section 261.20.50. HEAP WEATHERIZATION 136015

Up to fifteen per cent of the federal funds deposited to the 136016
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 136017
may be expended from appropriation item 195614, HEAP 136018
Weatherization, to provide home weatherization services in the 136019
state as determined by the Director of Development. Any transfers 136020
or increases in appropriation for the foregoing appropriation 136021
items 195614, HEAP Weatherization, or 195611, Home Energy 136022
Assistance Block Grant, shall be subject to approval by the 136023
Controlling Board. 136024

Section 261.20.60. STATE SPECIAL PROJECTS 136025

The State Special Projects Fund (Fund 4F20), may be used for 136026
the deposit of private-sector funds from utility companies and for 136027
the deposit of other miscellaneous state funds. State moneys so 136028
deposited shall be used to match federal housing grants for the 136029
homeless and to market economic development opportunities in the 136030
state. Private-sector moneys shall be deposited for use in 136031
appropriation item 195699, Utility Provided Funds, and shall be 136032
used to (1) pay the expenses of verifying the income-eligibility 136033
of HEAP applicants, (2) leverage additional federal funds, (3) 136034
fund special projects to assist homeless individuals, (4) fund 136035
special projects to assist with the energy efficiency of 136036
households eligible to participate in the Percentage of Income 136037
Payment Plan, and (5) assist with training programs for agencies 136038
that administer low-income customer assistance programs. 136039

Section 261.20.70. TAX INCENTIVE PROGRAMS OPERATING 136040

The foregoing appropriation item 195630, Tax Incentive Programs, shall be used for the operating costs of the Office of Grants and Tax Incentives.

Section 261.20.80. MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10). Operating costs of administering the Minority Business Enterprise Loan Fund may be paid from the Minority Business Enterprise Loan Fund (Fund 4W10).

MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2012-fiscal year 2013 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of Development's Minority Business Bonding Fund (Fund 4490) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding

Program, such expenditures shall be made from appropriation item 136072
195623, Minority Business Bonding Contingency in the Minority 136073
Business Bonding Fund, and such amounts are hereby appropriated. 136074

Section 261.20.90. OHIO INCUMBENT WORKFORCE TRAINING VOUCHERS 136075

(A) On July 1, 2011, or as soon as possible thereafter, the 136076
Director of Budget and Management shall transfer up to \$20,000,000 136077
from the Economic Development Programs Fund (Fund 5JC0) used by 136078
the Board of Regents to the Ohio Incumbent Workforce Job Training 136079
Fund (Fund 5HR0) used by the Department of Development. 136080

On July 1, 2012, or as soon as possible thereafter, the 136081
Director of Budget and Management shall transfer up to \$30,000,000 136082
from the Economic Development Programs Fund (Fund 5JC0) used by 136083
the Board of Regents to the Ohio Incumbent Workforce Job Training 136084
Fund (Fund 5HR0) used by the Department of Development. 136085

(B) Of the foregoing appropriation item 195526, Ohio 136086
Workforce Job Training, up to \$20,000,000 in fiscal year 2012 and 136087
up to \$30,000,000 in fiscal year 2013 shall be used to support the 136088
Ohio Incumbent Workforce Training Voucher Program. The Director of 136089
Development and the Chief Investment Officer of JobsOhio may enter 136090
into an agreement to operate the program pursuant to the contract 136091
between the Department of Development and JobsOhio under section 136092
187.04 of the Revised Code. The agreement may include a provision 136093
for granting, loaning, or transferring funds from appropriation 136094
item 195526, Ohio Incumbent Workforce Job Training, to JobsOhio to 136095
provide training for incumbent workers. 136096

(C) Regardless of any agreement between the Director and the 136097
Chief Investment Officer under division (B) of this section, the 136098
Ohio Incumbent Workforce Training Voucher Program shall conform to 136099
guidelines for the operation of the program, including, but not 136100
limited to, the following: 136101

(1) A requirement that a training voucher under the program shall not exceed \$6,000 per worker per year;	136102 136103
(2) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee;	136104 136105
(3) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and	136106 136107 136108
(4) A requirement that an employee participating in the program, or the employee's employer, shall pay for not less than thirty-three per cent of the training costs under the program.	136109 136110 136111
DEFENSE DEVELOPMENT ASSISTANCE	136112
On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 in cash from the Economic Development Projects Fund (Fund 5JC0) used by the Board of Regents to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used by the Department of Development. The transferred funds are hereby appropriated in appropriation item 195622, Defense Development Assistance.	136113 136114 136115 136116 136117 136118 136119
The foregoing appropriation item 195622, Defense Development Assistance, shall be used for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job training and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, and for expanding job training and economic development programs in human performance related initiatives. These funds shall be matched by private industry partners or the Department of Defense in an aggregate amount of	136120 136121 136122 136123 136124 136125 136126 136127 136128 136129 136130 136131 136132

\$6,000,000 over the FY 2012-FY 2013 biennium. 1361133

Section 261.20.93. LOCAL GOVERNMENT INNOVATION FUND 1361134

The foregoing appropriation item 195640, Local Government 1361135
Innovation, shall be used for the purposes of making loans and 1361136
grants to political subdivisions under the Local Government 1361137
Innovation Program in accordance with sections 189.01 to 189.10 of 1361138
the Revised Code. Of the foregoing appropriation item 195640, 1361139
Local Government Innovation, up to \$100,000 in fiscal year 2013 1361140
shall be used for administrative costs incurred by the Department 1361141
of Development. 1361142

Section 261.30.10. ADVANCED ENERGY FUND 1361143

The foregoing appropriation item 195660, Advanced Energy 1361144
Programs, shall be used to provide financial assistance to 1361145
customers for eligible advanced energy projects for residential, 1361146
commercial, and industrial business, local government, educational 1361147
institution, nonprofit, and agriculture customers, and to pay for 1361148
the program's administrative costs as provided in sections 4928.61 1361149
to 4928.63 of the Revised Code and rules adopted by the Director 1361150
of Development. 1361151

On July 1 of each fiscal year, or as soon as possible 1361152
thereafter, the Director of Budget and Management shall transfer 1361153
\$750,000 in cash from the Advanced Energy Fund (Fund 5M50) to the 1361154
Alternative Fuel Transportation Grant Fund (Fund 5CG0). 1361155

VOLUME CAP ADMINISTRATION 1361156

The foregoing appropriation item 195654, Volume Cap 1361157
Administration, shall be used for expenses related to the 1361158
administration of the Volume Cap Program. Revenues received by the 1361159
Volume Cap Administration Fund (Fund 6170) shall consist of 1361160
application fees, forfeited deposits, and interest earned from the 1361161
custodial account held by the Treasurer of State. 1361162

Section 261.30.20. INNOVATION OHIO LOAN FUND 136163

The foregoing appropriation item 195664, Innovation Ohio, 136164
shall be used to provide for innovation Ohio purposes, including 136165
loan guarantees and loans under Chapter 166. and particularly 136166
sections 166.12 to 166.16 of the Revised Code. 136167

RESEARCH AND DEVELOPMENT 136168

The foregoing appropriation item 195665, Research and 136169
Development, shall be used to provide for research and development 136170
purposes, including loans, under Chapter 166. and particularly 136171
sections 166.17 to 166.21 of the Revised Code. 136172

LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 136173

Appropriation item 195698, Logistics and Distribution 136174
Infrastructure, shall be used for eligible logistics and 136175
distribution infrastructure projects as defined in section 166.01 136176
of the Revised Code. Any unexpended and unencumbered portion of 136177
the appropriation item at the end of fiscal year 2011 is hereby 136178
reappropriated for the same purpose in fiscal year 2012, and any 136179
unexpended and unencumbered portion of the appropriation item at 136180
the end of fiscal year 2012 is hereby reappropriated for the same 136181
purpose in fiscal year 2013. 136182

After all encumbrances have been paid, the Director of Budget 136183
and Management shall transfer the remaining cash balance in the 136184
Logistics and Distribution Infrastructure Fund (Fund 7008) to the 136185
Facilities Establishment Fund (Fund 7037). 136186

FACILITIES ESTABLISHMENT FUND 136187

The foregoing appropriation item 195615, Facilities 136188
Establishment (Fund 7037), shall be used for the purposes of the 136189
Facilities Establishment Fund under Chapter 166. of the Revised 136190
Code. 136191

Notwithstanding Chapter 166. of the Revised Code, an amount 136192

not to exceed \$1,000,000 in cash in fiscal year 2012 may be 136193
transferred from the Facilities Establishment Fund (Fund 7037) to 136194
the Economic Development Financing Operating Fund (Fund 4510). The 136195
transfer is subject to Controlling Board approval under division 136196
(B) of section 166.03 of the Revised Code. 136197

Notwithstanding Chapter 166. of the Revised Code, the 136198
Director of Budget and Management may transfer an amount not to 136199
exceed \$2,500,000 in cash in each fiscal year from the Facilities 136200
Establishment Fund (Fund 7037) to the Minority Business Enterprise 136201
Loan Fund (Fund 4W10). 136202

On July 1, 2011, or as soon as possible thereafter, the 136203
Director of Budget and Management shall transfer the unexpended 136204
and unencumbered cash balance in the Urban Development Loans Fund 136205
(Fund 5D20) to the Facilities Establishment Fund (Fund 7037). 136206

On July 1, 2011, or as soon as possible thereafter, the 136207
Director of Budget and Management shall transfer the unexpended 136208
and unencumbered cash balance in the Rural Industrial Park Loan 136209
Fund (Fund 4Z60) to the Facilities Establishment Fund (Fund 7037). 136210

CAPITAL ACCESS LOAN PROGRAM 136211

The foregoing appropriation item 195628, Capital Access Loan 136212
Program, shall be used for operating, program, and administrative 136213
expenses of the program. Funds of the Capital Access Loan Program 136214
shall be used to assist participating financial institutions in 136215
making program loans to eligible businesses that face barriers in 136216
accessing working capital and obtaining fixed-asset financing. 136217

Section 261.30.30. CLEAN OHIO OPERATING EXPENSES 136218

The foregoing appropriation item 195663, Clean Ohio 136219
Operating, shall be used by the Department of Development in 136220
administering Clean Ohio Revitalization Fund (Fund 7003) projects 136221
pursuant to sections 122.65 to 122.658 of the Revised Code. 136222

Section 261.30.40. THIRD FRONTIER OPERATING 136223

The foregoing appropriation items 195686, Third Frontier 136224
Operating, and 195620, Third Frontier Operating - Tax, shall be 136225
used for operating expenses incurred by the Department of 136226
Development in administering projects pursuant to sections 184.10 136227
to 184.20 of the Revised Code. Operating expenses paid from item 136228
195686 shall be limited to the administration of projects funded 136229
from the Third Frontier Research & Development Fund (Fund 7011) 136230
and operating expenses paid from item 195620 shall be limited to 136231
the administration of projects funded from the Third Frontier 136232
Research & Development Taxable Bond Project Fund (Fund 7014). 136233

Section 261.30.50. THIRD FRONTIER RESEARCH AND DEVELOPMENT 136234
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 136235

The foregoing appropriation items 195687, Third Frontier 136236
Research & Development Projects, 195692, Research & Development 136237
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 136238
shall be used by the Department of Development to fund selected 136239
projects. Eligible costs are those costs of research and 136240
development projects to which the proceeds of the Third Frontier 136241
Research & Development Fund (Fund 7011) and the Research & 136242
Development Taxable Bond Project Fund (Fund 7014) are to be 136243
applied. 136244

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 136245

The Director of Budget and Management may approve written 136246
requests from the Director of Development for the transfer of 136247
appropriations between appropriation items 195687, Third Frontier 136248
Research & Development Projects, and 195692, Research & 136249
Development Taxable Bond Projects, based upon awards recommended 136250
by the Third Frontier Commission. The transfers are subject to 136251
approval by the Controlling Board. 136252

On or before June 30, 2012, any unexpended and unencumbered 136253
portions of the foregoing appropriation items 195687, Third 136254
Frontier Research & Development Projects, and 195692, Research & 136255
Development Taxable Bond Projects, for fiscal year 2012 are hereby 136256
reappropriated to the Department of Development for the same 136257
purposes for fiscal year 2013. 136258

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 136259

The Ohio Public Facilities Commission, upon request of the 136260
Department of Development, is hereby authorized to issue and sell, 136261
in accordance with Section 2p of Article VIII, Ohio Constitution, 136262
and particularly sections 151.01 and 151.10 of the Revised Code, 136263
original obligations of the State of Ohio in an aggregate amount 136264
not to exceed \$400,000,000 in addition to the original issuance of 136265
obligations authorized by prior acts of the General Assembly. The 136266
authorized obligations shall be issued and sold from time to time 136267
and in amounts necessary to ensure sufficient moneys to the credit 136268
of the Third Frontier Research and Development Fund (Fund 7011) to 136269
pay costs of research and development projects. 136270

Section 261.30.60. JOB READY SITE OPERATING 136271

The foregoing appropriation item 195688, Job Ready Site 136272
Operating, shall be used for operating expenses incurred by the 136273
Department of Development in administering Job Ready Site 136274
Development Fund (Fund 7012) projects pursuant to sections 122.085 136275
to 122.0820 of the Revised Code. Operating expenses include, but 136276
are not limited to, certain qualified expenses of the District 136277
Public Works Integrating Committees, as applicable, engineering 136278
review of submitted applications by the State Architect or a third 136279
party engineering firm, audit and accountability activities, and 136280
costs associated with formal certifications verifying that site 136281
infrastructure is in place and is functional. 136282

Section 261.30.70. OHIO COAL DEVELOPMENT OFFICE 136283

On July 1, 2011, or as soon as possible thereafter, the 136284
Director of Budget and Management shall transfer any unexpended 136285
and unencumbered portion of appropriation item 898604, Coal 136286
Research and Development Fund, used by the Ohio Air Quality 136287
Development Authority, to a new capital appropriation item in the 136288
Department of Development, to be determined by the Director. The 136289
Director also shall cancel all outstanding encumbrances against 136290
appropriation item 898604, Coal Research and Development Fund, and 136291
reestablish them against the foregoing new capital appropriation 136292
item. The amounts of the transfer and the reestablished 136293
encumbrances, plus \$2,283,264, are hereby appropriated for fiscal 136294
year 2012 in the foregoing new appropriation item and shall be 136295
used to provide funding for coal research and development 136296
purposes. 136297

Section 261.30.80. THIRD FRONTIER BIOMEDICAL RESEARCH AND 136298
COMMERCIALIZATION SUPPORT 136299

The General Assembly and the Governor recognize the role that 136300
the biomedical industry has in job creation, innovation, and 136301
economic development throughout Ohio. It is the intent of the 136302
General Assembly, the Governor, the Director of Development, and 136303
the Director of Budget and Management to work together in 136304
continuing to provide comprehensive state support for the 136305
biomedical industry. 136306

Section 261.30.90. UNCLAIMED FUNDS TRANSFER 136307

(A) Notwithstanding division (A) of section 169.05 of the 136308
Revised Code, upon the request of the Director of Budget and 136309
Management, the Director of Commerce, before June 30, 2012, shall 136310
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 136311
amount not to exceed \$25,000,000 in cash of the unclaimed funds 136312

that have been reported by the holders of unclaimed funds under 136313
section 169.05 of the Revised Code, regardless of the allocation 136314
of the unclaimed funds described under that section. 136315

Notwithstanding division (A) of section 169.05 of the Revised 136316
Code, upon the request of the Director of Budget and Management, 136317
the Director of Commerce, before June 30, 2013, shall transfer to 136318
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 136319
exceed \$15,000,000 in cash of the unclaimed funds that have been 136320
reported by the holders of unclaimed funds under section 169.05 of 136321
the Revised Code, regardless of the allocation of the unclaimed 136322
funds described under that section. 136323

(B) Notwithstanding division (A) of section 169.05 of the 136324
Revised Code, upon the request of the Director of Budget and 136325
Management, the Director of Commerce, before June 30, 2012, shall 136326
transfer to the State Special Projects Fund (Fund 4F20) an amount 136327
not to exceed \$5,000,000 in cash of the unclaimed funds that have 136328
been reported by the holders of unclaimed funds under section 136329
169.05 of the Revised Code, regardless of the allocation of the 136330
unclaimed funds described under that section. 136331

Section 261.40.10. WORKFORCE DEVELOPMENT 136332

The Director of Development and the Director of Job and 136333
Family Services may enter into one or more interagency agreements 136334
between the two departments and take other actions the directors 136335
consider appropriate to further integrate workforce development 136336
into a larger economic development strategy, to implement the 136337
recommendations of the Workforce Policy Board, and to complete 136338
activities related to the transition of the administration of 136339
employment programs identified by the board. Subject to the 136340
approval of the Director of Budget and Management, the Department 136341
of Development and the Department of Job and Family Services may 136342
expend moneys to support the recommendations of the Workforce 136343

Policy Board in the area of integration of employment functions as 136344
described in this paragraph and to complete implementation and 136345
transition activities from the appropriations to those 136346
departments. 136347

Section 263.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 136348

General Revenue Fund 136349

GRF 320321 Central \$ 4,422,794 \$ 4,422,794 136350

Administration

GRF 320412 Protective Services \$ 2,174,826 \$ 1,957,343 136351

GRF 320415 Lease-Rental Payments \$ 18,394,250 \$ 19,907,900 136352

GRF 322407 Medicaid State Match \$ 218,034,162 \$ 214,902,506 136353

GRF 322451 Family Support \$ 5,932,758 \$ 5,932,758 136354

Services

GRF 322501 County Boards \$ 40,906,365 \$ 44,449,280 136355

Subsidies

GRF 322503 Tax Equity \$ 14,000,000 \$ 14,000,000 136356

TOTAL GRF General Revenue Fund \$ 303,865,155 \$ 305,572,581 136357

General Services Fund Group 136358

1520 323609 Developmental Center \$ 3,414,317 \$ 3,414,317 136359

and Residential

Operating Services

TOTAL GSF General Services Fund \$ 3,414,317 \$ 3,414,317 136360

Group

Federal Special Revenue Fund Group 136361

3A50 320613 DD Council \$ 3,341,572 \$ 3,341,572 136362

3250 322612 Community Social \$ 11,017,754 \$ 10,604,896 136363

Service Programs

3DZ0 322648 Enhanced Medicaid - \$ 10,000,000 \$ 0 136364

Federal

3G60 322639 Medicaid Waiver - \$ 866,566,007 \$ 985,566,007 136365

Federal

3M70	322650	CAFS Medicaid	\$	29,349,502	\$	29,349,502	136366
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	180,266,029	\$	179,384,881	136367
TOTAL FED Federal Special Revenue Fund Group			\$	1,100,540,864	\$	1,208,246,858	136368
State Special Revenue Fund Group							136369
5GE0	320606	Operating and Services	\$	7,406,609	\$	7,407,297	136370
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	136371
4K80	322604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	136372
5CT0	322632	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	136373
5DJ0	322625	Targeted Case Management Match	\$	21,000,000	\$	24,000,000	136374
5DJ0	322626	Targeted Case Management Services	\$	57,307,357	\$	66,000,000	136375
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	136376
5EV0	322627	Program Fees	\$	685,000	\$	685,000	136377
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000	136378
5JX0	322651	Interagency Workgroup - Autism	\$	45,000		45,000	136379
5Z10	322624	County Board Waiver Match	\$	235,000,000	\$	290,000,000	136380
4890	323632	Developmental Center Direct Care Support	\$	16,497,170	\$	16,497,169	136381
5S20	590622	Medicaid Administration & Oversight	\$	20,875,567	\$	21,727,540	136382

TOTAL SSR State Special Revenue	\$ 372,876,703	\$ 440,422,006	136383
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 1,780,697,039	\$ 1,957,655,762	136384

Section 263.10.10. LEASE-RENTAL PAYMENTS 136386

The foregoing appropriation item 320415, Lease-Rental 136387
Payments, shall be used to meet all payments at the times they are 136388
required to be made during the period from July 1, 2011, through 136389
June 30, 2013, by the Department of Developmental Disabilities 136390
under leases and agreements made under section 154.20 of the 136391
Revised Code. These appropriations are the source of funds pledged 136392
for bond service charges or obligations issued pursuant to Chapter 136393
154. of the Revised Code. 136394

Section 263.10.20. MEDICAID - STATE MATCH (GRF) 136395

Except as otherwise provided in section 5123.0416 of the 136396
Revised Code, the purposes for which the foregoing appropriation 136397
item 322407, Medicaid State Match, shall be used include the 136398
following: 136399

(A) Home and community-based waiver services under Title XIX 136400
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 136401
as amended. 136402

(B) To pay the nonfederal share of the cost of one or more 136403
new intermediate care facilities for the mentally retarded 136404
certified beds, if the Director of Developmental Disabilities is 136405
required by this act to transfer cash from funds used by the 136406
Department to any fund used by the Department of Job and Family 136407
Services to pay such nonfederal share. 136408

(C) To implement the requirements of the agreement settling 136409
the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, 136410
United States District Court for the Southern District of Ohio, 136411
Eastern Division. 136412

(D) To implement the requirements of the agreement settling 136413
the consent decree in the *Martin v. Strickland*, Case No. 136414
89-CV-00362, United States District Court for the Southern 136415
District of Ohio, Eastern Division. 136416

(E) Developmental center and residential facilities services. 136417

(F) Other programs as identified by the Director of 136418
Developmental Disabilities. 136419

Section 263.10.30. FAMILY SUPPORT SERVICES SUBSIDY 136420

(A) The foregoing appropriation item 322451, Family Support 136421
Services, may be used as follows in fiscal year 2012 and fiscal 136422
year 2013: 136423

(1) The appropriation item may be used to provide a subsidy 136424
to county boards of developmental disabilities for family support 136425
services provided under section 5126.11 of the Revised Code. The 136426
subsidy shall be paid in quarterly installments and allocated to 136427
county boards according to a formula the Director of Developmental 136428
Disabilities shall develop in consultation with representatives of 136429
county boards. A county board shall use not more than seven per 136430
cent of its subsidy for administrative costs. 136431

(2) The appropriation item may be used to distribute funds to 136432
county boards for the purpose of addressing economic hardships and 136433
to promote efficiency of operations. In consultation with 136434
representatives of county boards, the Director shall determine the 136435
amount of funds to distribute for these purposes and the criteria 136436
for distributing the funds. 136437

(B) Each county board shall submit reports to the Department 136438
of Developmental Disabilities on the use of funds received under 136439
this section. The reports shall be submitted at the times and in 136440
the manner specified in rules the Director shall adopt in 136441
accordance with Chapter 119. of the Revised Code. 136442

Section 263.10.40. STATE SUBSIDY TO COUNTY DD BOARDS 136443

(A) Except as otherwise provided in the section of this act 136444
titled "NONFEDERAL SHARE OF NEW ICF/MR BEDS," the foregoing 136445
appropriation item 322501, County Boards Subsidies, shall be used 136446
for the following purposes: 136447

(1) To provide a subsidy to county boards of developmental 136448
disabilities in quarterly installments and allocated according to 136449
a formula developed by the Director of Developmental Disabilities 136450
in consultation with representatives of county boards. Except as 136451
otherwise provided in section 5126.0511 of the Revised Code, or in 136452
division (B) of this section, county boards shall use the subsidy 136453
for early childhood services and adult services provided under 136454
section 5126.05 of the Revised Code, service and support 136455
administration provided under section 5126.15 of the Revised Code, 136456
or supported living as defined in section 5126.01 of the Revised 136457
Code. 136458

(2) To provide funding, as determined necessary by the 136459
Director of Developmental Disabilities, for residential services, 136460
including room and board, and support service programs that enable 136461
individuals with developmental disabilities to live in the 136462
community. 136463

(3) To distribute funds to county boards of developmental 136464
disabilities to address economic hardships and promote efficiency 136465
of operations. The Director shall determine, in consultation with 136466
representatives of county boards, the amount of funds to 136467
distribute for these purposes and the criteria for distributing 136468
the funds. 136469

(B) In collaboration with the county's family and children 136470
first council, a county board of developmental disabilities may 136471
transfer portions of funds received under this section, to a 136472
flexible funding pool in accordance with the section of this act 136473

titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 136474

Section 263.10.50. COUNTY BOARD SHARE OF WAIVER SERVICES 136475

As used in this section, "home and community-based services" 136476
has the same meaning as in section 5123.01 of the Revised Code. 136477

The Director of Developmental Disabilities shall establish a 136478
methodology to be used in fiscal year 2012 and fiscal year 2013 to 136479
estimate the quarterly amount each county board of developmental 136480
disabilities is to pay of the nonfederal share of home and 136481
community-based services that section 5126.0510 of the Revised 136482
Code requires county boards to pay. Each quarter, the Director 136483
shall submit to a county board written notice of the amount the 136484
county board is to pay for that quarter. The notice shall specify 136485
when the payment is due. 136486

Section 263.10.60. TAX EQUITY 136487

Notwithstanding section 5126.18 of the Revised Code, the 136488
foregoing appropriation item 322503, Tax Equity, may be used to 136489
distribute funds to county boards of developmental disabilities to 136490
address economic hardships and promote efficiency of operations. 136491
The Director shall determine, in consultation with representatives 136492
of county boards, the amount of funds to distribute for these 136493
purposes and the criteria for distributing the funds. 136494

Section 263.10.70. MEDICAID WAIVER - STATE MATCH 136495

The foregoing appropriation item 322604, Medicaid Waiver - 136496
State Match (Fund 4K80), shall be used as state matching funds for 136497
home and community-based waivers. 136498

Section 263.10.80. ICF/MR CONVERSION 136499

(A) As used in this section, "home and community-based 136500
services" has the same meaning as in section 5123.01 of the 136501

Revised Code. 136502

(B) For each quarter of the biennium, the Director of 136503
Developmental Disabilities shall certify to the Director of Budget 136504
and Management the estimated amount needed to fund the provision 136505
of home and community-based services made available by the slots 136506
sought under section 5111.877 of the Revised Code. On receipt of 136507
certification, the Director of Budget and Management shall 136508
transfer the estimated amount in cash from the General Revenue 136509
Fund to the Home and Community-Based Services Fund (Fund 4K80), 136510
used by the Department of Developmental Disabilities. Upon 136511
completion of the transfer, appropriation item 600525, Health 136512
Care/Medicaid, is hereby reduced by the amount transferred under 136513
this section plus the corresponding federal share. The amount 136514
transferred to Fund 4K80 is hereby appropriated to appropriation 136515
item 322604, Medicaid Waiver - State Match. 136516

(C) If receipts credited to the Medicaid Waiver Fund (Fund 136517
3G60) exceed the amounts appropriated from the fund, the Director 136518
of Developmental Disabilities may request the Director of Budget 136519
and Management to authorize expenditures from the fund in excess 136520
of the amounts appropriated. Upon the approval of the Director of 136521
Budget and Management, the additional amounts are hereby 136522
appropriated. 136523

(D) If receipts credited to the Interagency Reimbursement 136524
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 136525
the Director of Job and Family Services may request the Director 136526
of Budget and Management to authorize expenditures from the fund 136527
in excess of the amounts appropriated. Upon approval of the 136528
Director of Budget and Management, the additional amounts are 136529
hereby appropriated. 136530

Section 263.10.90. TARGETED CASE MANAGEMENT SERVICES 136531

County boards of developmental disabilities shall pay the 136532

nonfederal portion of targeted case management costs to the 136533
Department of Developmental Disabilities. 136534

The Directors of Developmental Disabilities and Job and 136535
Family Services may enter into an interagency agreement under 136536
which the Department of Developmental Disabilities shall transfer 136537
cash from the Targeted Case Management Fund (Fund 5DJ0) to the 136538
Medicaid Program Support - State Fund (Fund 5C90) used by the 136539
Department of Job and Family Services in an amount equal to the 136540
nonfederal portion of the cost of targeted case management 136541
services paid by county boards, and the Department of Job and 136542
Family Services shall pay the total cost of targeted case 136543
management claims. The transfer shall be made using an intrastate 136544
transfer voucher. 136545

Section 263.20.10. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 136546

If a county board of developmental disabilities does not 136547
fully pay any amount owed to the Department of Developmental 136548
Disabilities by the due date established by the Department, the 136549
Director of Developmental Disabilities may withhold the amount the 136550
county board did not pay from any amounts due to the county board. 136551
The Director may use any appropriation item or fund used by the 136552
Department to transfer cash to any other fund used by the 136553
Department in an amount equal to the amount owed the Department 136554
that the county board did not pay. Transfers under this section 136555
shall be made using an intrastate transfer voucher. 136556

Section 263.20.20. TRANSFER TO MEDICAID REPAYMENT FUND 136557

On July 1, 2011, or as soon as possible thereafter, the 136558
Director of Developmental Disabilities shall request that the 136559
Director of Budget and Management transfer the cash balance in the 136560
Purchase of Service Fund (Fund 4880) to the Medicaid Repayment 136561
Fund (Fund 5H00). Upon completion of the transfer, Fund 4880 is 136562

hereby abolished. The Director of Developmental Disabilities shall 136563
cancel any existing encumbrances against appropriation item 136564
322603, Provider Audit Refunds, and re-establish them against 136565
appropriation item 322619, Medicaid Repayment. The re-established 136566
encumbrances are hereby appropriated. 136567

Section 263.20.30. DEVELOPMENTAL CENTER BILLING FOR SERVICES 136568

Developmental centers of the Department of Developmental 136569
Disabilities may provide services to persons with mental 136570
retardation or developmental disabilities living in the community 136571
or to providers of services to these persons. The Department may 136572
develop a method for recovery of all costs associated with the 136573
provisions of these services. 136574

Section 263.20.40. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 136575
PHARMACY PROGRAMS 136576

The Director of Developmental Disabilities shall quarterly 136577
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 136578
Medicaid Program Support - State Fund (Fund 5C90) used by the 136579
Department of Job and Family Services, in an amount equal to the 136580
nonfederal share of Medicaid prescription drug claim costs for all 136581
developmental centers paid by the Department of Job and Family 136582
Services. The quarterly transfer shall be made using an intrastate 136583
transfer voucher. 136584

Section 263.20.50. NONFEDERAL MATCH FOR ACTIVE TREATMENT 136585
SERVICES 136586

Any county funds received by the Department of Developmental 136587
Disabilities from county boards for active treatment shall be 136588
deposited in the Developmental Disabilities Operating Fund (Fund 136589
4890). 136590

Section 263.20.60. NONFEDERAL SHARE OF NEW ICF/MR BEDS 136591

(A) As used in this section, "intermediate care facility for 136592
the mentally retarded" has the same meaning as in section 5111.20 136593
of the Revised Code. 136594

(B) If the Department of Developmental Disabilities is 136595
required by section 5111.211 of the Revised Code to pay the 136596
nonfederal share of claims submitted for services that are covered 136597
by the Medicaid program and provided to an eligible Medicaid 136598
recipient by an intermediate care facility for the mentally 136599
retarded, the Director of Developmental Disabilities shall 136600
transfer cash to the Department of Job and Family Services to pay 136601
the nonfederal share of the claims. The transfer shall be made 136602
using an intrastate transfer voucher. Except as otherwise provided 136603
in section 5123.0416 of the Revised Code, the Director shall use 136604
only the following appropriation items for the transfer: 136605

(1) Appropriation item 322407, Medicaid State Match; 136606

(2) Appropriation item 322501, County Boards Subsidies. 136607

(C) If the intermediate care facility for the mentally 136608
retarded is located in a county served by a county board of 136609
developmental disabilities that initiates or supports the 136610
facility's certification as an intermediate care facility for the 136611
mentally retarded by the Director of Health, the cash that the 136612
Director transfers under division (B) of this section shall be 136613
moneys that the Director has allocated to the county board serving 136614
the county in which the facility is located unless the amount of 136615
the allocation is insufficient to pay the entire nonfederal share 136616
of the claims submitted by the facility. If the allocation is 136617
insufficient, the Director shall use as much of such moneys 136618
allocated to other counties as is needed to make up the 136619
difference. 136620

Section 263.20.70. RATE INCREASE FOR WAIVER PROVIDERS SERVING 136621
FORMER RESIDENTS OF DEVELOPMENTAL CENTERS 136622

Subject to approval by the Centers for Medicare and Medicaid 136623
Services, the Department of Job and Family Services shall increase 136624
the rate paid to a provider under the Individual Options Waiver by 136625
fifty-two cents for each fifteen minutes of routine 136626
homemaker/personal care provided to an individual for up to a year 136627
if all of the following apply: 136628

(A) The individual was a resident of a developmental center 136629
immediately prior to enrollment in the waiver; 136630

(B) The provider begins serving the individual on or after 136631
July 1, 2011; 136632

(C) The Director of Developmental Disabilities determines 136633
that the increased rate is warranted by the individual's special 136634
circumstances, including the individual's diagnosis, service 136635
needs, or length of stay at the developmental center, and that 136636
serving the individual through the Individual Options Waiver is 136637
fiscally prudent for the Medicaid program. 136638

Section 263.20.80. ODODD INNOVATIVE PILOT PROJECTS 136639

(A) In fiscal year 2012 and fiscal year 2013, the Director of 136640
Developmental Disabilities may authorize the implementation of one 136641
or more innovative pilot projects that, in the judgment of the 136642
Director, are likely to assist in promoting the objectives of 136643
Chapter 5123. or 5126. of the Revised Code. Subject to division 136644
(B) of this section and notwithstanding any provision of Chapters 136645
5123. and 5126. of the Revised Code and any rule adopted under 136646
either chapter, a pilot project authorized by the Director may be 136647
implemented in a manner inconsistent with one or more provisions 136648
of Chapter 5123. or 5126. of the Revised Code or one or more rules 136649
adopted under either chapter. Before authorizing a pilot program, 136650

the Director shall consult with entities interested in the issue 136651
of developmental disabilities, including the Ohio Provider 136652
Resource Association, the Ohio Association of County Boards of 136653
Developmental Disabilities, and the ARC of Ohio. 136654

(B) The Director may not authorize a pilot project to be 136655
implemented in a manner that would cause the state to be out of 136656
compliance with any requirements for a program funded in whole or 136657
in part with federal funds. 136658

Section 263.20.90. OHIO DEVELOPMENTAL DISABILITIES COUNCIL 136659
REMOTE ATTENDANCE PILOT PROGRAM 136660

(A) The Ohio Developmental Disabilities Council may establish 136661
a pilot program to allow Council members to attend a public 136662
Council meeting by teleconference or video conference in lieu of 136663
physically attending the meeting. If the pilot program is 136664
established, it shall be operated until two years after the 136665
effective date of this section. 136666

A member who attends a Council meeting by teleconference or 136667
video conference shall be counted for purposes of determining 136668
whether a quorum is present for the transaction of business. The 136669
member shall be permitted to vote at the meeting. 136670

At each Council meeting that includes members in attendance 136671
by teleconference or video conference, at least three Council 136672
members shall be physically present. Any Council meeting may be 136673
held with members in attendance by teleconference or video 136674
conference, except that the Council shall hold at least one 136675
meeting during each year of the pilot program at which members are 136676
not permitted to attend by teleconference or video conference. 136677

(B) If the pilot program is established, the Council shall 136678
submit a report to the General Assembly not later than one year 136679
after the effective date of this section to assist the General 136680

Assembly in determining whether legislation establishing remote attendance by teleconference or video conference for the meetings of other public bodies would be beneficial. The report shall be submitted in accordance with section 101.68 of the Revised Code. The report shall include all of the following:

(1) A description of the effect of teleconferencing or video conferencing on the operation of the Council meetings;

(2) An accounting of any costs incurred or savings realized by the Council through the use of teleconferencing or video conferencing;

(3) Regarding the Council meetings held during the pilot program, all of the following:

(a) The notice of each meeting;

(b) Attendance records for all Council members;

(c) A description of public and media attendance;

(d) A summary or copy of any comments made by the public or media regarding the use of teleconferencing or video conferencing;

(e) A copy of the minutes for each meeting;

(f) An accounting of the costs incurred for each meeting;

(g) A description of any local media coverage of a teleconference or video conference meeting.

(C) The Ohio Developmental Disabilities Council may adopt any rules the Council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

At a minimum, the rules shall do the following:

(1) Allow Council members to remotely attend a public Council meeting by teleconference or video conference in lieu of physically attending the meeting;

(2) Establish a method for verifying the identity of a member 136710
 who remotely attends a meeting by teleconference or video 136711
 conference; 136712

(3) Establish a policy for distributing and circulating 136713
 necessary documents to Council members, the public, and the media 136714
 in advance of a meeting at which members are permitted to attend 136715
 by teleconference or video conference. 136716

Section 265.10. OBD OHIO BOARD OF DIETETICS 136717

General Services Fund Group 136718
 4K90 860609 Operating Expenses \$ 355,789 \$ 330,592 136719
 TOTAL GSF General Services Fund 136720
 Group \$ 355,789 \$ 330,592 136721
 TOTAL ALL BUDGET FUND GROUPS \$ 355,789 \$ 330,592 136722

Section 267.10. EDU DEPARTMENT OF EDUCATION 136724

General Revenue Fund 136725
 GRF 200100 Personal Services \$ 8,579,178 \$ 8,579,178 136726
 GRF 200320 Maintenance and \$ 2,830,407 \$ 2,830,407 136727
 Equipment
 GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 136728
 Education
 GRF 200416 Career-Technical \$ 2,233,195 \$ 2,233,195 136729
 Education Match
 GRF 200420 Computer/Application/ \$ 4,241,296 \$ 4,241,296 136730
 Network Development
 GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 136731
 Programs
 GRF 200422 School Management \$ 2,842,812 \$ 3,000,000 136732
 Assistance
 GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 136733
 GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 136734

		Support				
GRF	200426	Ohio Educational	\$	17,974,489	\$	17,974,489 136735
		Computer Network				
GRF	200427	Academic Standards	\$	4,346,060	\$	3,700,000 136736
GRF	200437	Student Assessment	\$	55,002,167	\$	55,002,167 136737
GRF	200439	Accountability/Report	\$	3,579,279	\$	3,579,279 136738
		Cards				
GRF	200442	Child Care Licensing	\$	827,140	\$	827,140 136739
GRF	200446	Education Management	\$	6,833,070	\$	6,833,070 136740
		Information System				
GRF	200447	GED Testing	\$	879,551	\$	879,551 136741
GRF	200448	Educator Preparation	\$	786,737	\$	786,737 136742
GRF	200455	Community Schools and	\$	2,200,000	\$	2,200,000 136743
		Choice Programs				
GRF	200502	Pupil Transportation	\$	438,248,936	\$	442,113,527 136744
GRF	200505	School Lunch Match	\$	9,100,000	\$	9,100,000 136745
GRF	200511	Auxiliary Services	\$	124,194,099	\$	126,194,099 136746
GRF	200532	Nonpublic	\$	56,164,384	\$	57,006,850 136747
		Administrative Cost				
		Reimbursement				
GRF	200540	Special Education	\$	135,820,668	\$	135,820,668 136748
		Enhancements				
GRF	200545	Career-Technical	\$	8,802,699	\$	8,802,699 136749
		Education Enhancements				
GRF	200550	Foundation Funding	\$	5,536,347,861	\$	5,610,290,686 136750
GRF	200901	Property Tax	\$	1,086,500,000	\$	1,095,000,000 136751
		Allocation - Education				
TOTAL	GRF	General Revenue Fund	\$	7,539,595,467	\$	7,628,256,477 136752
		General Services Fund Group				136753
1380	200606	Computer	\$	7,600,090	\$	7,600,090 136754
		Services-Operational				
		Support				
4520	200638	Miscellaneous	\$	300,000	\$	300,000 136755

		Educational Services					
4L20	200681	Teacher Certification and Licensure	\$	8,147,756	\$	8,147,756	136756
5960	200656	Ohio Career Information System	\$	529,761	\$	529,761	136757
5H30	200687	School District Solvency Assistance	\$	25,000,000	\$	25,000,000	136758
TOTAL GSF General Services							136759
Fund Group			\$	41,577,607	\$	41,577,607	136760
Federal Special Revenue Fund Group							136761
3090	200601	Neglected and Delinquent Education	\$	2,168,642	\$	2,168,642	136762
3670	200607	School Food Services	\$	6,803,472	\$	6,959,906	136763
3690	200616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	136764
3700	200624	Education of Exceptional Children	\$	1,905,000	\$	0	136765
3780	200660	Learn and Serve	\$	619,211	\$	619,211	136766
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	136767
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	136768
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	136769
3BK0	200628	Longitudinal Data Systems	\$	500,000	\$	250,000	136770
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	136771
3CG0	200646	Teacher Incentive Fund	\$	1,925,881	\$	0	136772
3D10	200664	Drug Free Schools	\$	1,500,000	\$	0	136773

3D20	200667	Math Science Partnerships	\$	9,500,001	\$	9,500,001	136774
3DG0	200630	Federal Stimulus - McKinney Vento Grants	\$	330,512	\$	0	136775
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	21,886,803	\$	0	136776
3DK0	200642	Title 1A - Federal Stimulus	\$	18,633,673	\$	0	136777
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	670,000	\$	0	136778
3DM0	200651	Title IID Technology - Federal Stimulus	\$	1,195,100	\$	0	136779
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	48,500,000	\$	30,000,000	136780
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	7,500,000	\$	7,500,000	136781
3EH0	200620	Migrant Education	\$	2,645,905	\$	2,645,905	136782
3EJ0	200622	Homeless Children Education	\$	1,759,782	\$	1,759,782	136783
3EN0	200655	State Data Systems - Federal Stimulus	\$	2,500,000	\$	2,500,000	136784
3ES0	200657	General Supervisory Enhancement Grant	\$	500,000	\$	500,000	136785
3ET0	200658	Education Jobs Fund	\$	300,000,000	\$	50,000,000	136786
3FD0	200665	Race to the Top	\$	100,000,000	\$	100,000,000	136787
3FE0	200669	Striving Readers	\$	180,000	\$	100,000	136788
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	136789
3L60	200617	Federal School Lunch	\$	327,516,539	\$	337,323,792	136790
3L70	200618	Federal School Breakfast	\$	87,596,850	\$	90,224,756	136791
3L80	200619	Child/Adult Food	\$	100,850,833	\$	103,876,359	136792

		Programs				
3L90	200621	Career-Technical	\$	48,466,864	\$	48,466,864 136793
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	530,010,000	\$	530,010,000 136794
3M20	200680	Individuals with	\$	443,170,050	\$	443,170,050 136795
		Disabilities				
		Education Act				
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 136796
3T40	200613	Public Charter	\$	14,291,353	\$	14,291,353 136797
		Schools				
3Y20	200688	21st Century	\$	43,720,462	\$	45,906,485 136798
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	101,900,000	\$	101,900,000 136799
		Quality				
3Y70	200689	English Language	\$	8,373,995	\$	8,373,995 136800
		Acquisition				
3Y80	200639	Rural and Low Income	\$	1,500,000	\$	1,500,000 136801
		Technical Assistance				
3Z20	200690	State Assessments	\$	11,882,258	\$	11,882,258 136802
3Z30	200645	Consolidated Federal	\$	8,949,280	\$	8,949,280 136803
		Grant Administration				
TOTAL FED		Federal Special				136804
Revenue Fund Group			\$	2,310,389,566	\$	2,011,315,739 136805
State Special Revenue Fund Group						136806
4540	200610	Guidance and Testing	\$	1,050,000	\$	1,050,000 136807
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 136808
4R70	200695	Indirect Operational	\$	6,500,000	\$	6,600,000 136809
		Support				
4V70	200633	Interagency	\$	1,117,725	\$	1,117,725 136810
		Operational Support				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 136811
		Reimbursement				

5BB0	200696	State Action for Education Leadership	\$	231,300	\$	0	136812
5BJ0	200626	Half-Mill Maintenance Equalization	\$	17,300,000	\$	18,000,000	136813
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	136814
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	136815
TOTAL SSR State Special Revenue							136816
Fund Group			\$	54,827,935	\$	55,396,635	136817
Lottery Profits Education Fund Group							136818
7017	200612	Foundation Funding	\$	717,500,000	\$	680,500,000	136819
TOTAL LPE Lottery Profits							136820
Education Fund Group			\$	717,500,000	\$	680,500,000	136821
Revenue Distribution Fund Group							136822
7047	200909	School District Property Tax Replacement-Business	\$	722,000,000	\$	475,000,000	136823
7053	200900	School District Property Tax Replacement-Utility	\$	34,000,000	\$	30,000,000	136824
TOTAL RDF Revenue Distribution							136825
Fund Group			\$	756,000,000	\$	505,000,000	136826
TOTAL ALL BUDGET FUND GROUPS			\$	11,419,890,575	\$	10,922,046,458	136827

Section 267.10.10. EARLY CHILDHOOD EDUCATION

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The Department of Education shall distribute the foregoing
appropriation item 200408, Early Childhood Education, to pay the
costs of early childhood education programs.

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(A) As used in this section:

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(1) "Provider" means a city, local, exempted village, or
joint vocational school district, or an educational service

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(2) In the case of a city, local, or exempted village school district, "new eligible provider" means a district that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section. 136837
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(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. 136842
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(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children. 136850
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(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program guidelines. 136855
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(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2012, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.10.20 of Am. Sub. H.B. 1 of the 128th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to 136860
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serve more eligible children or for purposes of program expansion, 136867
improvement, or special projects to promote quality and 136868
innovation. 136869

After setting aside the amounts to make payments due from the 136870
previous fiscal year, in fiscal year 2013, the Department shall 136871
distribute funds first to providers of early childhood education 136872
programs under this section in the previous fiscal year and the 136873
balance to new eligible providers or to existing providers to 136874
serve more eligible children or for purposes of program expansion, 136875
improvement, or special projects to promote quality and 136876
innovation. 136877

Awards under this section shall be distributed on a per-pupil 136878
basis, and in accordance with division (H) of this section. The 136879
Department may adjust the per-pupil amount so that the per-pupil 136880
amount multiplied by the number of eligible children enrolled and 136881
receiving services on the first day of December or the business 136882
day closest to that date equals the amount allocated under this 136883
section. 136884

(E) Costs for developing and administering an early childhood 136885
education program may not exceed fifteen per cent of the total 136886
approved costs of the program. 136887

All providers shall maintain such fiscal control and 136888
accounting procedures as may be necessary to ensure the 136889
disbursement of, and accounting for, these funds. The control of 136890
funds provided in this program, and title to property obtained, 136891
shall be under the authority of the approved provider for purposes 136892
provided in the program unless, as described in division (J) of 136893
this section, the program waives its right for funding or a 136894
program's funding is eliminated or reduced due to its inability to 136895
meet financial or early learning program guidelines. The approved 136896
provider shall administer and use such property and funds for the 136897
purposes specified. 136898

(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 program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(G) Each early childhood education program shall do all of the following:

(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(2) Align curriculum to the early learning content standards developed by the Department;

(3) Meet any child or program assessment requirements prescribed by the Department;

(4) Require teachers, except teachers enrolled and working to

obtain a degree pursuant to section 3301.311 of the Revised Code, 136930
to attend a minimum of twenty hours every two years of 136931
professional development as prescribed by the Department; 136932

(5) Document and report child progress as prescribed by the 136933
Department; 136934

(6) Meet and report compliance with the early learning 136935
program guidelines as prescribed by the Department. 136936

(H) Per-pupil funding for programs subject to this section 136937
shall be sufficient to provide eligible children with services for 136938
a standard early childhood schedule which shall be defined in this 136939
section as a minimum of twelve and one-half hours per school week 136940
as defined in section 3313.62 of the Revised Code for the minimum 136941
school year as defined in sections 3313.48, 3313.481, and 3313.482 136942
of the Revised Code. Nothing in this section shall be construed to 136943
prohibit program providers from utilizing other funds to serve 136944
eligible children in programs that exceed the twelve and one-half 136945
hours per week or that exceed the minimum school year. For any 136946
provider for which a standard early childhood education schedule 136947
creates a hardship or for which the provider shows evidence that 136948
the provider is working in collaboration with a preschool special 136949
education program, the provider may submit a waiver to the 136950
Department requesting an alternate schedule. If the Department 136951
approves a waiver for an alternate schedule that provides services 136952
for less time than the standard early childhood education 136953
schedule, the Department may reduce the provider's annual 136954
allocation proportionately. Under no circumstances shall an annual 136955
allocation be increased because of the approval of an alternate 136956
schedule. 136957

(I) Each provider shall develop a sliding fee scale based on 136958
family incomes and shall charge families who earn more than two 136959
hundred per cent of the federal poverty guidelines, as defined in 136960
division (A)(3) of section 5101.46 of the Revised Code, for the 136961

early childhood education program. 136962

The Department shall conduct an annual survey of each 136963
provider to determine whether the provider charges families 136964
tuition or fees, the amount families are charged relative to 136965
family income levels, and the number of families and students 136966
charged tuition and fees for the early childhood program. 136967

(J) If an early childhood education program voluntarily 136968
waives its right for funding, or has its funding eliminated for 136969
not meeting financial standards or the early learning program 136970
guidelines, the provider shall transfer control of title to 136971
property, equipment, and remaining supplies obtained through the 136972
program to providers designated by the Department and return any 136973
unexpended funds to the Department along with any reports 136974
prescribed by the Department. The funding made available from a 136975
program that waives its right for funding or has its funding 136976
eliminated or reduced may be used by the Department for new grant 136977
awards or expansion grants. The Department may award new grants or 136978
expansion grants to eligible providers who apply. The eligible 136979
providers who apply must do so in accordance with the selection 136980
process established by the Department. 136981

(K) As used in this section, "early learning program 136982
guidelines" means the guidelines established by the Department 136983
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 136984
66 of the 126th General Assembly. 136985

(L) Eligible expenditures for the Early Childhood Education 136986
program shall be claimed each fiscal year to help meet the state's 136987
TANF maintenance of effort requirement. The Superintendent of 136988
Public Instruction and the Director of Job and Family Services 136989
shall enter into an interagency agreement to carry out the 136990
requirements under this division, which shall include developing 136991
reporting guidelines for these expenditures. 136992

Section 267.10.20. CAREER-TECHNICAL EDUCATION MATCH 136993

The foregoing appropriation item 200416, Career-Technical 136994
Education Match, shall be used by the Department of Education to 136995
provide vocational administration matching funds under 20 U.S.C. 136996
2311. 136997

The Director of Budget and Management shall transfer any 136998
remaining appropriation from appropriation item 200416, 136999
Career-Technical Education Match, to appropriation item 200426, 137000
Ohio Educational Computer Network, to support the Ohio Educational 137001
Computer Network. 137002

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 137003

The foregoing appropriation item 200420, 137004
Computer/Application/Network Development, shall be used to support 137005
the development and implementation of information technology 137006
solutions designed to improve the performance and services of the 137007
Department of Education. Funds may be used for personnel, 137008
maintenance, and equipment costs related to the development and 137009
implementation of these technical system projects. Implementation 137010
of these systems shall allow the Department to provide greater 137011
levels of assistance to school districts and to provide more 137012
timely information to the public, including school districts, 137013
administrators, and legislators. Funds may also be used to support 137014
data-driven decision-making and differentiated instruction, as 137015
well as to communicate academic content standards and curriculum 137016
models to schools through web-based applications. 137017

Section 267.10.30. ALTERNATIVE EDUCATION PROGRAMS 137018

The foregoing appropriation item 200421, Alternative 137019
Education Programs, shall be used for the renewal of successful 137020
implementation grants and for competitive matching grants to 137021
school districts for alternative educational programs for existing 137022

and new at-risk and delinquent youth. Programs shall be focused on 137023
youth in one or more of the following categories: those who have 137024
been expelled or suspended, those who have dropped out of school 137025
or who are at risk of dropping out of school, those who are 137026
habitually truant or disruptive, or those on probation or on 137027
parole from a Department of Youth Services facility. Grants shall 137028
be awarded according to the criteria established by the 137029
Alternative Education Advisory Council in 1999. Grants shall be 137030
awarded only to programs in which the grant will not serve as the 137031
program's primary source of funding. These grants shall be 137032
administered by the Department of Education. 137033

The Department of Education may waive compliance with any 137034
minimum education standard established under section 3301.07 of 137035
the Revised Code for any alternative school that receives a grant 137036
under this section on the grounds that the waiver will enable the 137037
program to more effectively educate students enrolled in the 137038
alternative school. 137039

Of the foregoing appropriation item 200421, Alternative 137040
Education Programs, a portion may be used for program 137041
administration, monitoring, technical assistance, support, 137042
research, and evaluation. 137043

Section 267.10.40. SCHOOL MANAGEMENT ASSISTANCE 137044

Of the foregoing appropriation item 200422, School Management 137045
Assistance, \$1,000,000 in fiscal year 2012 and \$1,300,000 in 137046
fiscal year 2013 shall be used by the Auditor of State in 137047
consultation with the Department of Education for expenses 137048
incurred in the Auditor of State's role relating to fiscal 137049
caution, fiscal watch, and fiscal emergency activities as defined 137050
in Chapter 3316. of the Revised Code and may also be used by the 137051
Auditor of State to conduct performance audits of other school 137052
districts with priority given to districts in fiscal distress. 137053

Districts in fiscal distress shall be determined by the Auditor of State and shall include districts that the Auditor of State, in consultation with the Department of Education, determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.

The remainder of appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 267.10.50. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly and other state policymakers, including the Office of Budget and Management, the Governor's Office of 21st Century Education, and the Legislative Service Commission.

The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor

and enhance quality assurance for research-based policy analysis 137085
and program evaluation to enhance the effective use of education 137086
information to inform education policymakers. 137087

A portion of the foregoing appropriation item 200424, Policy 137088
Analysis, may be used in conjunction with appropriation item 137089
200439, Accountability/Report Cards, to support a fiscal reporting 137090
dimension that shall contain fiscal data reported for the prior 137091
fiscal year. The fiscal information contained therein shall be 137092
updated and reported annually in a form and in a manner as 137093
determined by the Department. 137094

TECH PREP CONSORTIA SUPPORT 137095

The foregoing appropriation item 200425, Tech Prep Consortia 137096
Support, shall be used by the Department of Education to support 137097
state-level activities designed to support, promote, and expand 137098
tech prep programs. Use of these funds shall include, but not be 137099
limited to, administration of grants, program evaluation, 137100
professional development, curriculum development, assessment 137101
development, program promotion, communications, and statewide 137102
coordination of tech prep consortia. 137103

Section 267.10.60. OHIO EDUCATIONAL COMPUTER NETWORK 137104

The foregoing appropriation item 200426, Ohio Educational 137105
Computer Network, shall be used by the Department of Education to 137106
maintain a system of information technology throughout Ohio and to 137107
provide technical assistance for such a system in support of the 137108
P-16 State Education Technology Plan developed under section 137109
3353.09 of the Revised Code. 137110

Of the foregoing appropriation item 200426, Ohio Educational 137111
Computer Network, up to \$10,705,569 in each fiscal year shall be 137112
used by the Department of Education to support connection of all 137113
public school buildings and participating chartered nonpublic 137114

schools to the state's education network, to each other, and to 137115
the Internet. In each fiscal year the Department of Education 137116
shall use these funds to assist information technology centers or 137117
school districts with the operational costs associated with this 137118
connectivity. The Department of Education shall develop a formula 137119
and guidelines for the distribution of these funds to information 137120
technology centers or individual school districts. As used in this 137121
section, "public school building" means a school building of any 137122
city, local, exempted village, or joint vocational school 137123
district, any community school established under Chapter 3314. of 137124
the Revised Code, any STEM school established under Chapter 3326. 137125
of the Revised Code, any educational service center building used 137126
for instructional purposes, the Ohio School for the Deaf and the 137127
Ohio School for the Blind, high schools chartered by the Ohio 137128
Department of Youth Services, or high schools operated by Ohio 137129
Department of Rehabilitation and Corrections' Ohio Central School 137130
System. 137131

Of the foregoing appropriation item 200426, Ohio Educational 137132
Computer Network, up to \$1,440,000 in each fiscal year shall be 137133
used for the Union Catalog and InfoOhio Network and to support the 137134
provision of electronic resources with priority given to resources 137135
that support the teaching of state academic content standards in 137136
all public schools. Consideration shall be given by the Department 137137
of Education to coordinating the allocation of these moneys with 137138
the efforts of Libraries Connect Ohio, whose members include 137139
OhioLINK, the Ohio Public Information Network, and the State 137140
Library of Ohio. 137141

Of the foregoing appropriation item 200426, Ohio Educational 137142
Computer Network, up to \$5,220,000 in each fiscal year shall be 137143
used, through a formula and guidelines devised by the Department, 137144
to subsidize the activities of designated information technology 137145
centers, as defined by State Board of Education rules, to provide 137146

school districts and chartered nonpublic schools with 137147
computer-based student and teacher instructional and 137148
administrative information services, including approved 137149
computerized financial accounting, and to ensure the effective 137150
operation of local automated administrative and instructional 137151
systems. 137152

The remainder of appropriation item 200426, Ohio Educational 137153
Computer Network, shall be used to support the work of the 137154
development, maintenance, and operation of a network of uniform 137155
and compatible computer-based information and instructional 137156
systems. This technical assistance shall include, but not be 137157
restricted to, development and maintenance of adequate computer 137158
software systems to support network activities. In order to 137159
improve the efficiency of network activities, the Department and 137160
information technology centers may jointly purchase equipment, 137161
materials, and services from funds provided under this 137162
appropriation for use by the network and, when considered 137163
practical by the Department, may utilize the services of 137164
appropriate state purchasing agencies. 137165

Section 267.10.70. ACADEMIC STANDARDS 137166

The foregoing appropriation item 200427, Academic Standards, 137167
shall be used by the Department of Education to develop, revise, 137168
and communicate to school districts academic content standards and 137169
curriculum models. 137170

Section 267.10.80. STUDENT ASSESSMENT 137171

Of the foregoing appropriation item 200437, Student 137172
Assessment, up to \$95,000 in each fiscal year may be used to 137173
support the assessments required under section 3301.0715 of the 137174
Revised Code. 137175

The remainder of appropriation item 200437, Student 137176

Assessment, shall be used to develop, field test, print, 137177
distribute, score, report results, and support other associated 137178
costs for the tests required under sections 3301.0710, 3301.0711, 137179
and 3301.0712 of the Revised Code and for similar purposes as 137180
required by section 3301.27 of the Revised Code. If funds remain 137181
in this appropriation after these purposes have been fulfilled, 137182
the Department may use the remainder of the appropriation to 137183
develop end-of-course exams. 137184

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 137185
ASSESSMENT 137186

In fiscal year 2012 and fiscal year 2013, if the 137187
Superintendent of Public Instruction determines that additional 137188
funds are needed to fully fund the requirements of sections 137189
3301.0710, 3301.0711, and 3301.27 of the Revised Code and this act 137190
for assessments of student performance, the Superintendent of 137191
Public Instruction may recommend the reallocation of unexpended 137192
and unencumbered General Revenue Fund appropriations within the 137193
Department of Education to appropriation item 200437, Student 137194
Assessment, to the Director of Budget and Management. If the 137195
Director of Budget and Management determines that such a 137196
reallocation is required, the Director of Budget and Management 137197
may transfer unexpended and unencumbered appropriations within the 137198
Department of Education as necessary to appropriation item 200437, 137199
Student Assessment. If these transferred appropriations are not 137200
sufficient to fully fund the assessment requirements in fiscal 137201
year 2012 or fiscal year 2013, the Superintendent of Public 137202
Instruction may request that the Controlling Board transfer up to 137203
\$9,000,000 cash from the Lottery Profits Education Reserve Fund 137204
(Fund 7018) to the General Revenue Fund. Upon approval of the 137205
Controlling Board, the Director of Budget and Management shall 137206
transfer the cash. These transferred funds are hereby appropriated 137207
for the same purpose as appropriation item 200437, Student 137208

Assessment. 137209

Section 267.10.90. (A) Notwithstanding anything to the 137210
contrary in section 3301.0710, 3301.0711, 3301.0715 or 3313.608 of 137211
the Revised Code, the administration of the English language arts 137212
assessments for elementary grades as a replacement for the 137213
separate reading and writing assessments prescribed by sections 137214
3301.0710 and 3301.0711 of the Revised Code, as those sections 137215
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 137216
shall not be required until a date prescribed by rule of the State 137217
Board of Education. Until that date, the Department of Education 137218
and school districts and schools shall continue to administer 137219
separate reading assessments for elementary grades, as prescribed 137220
by the versions of sections 3301.0710 and 3301.0711 of the Revised 137221
Code that were in effect prior to the effective date of Section 137222
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 137223
intent for delaying implementation of the replacement English 137224
language arts assessment is to provide adequate time for the 137225
complete development of the new assessment. 137226

(B) Notwithstanding anything to the contrary in section 137227
3301.0710 of the Revised Code, the State Board shall not prescribe 137228
the three ranges of scores for the assessments prescribed by 137229
division (A)(2) of section 3301.0710 of the Revised Code, as 137230
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 137231
the Board adopts the rule required by division (A) of this 137232
section. Until that date, the Board shall continue to prescribe 137233
the five ranges of scores required by the version of section 137234
3301.0710 of the Revised Code in effect prior to the effective 137235
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 137236
Assembly, and the following apply: 137237

(1) The range of scores designated by the State Board as a 137238
proficient level of skill remains the passing score on the Ohio 137239

Graduation Tests for purposes of sections 3313.61, 3313.611,
3313.612, and 3325.08 of the Revised Code; 137240
137241

(2) The range of scores designated as a limited level of 137242
skill remains the standard for applying the third-grade reading 137243
guarantee under division (A) of section 3313.608 of the Revised 137244
Code; 137245

(3) The range of scores designated by the State Board as a 137246
proficient level of skill remains the standard for the summer 137247
remediation requirement of division (B)(2) of section 3313.608 of 137248
the Revised Code. 137249

(C) This section is not subject to expiration after June 30,
2013, under Section 809.10 of this act. 137250
137251

Section 267.20.10. Notwithstanding anything to the contrary 137252
in sections 3301.0710 and 3301.0711 of the Revised Code, in the 137253
2011-2012 and 2012-2013 school years, the Department of Education 137254
shall not furnish, and school districts and schools shall not 137255
administer, the elementary writing and social studies achievement 137256
assessments prescribed by section 3301.0710 of the Revised Code, 137257
unless the Superintendent of Public Instruction determines the 137258
Department has sufficient funds to pay the costs of furnishing and 137259
scoring those assessments. 137260

Section 267.20.20. ACCOUNTABILITY/REPORT CARDS 137261

Of the foregoing appropriation item 200439, 137262
Accountability/Report Cards, a portion in each fiscal year may be 137263
used to train district and regional specialists and district 137264
educators in the use of the value-added progress dimension and in 137265
the use of data as it relates to improving student achievement. 137266
This training may include teacher and administrator professional 137267
development in the use of data to improve instruction and student 137268
learning, and teacher and administrator training in understanding 137269

teacher value-added reports and how they can be used as a 137270
component in measuring teacher and administrator effectiveness. A 137271
portion of this funding may be provided to a credible nonprofit 137272
organization with expertise in value-added progress dimensions. 137273

The remainder of appropriation item 200439, 137274
Accountability/Report Cards, shall be used by the Department to 137275
incorporate a statewide value-added progress dimension into 137276
performance ratings for school districts and for the development 137277
of an accountability system that includes the preparation and 137278
distribution of school report cards and funding and expenditure 137279
accountability reports under sections 3302.03 and 3302.031 of the 137280
Revised Code. 137281

CHILD CARE LICENSING 137282

The foregoing appropriation item 200442, Child Care 137283
Licensing, shall be used by the Department of Education to license 137284
and to inspect preschool and school-age child care programs under 137285
sections 3301.52 to 3301.59 of the Revised Code. 137286

Section 267.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 137287

The foregoing appropriation item 200446, Education Management 137288
Information System, shall be used by the Department of Education 137289
to improve the Education Management Information System (EMIS). 137290

Of the foregoing appropriation item 200446, Education 137291
Management Information System, up to \$729,000 in each fiscal year 137292
shall be distributed to designated information technology centers 137293
for costs relating to processing, storing, and transferring data 137294
for the effective operation of the EMIS. These costs may include, 137295
but are not limited to, personnel, hardware, software development, 137296
communications connectivity, professional development, and support 137297
services, and to provide services to participate in the State 137298
Education Technology Plan developed under section 3353.09 of the 137299

Revised Code. 137300

The remainder of appropriation item 200446, Education 137301
Management Information System, shall be used to develop and 137302
support a common core of data definitions and standards as adopted 137303
by the Education Management Information System Advisory Board, 137304
including the ongoing development and maintenance of the data 137305
dictionary and data warehouse. In addition, such funds shall be 137306
used to support the development and implementation of data 137307
standards and the design, development, and implementation of a new 137308
data exchange system. 137309

Any provider of software meeting the standards approved by 137310
the Education Management Information System Advisory Board shall 137311
be designated as an approved vendor and may enter into contracts 137312
with local school districts, community schools, STEMS schools, 137313
information technology centers, or other educational entities for 137314
the purpose of collecting and managing data required under Ohio's 137315
education management information system (EMIS) laws. On an annual 137316
basis, the Department of Education shall convene an advisory group 137317
of school districts, community schools, and other 137318
education-related entities to review the Education Management 137319
Information System data definitions and data format standards. The 137320
advisory group shall recommend changes and enhancements based upon 137321
surveys of its members, education agencies in other states, and 137322
current industry practices, to reflect best practices, align with 137323
federal initiatives, and meet the needs of school districts. 137324

School districts, STEMS schools, and community schools not 137325
implementing a common and uniform set of data definitions and data 137326
format standards for Education Management Information System 137327
purposes shall have all EMIS funding withheld until they are in 137328
compliance. 137329

Section 267.20.40. GED TESTING 137330

The foregoing appropriation item 200447, GED Testing, shall 137331
be used to provide General Educational Development (GED) testing 137332
under rules adopted by the State Board of Education. 137333

Section 267.20.50. EDUCATOR PREPARATION 137334

Of the foregoing appropriation item 200448, Educator 137335
Preparation, up to \$150,000 in each fiscal year may be used by the 137336
Department of Education to monitor and support Ohio's State System 137337
of Support in accordance with the "No Child Left Behind Act of 137338
2011," 20 U.S.C. 6317. 137339

The remainder of appropriation item 200448, Educator 137340
Preparation, may be used by the Department to support the Educator 137341
Standards Board under section 3319.61 of the Revised Code and 137342
reforms under sections 3302.042, 3302.06 through 3302.068, 137343
3302.12, 3302.20 through 3302.22, and 3319.58 of the Revised Code. 137344

Section 267.20.60. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 137345

The foregoing appropriation item 200455, Community Schools 137346
and Choice Programs, may be used by the Department of Education 137347
for additional services and responsibilities under section 3314.11 137348
of the Revised Code and for operation of the school choice 137349
programs. 137350

Of the foregoing appropriation item 200455, Community Schools 137351
and Choice Programs, a portion in each fiscal year may be used by 137352
the Department of Education for developing and conducting training 137353
sessions for community schools and sponsors and prospective 137354
sponsors of community schools as prescribed in division (A)(1) of 137355
section 3314.015 of the Revised Code, and other schools 137356
participating in school choice programs. In developing the 137357
community school training sessions, the Department shall collect 137358
and disseminate examples of best practices used by sponsors of 137359
independent charter schools in Ohio and other states. 137360

Section 267.20.70. PUPIL TRANSPORTATION 137361

Of the foregoing appropriation item 200502, Pupil 137362
Transportation, up to \$838,930 in each fiscal year may be used by 137363
the Department of Education for training prospective and 137364
experienced school bus drivers in accordance with training 137365
programs prescribed by the Department. Up to \$60,469,220 in each 137366
fiscal year may be used by the Department of Education for special 137367
education transportation reimbursements to school districts and 137368
county DD boards for transportation operating costs as provided in 137369
division (J) of section 3317.024 of the Revised Code. Up to 137370
\$650,000 in each fiscal year may be used to partially reimburse 137371
school districts for costs of providing transportation services to 137372
nontraditional schools when those schools are open on a day the 137373
traditional school district is not scheduled to open. Up to 137374
\$5,000,000 in each fiscal year may be used by the Department of 137375
Education to reimburse school districts that make payments to 137376
parents in lieu of transportation under section 3327.02 of the 137377
Revised Code and whose transportation is not funded under division 137378
(C) of section 3317.024 of the Revised Code. 137379

The remainder of appropriation item 200502, Pupil 137380
Transportation, shall be used to distribute the amounts calculated 137381
for formula aid under Section 267.30.50 of this act. 137382

Section 267.20.80. SCHOOL LUNCH MATCH 137383

The foregoing appropriation item 200505, School Lunch Match, 137384
shall be used to provide matching funds to obtain federal funds 137385
for the school lunch program. 137386

Any remaining appropriation after providing matching funds 137387
for the school lunch program may be used to partially reimburse 137388
school buildings within school districts that are required to have 137389
a school breakfast program under section 3313.813 of the Revised 137390

Code, at a rate decided by the Department. 137391

Section 267.20.90. AUXILIARY SERVICES 137392

The foregoing appropriation item 200511, Auxiliary Services, 137393
shall be used by the Department of Education for the purpose of 137394
implementing section 3317.06 of the Revised Code. Of the 137395
appropriation, up to \$1,789,943 in each fiscal year may be used 137396
for payment of the Post-Secondary Enrollment Options Program for 137397
nonpublic students. Notwithstanding section 3365.10 of the Revised 137398
Code, the Department shall distribute funding according to rules 137399
adopted by the Department in accordance with Chapter 119. of the 137400
Revised Code. 137401

Section 267.30.10. NONPUBLIC ADMINISTRATIVE COST 137402
REIMBURSEMENT 137403

The foregoing appropriation item 200532, Nonpublic 137404
Administrative Cost Reimbursement, shall be used by the Department 137405
of Education for the purpose of implementing section 3317.063 of 137406
the Revised Code. 137407

Section 267.30.20. SPECIAL EDUCATION ENHANCEMENTS 137408

Of the foregoing appropriation item 200540, Special Education 137409
Enhancements, up to \$2,206,875 in each fiscal year shall be used 137410
for home instruction for children with disabilities. 137411

Of the foregoing appropriation item 200540, Special Education 137412
Enhancements, up to \$45,282,959 in each fiscal year shall be used 137413
to fund special education and related services at county boards of 137414
developmental disabilities for eligible students under section 137415
3317.20 of the Revised Code and at institutions for eligible 137416
students under section 3317.201 of the Revised Code. 137417
Notwithstanding the distribution formulas under sections 3317.20 137418
and 3317.201 of the Revised Code, funding for DD boards and 137419

institutions for fiscal year 2012 and fiscal year 2013 shall be 137420
determined by providing the per pupil amount received by each DD 137421
board and institution for the prior fiscal year for each student 137422
served in the current fiscal year. 137423

Of the foregoing appropriation item 200540, Special Education 137424
Enhancements, up to \$1,333,468 in each fiscal year shall be used 137425
for parent mentoring programs. 137426

Of the foregoing appropriation item 200540, Special Education 137427
Enhancements, up to \$2,537,824 in each fiscal year may be used for 137428
school psychology interns. 137429

The remainder of appropriation item 200540, Special Education 137430
Enhancements, shall be distributed by the Department of Education 137431
to county boards of developmental disabilities, educational 137432
service centers, and school districts for preschool special 137433
education units and preschool supervisory units under section 137434
3317.052 of the Revised Code. To the greatest extent possible, the 137435
Department of Education shall allocate these units to school 137436
districts and educational service centers. 137437

The Department may reimburse county DD boards, educational 137438
service centers, and school districts for services provided by 137439
instructional assistants, related services as defined in rule 137440
3301-51-11 of the Administrative Code, physical therapy services 137441
provided by a licensed physical therapist or physical therapist 137442
assistant under the supervision of a licensed physical therapist 137443
as required under Chapter 4755. of the Revised Code and Chapter 137444
4755-27 of the Administrative Code and occupational therapy 137445
services provided by a licensed occupational therapist or 137446
occupational therapy assistant under the supervision of a licensed 137447
occupational therapist as required under Chapter 4755. of the 137448
Revised Code and Chapter 4755-7 of the Administrative Code. 137449
Nothing in this section authorizes occupational therapy assistants 137450
or physical therapist assistants to generate or manage their own 137451

caseloads. 137452

The Department of Education shall require school districts, 137453
educational service centers, and county DD boards serving 137454
preschool children with disabilities to adhere to Ohio's Early 137455
Learning Program Guidelines and document child progress using 137456
research-based indicators prescribed by the Department and report 137457
results annually. The reporting dates and method shall be 137458
determined by the Department. 137459

Section 267.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 137460

Of the foregoing appropriation item 200545, Career-Technical 137461
Education Enhancements, up to \$2,563,568 in each fiscal year shall 137462
be used to fund secondary career-technical education at 137463
institutions using a grant-based methodology, notwithstanding 137464
sections 3317.05, 3317.052, and 3317.053 of the Revised Code. 137465

Of the foregoing appropriation item 200545, Career-Technical 137466
Education Enhancements, up to \$2,838,281 in each fiscal year shall 137467
be used by the Department of Education to fund competitive grants 137468
to tech prep consortia that expand the number of students enrolled 137469
in tech prep programs. These grant funds shall be used to directly 137470
support expanded tech prep programs provided to students enrolled 137471
in school districts, including joint vocational school districts, 137472
and affiliated higher education institutions. This support may 137473
include the purchase of equipment. 137474

Of the foregoing appropriation item 200545, Career-Technical 137475
Education Enhancements, up to \$3,100,850 in each fiscal year shall 137476
be used by the Department of Education to support existing High 137477
Schools That Work (HSTW) sites, develop and support new sites, 137478
fund technical assistance, and support regional centers and middle 137479
school programs. The purpose of HSTW is to combine challenging 137480
academic courses and modern career-technical studies to raise the 137481
academic achievement of students. HSTW provides intensive 137482

technical assistance, focused staff development, targeted 137483
assessment services, and ongoing communications and networking 137484
opportunities. 137485

Of the foregoing appropriation item 200545, Career-Technical 137486
Education Enhancements, up to \$300,000 in each fiscal year shall 137487
be used by the Department of Education to enable students in 137488
agricultural programs to enroll in a fifth quarter of instruction 137489
based on the agricultural education model of delivering work-based 137490
learning through supervised agricultural experience. The 137491
Department of Education shall determine eligibility criteria and 137492
the reporting process for the Agriculture 5th Quarter Project and 137493
shall fund as many programs as possible given the set aside. 137494

Section 267.30.40. FOUNDATION FUNDING 137495

Of the foregoing appropriation item 200550, Foundation 137496
Funding, up to \$675,000 in each fiscal year shall be used to 137497
support the work of the College of Education and Human Ecology at 137498
the Ohio State University in reviewing and assessing the alignment 137499
of courses offered through the distance learning clearinghouse 137500
established in sections 3333.81 to 3333.88 of the Revised Code 137501
with the academic content standards adopted under division (A) of 137502
section 3301.079 of the Revised Code. 137503

Of the foregoing appropriation item 200550, Foundation 137504
Funding, up to \$250,000 in each fiscal year may be used by the 137505
Department to fund a shared services pilot project involving at 137506
least two educational service centers. The pilot project shall 137507
focus on the design, implementation, and evaluation of a shared 137508
service delivery model. The educational service centers 137509
participating in the pilot project shall submit a report not later 137510
than September 1, 2013, to the Governor, members of the General 137511
Assembly, and members of the State Board of Education, reviewing 137512
the opportunities and challenges of implementing shared services 137513

initiatives as well as any real or projected cost efficiencies 137514
achieved through the pilot project. 137515

Of the foregoing appropriation item 200550, Foundation 137516
Funding, up to \$50,000 shall be expended in each fiscal year for 137517
court payments under section 2151.362 of the Revised Code. 137518

Of the foregoing appropriation item 200550, Foundation 137519
Funding, up to \$8,100,000 in each fiscal year shall be used to 137520
fund gifted education at educational service centers. 137521
Notwithstanding division (D)(5) of section 3317.018 of the Revised 137522
Code, the Department shall distribute the funding through the 137523
unit-based funding methodology in place under division (L) of 137524
section 3317.024, division (E) of section 3317.05, and divisions 137525
(A), (B), and (C) of section 3317.053 of the Revised Code as they 137526
existed prior to fiscal year 2010. 137527

Of the foregoing appropriation item 200550, Foundation 137528
Funding, up to \$10,000,000 in each fiscal year shall be used to 137529
provide additional state aid to school districts, joint vocational 137530
school districts, and community schools for special education 137531
students under division (C)(3) of section 3317.022 of the Revised 137532
Code, except that the Controlling Board may increase these amounts 137533
if presented with such a request from the Department of Education 137534
at the final meeting of the fiscal year; and up to \$2,000,000 in 137535
each fiscal year shall be reserved for Youth Services tuition 137536
payments under section 3317.024 of the Revised Code. 137537

Of the foregoing appropriation item 200550, Foundation 137538
Funding, up to \$41,760,000 in fiscal year 2012 and up to 137539
\$35,496,000 in fiscal year 2013 shall be reserved to fund the 137540
state reimbursement of educational service centers under section 137541
3317.11 of the Revised Code and the section of this act entitled 137542
"EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,545,752 in 137543
each fiscal year shall be distributed to educational service 137544
centers for School Improvement Initiatives. Educational service 137545

centers shall be required to support districts in the development 137546
and implementation of their continuous improvement plans as 137547
required in section 3302.04 of the Revised Code and to provide 137548
technical assistance and support in accordance with Title I of the 137549
"No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 137550
6317. 137551

Of the foregoing appropriation item 200550, Foundation 137552
Funding, up to \$700,000 in each fiscal year shall be used by the 137553
Department of Education for a program to pay for educational 137554
services for youth who have been assigned by a juvenile court or 137555
other authorized agency to any of the facilities described in 137556
division (A) of the section of this act entitled "PRIVATE 137557
TREATMENT FACILITY PROJECT." 137558

Of the foregoing appropriation item 200550, Foundation 137559
Funding, up to \$12,522,860 in each fiscal year shall be used to 137560
support the Cleveland school choice program. 137561

Of the portion of the funds distributed to the Cleveland 137562
Municipal School District under this section, up to \$11,901,887 in 137563
each fiscal year shall be used to operate the school choice 137564
program in the Cleveland Municipal School District under sections 137565
3313.974 to 3313.979 of the Revised Code. Notwithstanding 137566
divisions (B) and (C) of section 3313.978 and division (C) of 137567
section 3313.979 of the Revised Code, up to \$1,000,000 in each 137568
fiscal year of this amount shall be used by the Cleveland 137569
Municipal School District to provide tutorial assistance as 137570
provided in division (H) of section 3313.974 of the Revised Code. 137571
The Cleveland Municipal School District shall report the use of 137572
these funds in the district's three-year continuous improvement 137573
plan as described in section 3302.04 of the Revised Code in a 137574
manner approved by the Department of Education. 137575

Of the foregoing appropriation item 200550, Foundation 137576
Funding, an amount shall be available in each fiscal year to be 137577

paid to joint vocational school districts in accordance with the 137578
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 137579
DISTRICTS." 137580

Of the foregoing appropriation item 200550, Foundation 137581
Funding, a portion in each fiscal year shall be paid to city, 137582
exempted village, and local school districts in accordance with 137583
the section of this act entitled "SUPPLEMENTAL SCHOOL DISTRICT 137584
FUNDING." 137585

Of the foregoing appropriation item 200550, Foundation 137586
Funding, a portion in each fiscal year shall be paid to school 137587
districts and community schools in accordance with the section of 137588
this act entitled "SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS." 137589

The remainder of appropriation item 200550, Foundation 137590
Funding, shall be used to distribute the amounts calculated for 137591
formula aid under Section 267.30.50 of this act. 137592

Appropriation items 200502, Pupil Transportation, 200540, 137593
Special Education Enhancements, and 200550, Foundation Funding, 137594
other than specific set-asides, are collectively used in each 137595
fiscal year to pay state formula aid obligations for school 137596
districts, community schools, STEM schools, and joint vocational 137597
school districts under this act. The first priority of these 137598
appropriation items, with the exception of specific set-asides, is 137599
to fund state formula aid obligations. It may be necessary to 137600
reallocate funds among these appropriation items or use excess 137601
funds from other general revenue fund appropriation items in the 137602
Department of Education's budget in each fiscal year, in order to 137603
meet state formula aid obligations. If it is determined that it is 137604
necessary to transfer funds among these appropriation items or to 137605
transfer funds from other General Revenue Fund appropriations in 137606
the Department of Education's budget to meet state formula aid 137607
obligations, the Department of Education shall seek approval from 137608
the Controlling Board to transfer funds as needed. 137609

Section 267.30.50. FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS

(A) For each of fiscal years 2012 and 2013, the Department of Education shall compute and pay operating funding for each city, exempted village, and local school district according to the following formula:

[(The final amount computed for fiscal year 2011 under the line on the district's PASS form entitled "State Resources for the Foundation Funding Program" / the district's recalculated fiscal year 2011 formula ADM) X the district's current year formula ADM] - the district's adjustment amount

Where:

(1) "PASS form" means the form for calculating operating payments to school districts as prescribed by former section 3306.012 of the Revised Code.

(2) "Recalculated fiscal year 2011 formula ADM" means the district's average daily membership reported in October 2010 under division (A) of section 3317.03 of the Revised Code, as verified by the Superintendent of Public Instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the Department, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical educational compact.

(3) "Current year formula ADM" means the district's formula ADM for the current fiscal year as defined in section 3317.02 of

the Revised Code. 137640

(4) "The district's adjustment amount" means the amount 137641
computed under division (B)(5) of this section. 137642

If the computation made under division (A) of this section 137643
results in a negative number, the district's funding under this 137644
section shall be zero. 137645

(B) To make the computation required by division (A) of this 137646
section, the Department shall determine all of the following: 137647

(1) Each district's charge-off valuation per pupil, which 137648
shall be the valuation used to determine the district's state 137649
share of the adequacy amount for fiscal year 2011, under former 137650
section 3306.13 of the Revised Code, divided by the district's 137651
recalculated fiscal year 2011 formula ADM; 137652

(2) The statewide median charge-off valuation per pupil; 137653

(3) Each district's charge-off valuation index, which shall 137654
be the district's charge-off valuation per pupil divided by the 137655
statewide median charge-off valuation per pupil; 137656

(4) The statewide per pupil adjustment amount. The Department 137657
shall determine that amount so that the total statewide formula 137658
aid obligation for school districts does not exceed the aggregate 137659
amount appropriated for formula aid under line items 200502, 137660
200550, and 200612. 137661

(5) Each district's adjustment amount, which shall be the 137662
district's charge-off valuation index multiplied by the statewide 137663
per pupil adjustment amount multiplied by the district's current 137664
year formula ADM. 137665

(C) On the form that the Department uses to compute funding 137666
for a school district in accordance with this section, the 137667
Department also shall indicate the amount of that funding 137668
allocated to special education and related services, the amount 137669

allocated to career-technical education, and the amount allocated 137670
to gifted education. The amounts allocated for special education 137671
and career-technical education shall be the amounts indicated on 137672
the PASS form for fiscal year 2011. Each school district that 137673
receives an allocation for career-technical education shall spend 137674
the funds only for purposes the Department of Education designates 137675
as approved for career-technical education expenses. 137676
Career-technical education expenses approved by the Department 137677
shall include only expenses connected to the delivery of 137678
career-technical programming to students enrolled in 137679
state-approved career-technical programs. If a school district 137680
informs the Department that it is unable to spend the full 137681
allocation on approved career-technical education expenses, the 137682
Department may reallocate the district's unexpended amount of the 137683
career-technical education allocation to other school districts. 137684
The overall funding levels calculated under division (A) of this 137685
section for districts affected by a reallocation under this 137686
division shall be adjusted accordingly. The Department shall first 137687
allocate the funds to school districts within the original school 137688
district's vocational education planning district that have growth 137689
in career-technical enrollment from the previous fiscal year. If 137690
there are no such districts, the Department shall allocate the 137691
funds to other school districts, with priority given to districts 137692
according to each district's growth in career-technical enrollment 137693
from the previous fiscal year. The amounts allocated to gifted 137694
education shall be the amounts districts received for gifted unit 137695
funding and supplemental identification funds in fiscal year 2009, 137696
either directly or through funds allocated to educational service 137697
centers. The Department shall require each school district to 137698
report data annually so that the Department may monitor and 137699
enforce the district's compliance with the requirements regarding 137700
the manner in which allocations for career-technical education and 137701
gifted education may be spent. 137702

(D) For fiscal years 2012 and 2013, wherever a provision of law refers to payments or adjustments for a school district made in accordance with any section of Chapter 3317. of the Revised Code, that reference shall be construed to include payments or adjustments made under this section.

Section 267.30.53. SUPPLEMENTAL SCHOOL DISTRICT FUNDING

(A) For each of fiscal years 2012 and 2013, the Department of Education shall compute and pay supplemental operating funding for each city, exempted village, and local school district according to the following formula:

(The final amount computed for fiscal year 2011 under the line on the district's PASS form entitled "State Resources for the Foundation Funding Program" minus the portion of that amount paid from funds received under the American Recovery and Reinvestment Act State Fiscal Stabilization Fund) minus the amount computed for the district for the current fiscal year under Section 267.30.50 of this act.

(B) If the computation made under division (A) of this section results in a negative number, the district's funding under that division shall be zero.

Section 267.30.56. SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS

In addition to any other payments made under Sections 267.30.50 and 267.30.53 of this act or under Chapter 3317. of the Revised Code, for each of fiscal years 2012 and 2013, the Department of Education shall pay to each qualifying school district or community school, established under Chapter 3314. of the Revised Code, the amount prescribed by this section.

The Department shall pay to each school district or community school rated as "excellent with distinction" or "excellent" on the

report card issued for the district or community school under 137733
sections 3302.03 and 3314.012 of the Revised Code for the prior 137734
school year an amount equal to \$17 times the district's 137735
current-year formula ADM, in the case of a school district, or the 137736
number of students in the community school's enrollment report for 137737
the current year, in the case of a community school. 137738

As used in this section, "the number of students in the 137739
community school's enrollment report" means "the final number of 137740
students reported under divisions (B)(2)(a) and (b) of section 137741
3314.08 of the Revised Code at the end of a fiscal year, as 137742
verified by the Department." 137743

Section 267.30.60. FUNDING FOR JOINT VOCATIONAL SCHOOL 137744
DISTRICTS 137745

The Department of Education shall distribute funds within 137746
appropriation item 200550, Foundation Funding, for joint 137747
vocational funding in each fiscal year to each joint vocational 137748
school district that received joint vocational funding in fiscal 137749
year 2011. The Department shall distribute to each such district 137750
joint vocational funding in an amount equal to the district's 137751
total state foundation aid as reported on the final JVS payment 137752
report produced by the Department for the previous fiscal year. 137753

The joint vocational funding for each fiscal year for each 137754
district is the amount specified in this section less any general 137755
revenue fund spending reductions ordered by the Governor under 137756
section 126.05 of the Revised Code. 137757

Section 267.30.70. PROPERTY TAX ALLOCATION - EDUCATION 137758

The Superintendent of Public Instruction shall not request, 137759
and the Controlling Board shall not approve, the transfer of 137760
appropriation from appropriation item 200901, Property Tax 137761
Allocation - Education, to any other appropriation item. 137762

The appropriation item 200901, Property Tax Allocation - 137763
Education, is appropriated to pay for the state's costs incurred 137764
because of the homestead exemption, the property tax rollback, and 137765
payments required under division (C) of section 5705.2110 of the 137766
Revised Code. In cooperation with the Department of Taxation, the 137767
Department of Education shall distribute these funds directly to 137768
the appropriate school districts of the state, notwithstanding 137769
sections 321.24 and 323.156 of the Revised Code, which provide for 137770
payment of the homestead exemption and property tax rollback by 137771
the Tax Commissioner to the appropriate county treasurer and the 137772
subsequent redistribution of these funds to the appropriate local 137773
taxing districts by the county auditor. 137774

Upon receipt of these amounts, each school district shall 137775
distribute the amount among the proper funds as if it had been 137776
paid as real or tangible personal property taxes. Payments for the 137777
costs of administration shall continue to be paid to the county 137778
treasurer and county auditor as provided for in sections 319.54, 137779
321.26, and 323.156 of the Revised Code. 137780

Any sums, in addition to the amount specifically appropriated 137781
in appropriation items 200901, Property Tax Allocation - 137782
Education, for the homestead exemption and the property tax 137783
rollback payments, and payments required under division (C) of 137784
section 5705.2110 of the Revised Code, which are determined to be 137785
necessary for these purposes, are hereby appropriated. 137786

Section 267.30.80. TEACHER CERTIFICATION AND LICENSURE 137787

The foregoing appropriation item 200681, Teacher 137788
Certification and Licensure, shall be used by the Department of 137789
Education in each year of the biennium to administer and support 137790
teacher certification and licensure activities. 137791

SCHOOL DISTRICT SOLVENCY ASSISTANCE 137792

(A) Of the foregoing appropriation item 200687, School 137793
District Solvency Assistance, \$20,000,000 in each fiscal year 137794
shall be allocated to the School District Shared Resource Account 137795
and \$5,000,000 in each fiscal year shall be allocated to the 137796
Catastrophic Expenditures Account. These funds shall be used to 137797
provide assistance and grants to school districts to enable them 137798
to remain solvent under section 3316.20 of the Revised Code. 137799
Assistance and grants shall be subject to approval by the 137800
Controlling Board. Except as provided under division (C) of this 137801
section, any required reimbursements from school districts for 137802
solvency assistance shall be made to the appropriate account in 137803
the School District Solvency Assistance Fund (Fund 5H30). 137804

(B) Notwithstanding any provision of law to the contrary, 137805
upon the request of the Superintendent of Public Instruction, the 137806
Director of Budget and Management may make transfers to the School 137807
District Solvency Assistance Fund (Fund 5H30) from any fund used 137808
by the Department of Education or the General Revenue Fund to 137809
maintain sufficient cash balances in Fund 5H30 in fiscal years 137810
2012 and 2013. Any cash transferred is hereby appropriated. The 137811
transferred cash may be used by the Department of Education to 137812
provide assistance and grants to school districts to enable them 137813
to remain solvent and to pay unforeseeable expenses of a temporary 137814
or emergency nature that the school district is unable to pay from 137815
existing resources. The Director of Budget and Management shall 137816
notify the members of the Controlling Board of any such transfers. 137817

(C) If the cash balance of the School District Solvency 137818
Assistance Fund (Fund 5H30) is insufficient to pay solvency 137819
assistance in fiscal years 2012 and 2013, at the request of the 137820
Superintendent of Public Instruction, and with the approval of the 137821
Controlling Board, the Director of Budget and Management may 137822
transfer cash from the Lottery Profits Education Reserve Fund 137823
(Fund 7018) to Fund 5H30 to provide assistance and grants to 137824

school districts to enable them to remain solvent and to pay 137825
unforeseeable expenses of a temporary nature that they are unable 137826
to pay from existing resources under section 3316.20 of the 137827
Revised Code. Such transfers are hereby appropriated to 137828
appropriation item 200670, School District Solvency Assistance - 137829
Lottery. Any required reimbursements from school districts for 137830
solvency assistance granted from appropriation item 200670, School 137831
District Solvency Assistance - Lottery, shall be made to Fund 137832
7018. 137833

Section 267.30.90. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 137834

Upon the request of the Superintendent of Public Instruction, 137835
the Director of Budget and Management may transfer up to \$639,000 137836
cash in each fiscal year from the General Revenue Fund to the 137837
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 137838
transferred cash is to be used by the Department of Education to 137839
pay the expenses the Department incurs in administering the 137840
Medicaid School Component of the Medicaid program established 137841
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 137842
of each fiscal year, or as soon as possible thereafter, the 137843
Director of Budget and Management shall transfer cash from Fund 137844
3AF0 back to the General Revenue Fund in an amount equal to the 137845
total amount transferred to Fund 3AF0 in that fiscal year. 137846

The money deposited into Fund 3AF0 under division (B) of 137847
section 5111.714 of the Revised Code is hereby appropriated for 137848
fiscal years 2012 and 2013 and shall be used in accordance with 137849
division (D) of section 5111.714 of the Revised Code. 137850

Section 267.40.10. HALF-MILL MAINTENANCE EQUALIZATION 137851

The foregoing appropriation item 200626, Half-Mill 137852
Maintenance Equalization, shall be used to make payments pursuant 137853
to section 3318.18 of the Revised Code. 137854

Section 267.40.20. AUXILIARY SERVICES REIMBURSEMENT 137855

Notwithstanding section 3317.064 of the Revised Code, if the 137856
unexpended, unencumbered cash balance is sufficient, the Treasurer 137857
of State shall transfer \$1,500,000 in fiscal year 2012 within 137858
thirty days after the effective date of this section, and 137859
\$1,500,000 in fiscal year 2013 by August 1, 2012, from the 137860
Auxiliary Services Personnel Unemployment Compensation Fund to the 137861
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 137862
Department of Education. 137863

Section 267.40.30. LOTTERY PROFITS EDUCATION FUND 137864

Appropriation item 200612, Foundation Funding (Fund 7017), 137865
shall be used in conjunction with appropriation item 200550, 137866
Foundation Funding (GRF), to provide state foundation payments to 137867
school districts. 137868

The Department of Education, with the approval of the 137869
Director of Budget and Management, shall determine the monthly 137870
distribution schedules of appropriation item 200550, Foundation 137871
Funding (GRF), and appropriation item 200612, Foundation Funding 137872
(Fund 7017). If adjustments to the monthly distribution schedule 137873
are necessary, the Department of Education shall make such 137874
adjustments with the approval of the Director of Budget and 137875
Management. 137876

Section 267.40.40. LOTTERY PROFITS EDUCATION RESERVE FUND 137877

(A) There is hereby created the Lottery Profits Education 137878
Reserve Fund (Fund 7018) in the State Treasury. Investment 137879
earnings of the Lottery Profits Education Reserve Fund shall be 137880
credited to the fund. 137881

(B) Notwithstanding any other provision of law to the 137882
contrary, the Director of Budget and Management may transfer cash 137883

from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 137884
in fiscal year 2012 and fiscal year 2013. Amounts transferred 137885
under this section are hereby appropriated. 137886

(C) On July 15, 2011, or as soon as possible thereafter, the 137887
Director of the Ohio Lottery Commission shall certify to the 137888
Director of Budget and Management the amount by which lottery 137889
profit transfers received by Fund 7017 exceeded \$711,000,000 in 137890
fiscal year 2011. The Director of Budget and Management may 137891
transfer the amount so certified, plus the cash balance in Fund 137892
7017, to Fund 7018. 137893

(D) On July 15, 2012, or as soon as possible thereafter, the 137894
Director of the Ohio Lottery Commission shall certify to the 137895
Director of Budget and Management the amount by which lottery 137896
profit transfers received by Fund 7017 exceeded \$717,500,000 in 137897
fiscal year 2012. The Director of Budget and Management may 137898
transfer the amount so certified, plus the cash balance in Fund 137899
7017, to Fund 7018. 137900

Section 267.40.50. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 137901
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 137902

Notwithstanding any provision of law to the contrary, in 137903
fiscal year 2012 and fiscal year 2013 the Director of Budget and 137904
Management may make temporary transfers between the General 137905
Revenue Fund and the School District Property Tax Replacement - 137906
Business Fund (Fund 7047) in the Department of Education to ensure 137907
sufficient balances in Fund 7047 and to replenish the General 137908
Revenue Fund for such transfers. 137909

Section 267.40.60. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 137910
BUSINESS 137911

The foregoing appropriation item 200909, School District 137912
Property Tax Replacement - Business, shall be used by the 137913

Department of Education, in consultation with the Department of 137914
Taxation, to make payments to school districts and joint 137915
vocational school districts under section 5751.21 of the Revised 137916
Code. If it is determined by the Director of Budget and Management 137917
that additional appropriations are necessary for this purpose, 137918
such amounts are hereby appropriated. 137919

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 137920

The foregoing appropriation item 200900, School District 137921
Property Tax Replacement-Utility, shall be used by the Department 137922
of Education, in consultation with the Department of Taxation, to 137923
make payments to school districts and joint vocational school 137924
districts under section 5727.85 of the Revised Code. If it is 137925
determined by the Director of Budget and Management that 137926
additional appropriations are necessary for this purpose, such 137927
amounts are hereby appropriated. 137928

DISTRIBUTION FORMULAS 137929

The Department of Education shall report the following to the 137930
Director of Budget and Management and the Legislative Service 137931
Commission: 137932

(A) Changes in formulas for distributing state 137933
appropriations, including administratively defined formula 137934
factors; 137935

(B) Discretionary changes in formulas for distributing 137936
federal appropriations; 137937

(C) Federally mandated changes in formulas for distributing 137938
federal appropriations. 137939

Any such changes shall be reported two weeks prior to the 137940
effective date of the change. 137941

Section 267.40.70. EDUCATIONAL SERVICE CENTERS FUNDING 137942

In fiscal year 2012, each Educational Service Center shall 137943
receive funding equal to ninety per cent of the amount received in 137944
fiscal year 2011 under section 3317.11 of the Revised Code and 137945
Section 265.50.10 of Am. Sub. H.B. 1 of the 128th General 137946
Assembly. 137947

In fiscal year 2013, each Educational Service Center shall 137948
receive funding equal to eighty-five per cent of the amount 137949
received in fiscal year 2012 under this section. 137950

Notwithstanding any provision of law to the contrary, the 137951
Department of Education shall modify the payments under this 137952
section as follows: 137953

(A) If an educational service center ceases operation, the 137954
Department shall redistribute that center's funding, as calculated 137955
under this section, to the remaining centers in proportion to each 137956
center's service center ADM as defined in section 3317.11 of the 137957
Revised Code. 137958

(B) If two or more educational service centers merge 137959
operations to create a single service center, the Department shall 137960
distribute the sum of the original service centers' funding, as 137961
calculated under this section, to the new service center. 137962

Section 267.40.80. PRIVATE TREATMENT FACILITY PROJECT 137963

(A) As used in this section: 137964

(1) The following are "participating residential treatment 137965
centers": 137966

(a) Private residential treatment facilities that have 137967
entered into a contract with the Department of Youth Services to 137968
provide services to children placed at the facility by the 137969
Department and which, in fiscal year 2012 or fiscal year 2013 or 137970
both, the Department pays through appropriation item 470401, 137971
RECLAIM Ohio; 137972

(b) Abraxas, in Shelby;	137973
(c) Paint Creek, in Bainbridge;	137974
(d) F.I.R.S.T., in Mansfield.	137975
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	137976 137977 137978
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	137979 137980
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	137981 137982 137983 137984 137985
(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.	137986 137987 137988
(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	137989 137990 137991 137992 137993 137994 137995 137996 137997 137998 137999 138000 138001 138002 138003

children under twenty-two years of age residing in the treatment center. 138004
138005

(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 2012 and fiscal year 2013 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 2012 and fiscal year 2013 under this division unless that school district is providing the educational program to the child under division (B) of this section. 138006
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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. 138023
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The amount of tuition paid shall be: 138026

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code; 138027
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(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 138029
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pursuant to the student's individualized education program, minus 138035
the tuition paid for the child under division (C)(1) of this 138036
section. 138037

A school district paying tuition under this division shall 138038
not include the child for whom tuition is paid in the district's 138039
average daily membership certified under division (A) of section 138040
3317.03 of the Revised Code. 138041

(D) In each of fiscal years 2012 and 2013, the Department of 138042
Education shall reimburse, from appropriations made for the 138043
purpose, a school district, educational service center, or 138044
residential treatment facility, whichever is providing the 138045
service, that has demonstrated that it is in compliance with the 138046
funding criteria for each served child for whom a school district 138047
must pay tuition under division (C) of this section. The amount of 138048
the reimbursement shall be the amount appropriated for this 138049
purpose divided by the full-time equivalent number of children for 138050
whom reimbursement is to be made. 138051

(E) Funds provided to a school district, educational service 138052
center, or residential treatment facility under this section shall 138053
be used to supplement, not supplant, funds from other public 138054
sources for which the school district, service center, or 138055
residential treatment facility is entitled or eligible. 138056

(F) The Department of Education shall track the utilization 138057
of funds provided to school districts, educational service 138058
centers, and residential treatment facilities under this section 138059
and monitor the effect of the funding on the educational programs 138060
they provide in participating residential treatment facilities. 138061
The Department shall monitor the programs for educational 138062
accountability. 138063

Section 267.40.90. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 138064
ASSESSMENT OF EDUCATION PROGRESS 138065

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

Section 267.50.10. 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.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2012 and 2013 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any state foundation payments made, in each of fiscal years 2012 and 2013, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall

be zero. 138096

(D) The amount of any subsidy paid to a community school 138097
under this section shall not be deducted from the school district 138098
in which any of the students enrolled in the community school are 138099
entitled to attend school under section 3313.64 or 3313.65 of the 138100
Revised Code. The amount of any subsidy paid to a community school 138101
under this section shall be paid from funds appropriated to the 138102
Department of Education in appropriation item 200550, Foundation 138103
Funding. 138104

Section 267.50.20. EARMARK ACCOUNTABILITY 138105

At the request of the Superintendent of Public Instruction, 138106
any entity that receives a budget earmark under the Department of 138107
Education shall submit annually to the chairpersons of the 138108
committees of the House of Representatives and the Senate 138109
primarily concerned with education and to the Department of 138110
Education a report that includes a description of the services 138111
supported by the funds, a description of the results achieved by 138112
those services, an analysis of the effectiveness of the program, 138113
and an opinion as to the program's applicability to other school 138114
districts. For an earmarked entity that received state funds from 138115
an earmark in the prior fiscal year, no funds shall be provided by 138116
the Department of Education to an earmarked entity for a fiscal 138117
year until its report for the prior fiscal year has been 138118
submitted. 138119

Section 267.50.30. PROHIBITION FROM OPERATING FROM HOME 138120

No community school established under Chapter 3314. of the 138121
Revised Code that was not open for operation as of May 1, 2005, 138122
shall operate from a home, as defined in section 3313.64 of the 138123
Revised Code. 138124

Section 267.50.40. EARLY COLLEGE START UP COMMUNITY SCHOOL	138125
(A) As used in this section:	138126
(1) "Big eight school district" has the same meaning as in section 3314.02 of the Revised Code.	138127 138128
(2) "Early college high school" means a high school that provides students with a personalized learning plan based on an accelerated curriculum combining high school and college-level coursework.	138129 138130 138131 138132
(B) Any early college high school that is operated by a big eight school district in partnership with a private university may operate as a new start-up community school under Chapter 3314. of the Revised Code beginning in the 2007-2008 school year, if all of the following conditions are met:	138133 138134 138135 138136 138137
(1) The governing authority and sponsor of the school enter into a contract in accordance with section 3314.03 of the Revised Code and, notwithstanding division (D) of section 3314.02 of the Revised Code, both parties adopt and sign the contract by July 9, 2007.	138138 138139 138140 138141 138142
(2) Notwithstanding division (A) of former section 3314.016 of the Revised Code, the school's governing authority enters into a contract with the private university under which the university will be the school's operator.	138143 138144 138145 138146
(3) The school provides the same educational program the school provided while part of the big eight school district.	138147 138148
Section 267.50.50. USE OF VOLUNTEERS	138149
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	138150 138151 138152 138153

recruit, train, and oversee the services of volunteers. The 138154
Superintendent may reimburse volunteers for necessary and 138155
appropriate expenses in accordance with state guidelines and may 138156
designate volunteers as state employees for the purpose of motor 138157
vehicle accident liability insurance under section 9.83 of the 138158
Revised Code, for immunity under section 9.86 of the Revised Code, 138159
and for indemnification from liability incurred in the performance 138160
of their duties under section 9.87 of the Revised Code. 138161

Section 267.50.60. RESTRICTION OF LIABILITY FOR CERTAIN 138162
REIMBURSEMENTS 138163

(A) Except as expressly required under a court judgment not 138164
subject to further appeals, or a settlement agreement with a 138165
school district executed on or before June 1, 2009, in the case of 138166
a school district for which the formula ADM for fiscal year 2005, 138167
as reported for that fiscal year under division (A) of section 138168
3317.03 of the Revised Code, was reduced based on enrollment 138169
reports for community schools, made under section 3314.08 of the 138170
Revised Code, regarding students entitled to attend school in the 138171
district, which reduction of formula ADM resulted in a reduction 138172
of foundation funding or transitional aid funding for fiscal year 138173
2005, 2006, or 2007, no school district, except a district named 138174
in the court's judgment or the settlement agreement, shall have a 138175
legal claim for reimbursement of the amount of such reduction in 138176
foundation funding or transitional aid funding, and the state 138177
shall not have liability for reimbursement of the amount of such 138178
reduction in foundation funding or transitional aid funding. 138179

(B) As used in this section: 138180

(1) "Community school" means a community school established 138181
under Chapter 3314. of the Revised Code. 138182

(2) "Entitled to attend school" means entitled to attend 138183
school in a school district under section 3313.64 or 3313.65 of 138184

the Revised Code.	138185
(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.	138186 138187
(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.	138188 138189 138190 138191 138192 138193
Section 267.50.70. UNAUDITABLE COMMUNITY SCHOOL	138194
(A) If the Auditor of State or a public accountant, pursuant to section 117.41 of the Revised Code, declares a community school established under Chapter 3314. of the Revised Code to be unauditable, the Auditor of State shall provide written notification of that declaration to the school, the school's sponsor, and the Department of Education. The Auditor of State also shall post the notification on the Auditor of State's web site.	138195 138196 138197 138198 138199 138200 138201 138202
(B) Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code or any other provision of law, a sponsor of a community school that is notified by the Auditor of State under division (A) of this section that a community school it sponsors is unauditabile shall not enter into contracts with any additional community schools under section 3314.03 of the Revised Code until the Auditor of State or a public accountant has completed a financial audit of that school.	138203 138204 138205 138206 138207 138208 138209 138210
(C) Not later than forty-five days after receiving notification by the Auditor of State under division (A) of this section that a community school is unauditabile, the sponsor of the school shall provide a written response to the Auditor of State.	138211 138212 138213 138214

The response shall include the following: 138215

(1) An overview of the process the sponsor will use to review 138216
and understand the circumstances that led to the community school 138217
becoming unauditabile; 138218

(2) A plan for providing the Auditor of State with the 138219
documentation necessary to complete an audit of the community 138220
school and for ensuring that all financial documents are available 138221
in the future; 138222

(3) The actions the sponsor will take to ensure that the plan 138223
described in division (C)(2) of this section is implemented. 138224

(D) If a community school fails to make reasonable efforts 138225
and continuing progress to bring its accounts, records, files, or 138226
reports into an auditable condition within ninety days after being 138227
declared unauditabile, the Auditor of State, in addition to 138228
requesting legal action under sections 117.41 and 117.42 of the 138229
Revised Code, shall notify the Department of the school's failure. 138230
If the Auditor of State or a public accountant subsequently is 138231
able to complete a financial audit of the school, the Auditor of 138232
State shall notify the Department that the audit has been 138233
completed. 138234

(E) Notwithstanding any provision to the contrary in Chapter 138235
3314. of the Revised Code or any other provision of law, upon 138236
notification by the Auditor of State under division (D) of this 138237
section that a community school has failed to make reasonable 138238
efforts and continuing progress to bring its accounts, records, 138239
files, or reports into an auditable condition following a 138240
declaration that the school is unauditabile, the Department shall 138241
immediately cease all payments to the school under Chapter 3314. 138242
of the Revised Code and any other provision of law. Upon 138243
subsequent notification from the Auditor of State under that 138244
division that the Auditor of State or a public accountant was able 138245

to complete a financial audit of the community school, the 138246
Department shall release all funds withheld from the school under 138247
this section. 138248

Section 267.50.80. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 138249
138250

In collaboration with the County Family and Children First 138251
Council, a city, local, or exempted village school district, 138252
community school, STEM school, joint vocational school district, 138253
educational service center, or county board of developmental 138254
disabilities that receives allocations from the Department of 138255
Education from appropriation item 200550, Foundation Funding, or 138256
appropriation item 200540, Special Education Enhancements, may 138257
transfer portions of those allocations to a flexible funding pool 138258
authorized by the Section of this act entitled "FAMILY AND 138259
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 138260
maintenance of effort or for federal or state funding matching 138261
requirements shall not be transferred unless the allocation may 138262
still be used to meet such requirements. 138263

Section 267.50.90. EDUCATIONAL SHARED SERVICES MODEL/P-16 138264
COUNCILS 138265

The Governor's Director of 21st Century Education shall 138266
develop a plan for the integration and consolidation of the 138267
publicly supported regional shared services organizations serving 138268
Ohio's public and chartered nonpublic schools and develop a plan 138269
to encourage communities and school districts to create regional 138270
P-16 councils to better organize and share existing community 138271
resources to improve student achievement. The Director shall 138272
include recommendations for implementation of the plans beginning 138273
July 1, 2012. 138274

In preparing the shared services plan, the Director shall 138275

recommend educational support organizations to be integrated into 138276
the regional shared service center system. The organizations to be 138277
integrated shall include, but shall not be limited to, educational 138278
service centers, education technology centers, information 138279
technology centers, area media centers, Ohio's statewide system of 138280
support, the education regional service system, regional advisory 138281
boards, and regional staff from the Department of Education 138282
providing direct support to school districts. 138283

In preparing the recommendations of the shared services plan, 138284
the Director shall include an examination of services offered to 138285
public and chartered nonpublic schools and recommendations for 138286
integration of services into a shared services model. Services to 138287
be considered shall include, but shall not be limited to, general 138288
instruction, special education, gifted education, academic 138289
leadership, technology, fiscal management, transportation, food 138290
services, human resources, employee benefits, pooled purchasing, 138291
professional development, and noninstructional support. 138292

Not later than October 15, 2011, the Director shall conduct a 138293
shared services survey of Ohio's school districts, community 138294
schools, STEM schools, chartered nonpublic schools, joint 138295
vocational school districts, and other educational service 138296
providers and local political subdivisions to gather baseline data 138297
on the current status of shared services and to determine where 138298
opportunities for additional shared services exist. 138299

In preparing the P-16 plan, the Director shall develop a set 138300
of model criteria that encourages and permits communities and 138301
school districts to create local P-16 councils. Members of the 138302
councils shall include, but not be limited to, local community 138303
leaders in primary and secondary education, higher education, 138304
early childhood education, and representatives of business, 138305
nonprofit, and social service agencies. 138306

In preparing the recommendations for the P-16 plan, the 138307

Director shall include an examination of existing P-16 councils in Ohio and identify for inclusion in the model criteria their success in setting short and long-term student achievement and growth targets in their communities, leading cross-sector strategies to improve student-level outcomes, effectively using data to inform decisions around funding, providing intervention strategies for students, and achieving greater systems alignment.

Not later than January 1, 2012, the Director shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, legislative recommendations for implementation of the plans.

Section 267.60.10. If there are unencumbered moneys remaining on July 1, 2011, in a school district's textbook and instructional materials fund, as required by former section 3315.17 of the Revised Code, the district board of education may transfer those moneys to the district's general fund and may use such moneys for any purpose authorized for general fund moneys.

Section 267.60.20. A new conversion community school established under division (B) of section 3314.02 of the Revised Code may open for operation in the 2011-2012 school year, notwithstanding the deadlines prescribed by division (D) of section 3314.02 of the Revised Code for adoption and signing of the contract under section 3314.03 of the Revised Code, but those parties shall adopt and sign the contract, and file a copy of it with the Superintendent of Public Instruction, prior to the school's opening.

Section 267.60.23. Not later than July 1, 2012, the State Board of Education shall review its March 2008 legislative recommendations for performance standards for community schools that operate dropout prevention and recovery programs and shall

make new recommendations to the General Assembly regarding 138338
legislation to enact performance standards for those schools. 138339

Section 267.60.30. The State Board of Education shall 138340
initiate rulemaking procedures for the rules for the Jon Peterson 138341
Special Needs Scholarship Program, required under section 3310.64 138342
of the Revised Code, as enacted by this act, so that those rules 138343
are in effect not later than one hundred twenty days after the 138344
effective date of this section. 138345

Section 267.60.31. The Department of Education shall conduct 138346
a formative evaluation of the Jon Peterson Special Needs 138347
Scholarship Program established under sections 3310.51 to 3310.64 138348
of the Revised Code, using both quantitative and qualitative 138349
analyses, and shall report its findings to the General Assembly, 138350
in accordance with section 101.68 of the Revised Code, not later 138351
than December 31, 2014. 138352

The study shall include an assessment of: 138353

(A) The level of the participating student's satisfaction 138354
with the program; 138355

(B) The level of the participating parent's satisfaction with 138356
the program; 138357

(C) The fiscal impact to the state and resident school 138358
districts affected by the program. 138359

In conducting the evaluation, the Department shall to the 138360
extent possible gather comments from parents who have been awarded 138361
scholarships under the program, school district officials, 138362
representatives of registered private providers, educators, and 138363
representatives of educational organizations for inclusion in the 138364
report required under this section. 138365

The Department may contract with one or more qualified 138366

researchers who have previous experience evaluating school choice 138367
programs to conduct this study. The Department may accept grants 138368
to assist in funding this study. 138369

Section 267.60.33. Not later than December 31, 2011, the 138370
Department of Education shall develop and submit to the Governor 138371
and the General Assembly, in accordance with section 101.68 of the 138372
Revised Code, a plan and legislative recommendations for the 138373
provision of up to two cumulative school years of educational 138374
services toward a high school diploma for individuals who are 138375
twenty-two years of age or older and who have not been awarded a 138376
high school diploma or a certificate of high school equivalence, 138377
as defined in section 4109.06 of the Revised Code. The plan and 138378
legislative recommendations shall specify that those services be 138379
provided by dropout prevention and recovery programs operated by 138380
school districts, granted waivers under division (F) of section 138381
3313.603 of the Revised Code, and by dropout prevention and 138382
recovery programs operated by community schools, granted waivers 138383
under section 3314.36 of the Revised Code. In developing the plan 138384
and legislative recommendations, the Department shall consult with 138385
the United States Department of Education to ensure that the 138386
creation of the program does not expand the requirement of the 138387
state or local education agencies to provide a free appropriate 138388
public education under the Individuals with Disabilities Education 138389
Act to all individuals beyond twenty-one years of age. 138390

Section 269.10. ELC OHIO ELECTIONS COMMISSION 138391
General Revenue Fund 138392
GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 138393
TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 138394
General Services Fund Group 138395
4P20 051601 Ohio Elections \$ 225,000 \$ 225,000 138396

Commission Fund			
TOTAL GSF General Services Fund	\$	225,000	\$ 225,000 138397
Group			
TOTAL ALL BUDGET FUND GROUPS	\$	558,117	\$ 558,117 138398
Section 271.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL			138400
DIRECTORS			138401
General Services Fund Group			138402
4K90 881609 Operating Expenses	\$	561,494	\$ 551,958 138403
TOTAL GSF General Services			138404
Fund Group	\$	561,494	\$ 551,958 138405
TOTAL ALL BUDGET FUND GROUPS	\$	561,494	\$ 551,958 138406
Section 273.10. PAY EMPLOYEE BENEFITS FUNDS			138408
Accrued Leave Liability Fund Group			138409
8060 995666 Accrued Leave Fund	\$	72,053,178	\$ 71,828,986 138410
8070 995667 Disability Fund	\$	27,616,583	\$ 26,593,747 138411
TOTAL ALF Accrued Leave Liability			138412
Fund Group	\$	99,669,761	\$ 98,422,733 138413
Agency Fund Group			138414
1240 995673 Payroll Deductions	\$	855,456,678	\$ 840,248,559 138415
8080 995668 State Employee Health	\$	590,265,468	\$ 649,292,014 138416
Benefit Fund			
8090 995669 Dependent Care	\$	2,881,273	\$ 2,967,711 138417
Spending Account			
8100 995670 Life Insurance	\$	2,080,634	\$ 2,143,053 138418
Investment Fund			
8110 995671 Parental Leave	\$	3,484,737	\$ 3,355,673 138419
Benefit Fund			
8130 995672 Health Care Spending	\$	8,588,262	\$ 9,447,088 138420
Account			
8140 995674 Cost Savings Days	\$	50,000,000	\$ 0 138421

TOTAL AGY Agency Fund Group	\$ 1,512,757,052	\$ 1,507,454,098	138422
			138423
TOTAL ALL BUDGET FUND GROUPS	\$ 1,612,426,813	\$ 1,605,876,831	138424
ACCRUED LEAVE LIABILITY FUND			138425
The foregoing appropriation item 995666, Accrued Leave Fund,			138426
shall be used to make payments from the Accrued Leave Liability			138427
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code.			138428
If it is determined by the Director of Budget and Management that			138429
additional amounts are necessary, the amounts are hereby			138430
appropriated.			138431
STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND			138432
The foregoing appropriation item 995667, Disability Fund,			138433
shall be used to make payments from the State Employee Disability			138434
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the			138435
Revised Code. If it is determined by the Director of Budget and			138436
Management that additional amounts are necessary, the amounts are			138437
hereby appropriated.			138438
PAYROLL WITHHOLDING FUND			138439
The foregoing appropriation item 995673, Payroll Deductions,			138440
shall be used to make payments from the Payroll Withholding Fund			138441
(Fund 1240). If it is determined by the Director of Budget and			138442
Management that additional appropriation amounts are necessary,			138443
the amounts are hereby appropriated.			138444
STATE EMPLOYEE HEALTH BENEFIT FUND			138445
The foregoing appropriation item 995668, State Employee			138446
Health Benefit Fund, shall be used to make payments from the State			138447
Employee Health Benefit Fund (Fund 8080) pursuant to section			138448
124.87 of the Revised Code. If it is determined by the Director of			138449
Budget and Management that additional amounts are necessary, the			138450
amounts are hereby appropriated.			138451

DEPENDENT CARE SPENDING FUND 138452

The foregoing appropriation item 995669, Dependent Care 138453
Spending Account, shall be used to make payments from the 138454
Dependent Care Spending Fund (Fund 8090) to employees eligible for 138455
dependent care expenses. If it is determined by the Director of 138456
Budget and Management that additional amounts are necessary, the 138457
amounts are hereby appropriated. 138458

LIFE INSURANCE INVESTMENT FUND 138459

The foregoing appropriation item 995670, Life Insurance 138460
Investment Fund, shall be used to make payments from the Life 138461
Insurance Investment Fund (Fund 8100) for the costs and expenses 138462
of the state's life insurance benefit program pursuant to section 138463
125.212 of the Revised Code. If it is determined by the Director 138464
of Budget and Management that additional amounts are necessary, 138465
the amounts are hereby appropriated. 138466

PARENTAL LEAVE BENEFIT FUND 138467

The foregoing appropriation item 995671, Parental Leave 138468
Benefit Fund, shall be used to make payments from the Parental 138469
Leave Benefit Fund (Fund 8110) to employees eligible for parental 138470
leave benefits pursuant to section 124.137 of the Revised Code. If 138471
it is determined by the Director of Budget and Management that 138472
additional amounts are necessary, the amounts are hereby 138473
appropriated. 138474

HEALTH CARE SPENDING ACCOUNT FUND 138475

The foregoing appropriation item 995672, Health Care Spending 138476
Account, shall be used to make payments from the Health Care 138477
Spending Account Fund (Fund 8130) for payments pursuant to state 138478
employees' participation in a flexible spending account for 138479
non-reimbursed health care expenses and section 124.821 of the 138480
Revised Code. If it is determined by the Director of 138481
Administrative Services that additional appropriation amounts are 138482

necessary, the Director of Administrative Services may request 138483
that the Director of Budget and Management increase such amounts. 138484
Such amounts are hereby appropriated. 138485

At the request of the Director of Administrative Services, 138486
the Director of Budget and Management may transfer up to \$600,000 138487
annually from the General Revenue Fund to the Health Care Spending 138488
Account Fund during fiscal years 2012 and 2013. This cash shall be 138489
transferred as needed to provide adequate cash flow for the Health 138490
Care Spending Account Fund during fiscal year 2012 and fiscal year 138491
2013. If funds are available at the end of fiscal years 2012 and 138492
2013, the Director of Budget and Management shall transfer cash up 138493
to the amount previously transferred in the respective year, plus 138494
interest income, from the Health Care Spending Account (Fund 8130) 138495
to the General Revenue Fund. 138496

COST SAVINGS DAYS 138497

The foregoing appropriation item, 995674, Cost Savings Days, 138498
shall be used by the Director of Budget and Management in 138499
accordance with division (E) of section 124.392 of the Revised 138500
Code to pay employees who participated in a mandatory cost savings 138501
program, or to reimburse employees who did not fully participate 138502
in a mandatory cost savings program. Notwithstanding any provision 138503
of law to the contrary, in fiscal year 2012 and fiscal year 2013, 138504
the Director may transfer agency savings achieved from the use of 138505
a mandatory cost savings program to the General Revenue Fund or 138506
any other fund as deemed necessary by the Director. The Director 138507
may make temporary transfers from the General Revenue Fund to 138508
ensure sufficient balances in the Cost Savings Fund and may 138509
reimburse the General Revenue Fund for such transfers. If the 138510
Director determines that additional amounts are necessary for 138511
these purposes, the amounts are hereby appropriated. 138512

Section 273.20. CASH TRANSFER TO PAYROLL WITHHOLDING FUND 138513

The Director of Budget and Management may transfer \$561,897 138514
in cash from the Health Care Spending Account Fund (Fund 8130) to 138515
the Payroll Withholding Fund (Fund 1240) to correct payments made 138516
from the Payroll Withholding Fund that should have been made from 138517
the Health Care Spending Account Fund. 138518

Section 275.10. ERB STATE EMPLOYMENT RELATIONS BOARD 138519

General Revenue Fund 138520
GRF 125321 Operating Expenses \$ 3,758,869 \$ 3,761,457 138521
TOTAL GRF General Revenue Fund \$ 3,758,869 \$ 3,761,457 138522
General Services Fund Group 138523
5720 125603 Training and \$ 87,075 \$ 87,075 138524
Publications
TOTAL GSF General Services 138525
Fund Group \$ 87,075 \$ 87,075 138526
TOTAL ALL BUDGET FUND GROUPS \$ 3,845,944 \$ 3,848,532 138527

Section 277.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 138529

General Services Fund Group 138530
4K90 892609 Operating Expenses \$ 934,264 \$ 921,778 138531
TOTAL GSF General Services 138532
Fund Group \$ 934,264 \$ 921,778 138533
TOTAL ALL BUDGET FUND GROUPS \$ 934,264 \$ 921,778 138534

Section 279.10. EPA ENVIRONMENTAL PROTECTION AGENCY 138536

General Services Fund Group 138537
1990 715602 Laboratory Services \$ 402,295 \$ 408,560 138538
2190 715604 Central Support \$ 8,594,348 \$ 8,555,680 138539
Indirect
4A10 715640 Operating Expenses \$ 2,304,267 \$ 2,093,039 138540
TOTAL GSF General Services 138541
Fund Group \$ 11,300,910 \$ 11,057,279 138542

Federal Special Revenue Fund Group					138543	
3530 715612	Public Water Supply	\$	2,941,282	\$	2,941,282	138544
3540 715614	Hazardous Waste Management - Federal	\$	4,193,000	\$	4,193,000	138545
3570 715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203	138546
3620 715605	Underground Injection Control - Federal	\$	111,874	\$	111,874	138547
3BU0 715684	Water Quality Protection	\$	8,100,000	\$	6,785,000	138548
3CS0 715688	Federal NRD Settlements	\$	100,000	\$	100,000	138549
3F20 715630	Revolving Loan Fund - Operating	\$	907,543	\$	907,543	138550
3F30 715632	Federally Supported Cleanup and Response	\$	3,344,746	\$	3,290,405	138551
3F50 715641	Nonpoint Source Pollution Management	\$	6,265,000	\$	6,260,000	138552
3T30 715669	Drinking Water State Revolving Fund	\$	2,273,323	\$	2,273,323	138553
3V70 715606	Agencywide Grants	\$	600,000	\$	600,000	138554
TOTAL FED	Federal Special Revenue Fund Group	\$	35,146,971	\$	33,772,630	138555
State Special Revenue Fund Group					138556	
4J00 715638	Underground Injection Control	\$	445,234	\$	445,571	138557
4K20 715648	Clean Air - Non Title V	\$	3,152,306	\$	2,906,267	138558
4K30 715649	Solid Waste	\$	16,742,551	\$	16,414,654	138559
4K40 715650	Surface Water Protection	\$	7,642,625	\$	6,672,246	138560
4K40 715686	Environmental Lab	\$	2,096,007	\$	2,096,007	138561

		Service					
4K50	715651	Drinking Water	\$	7,410,118	\$	7,405,428	138563
		Protection					
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	138564
4R50	715656	Scrap Tire Management	\$	1,368,610	\$	1,376,742	138565
4R90	715658	Voluntary Action	\$	999,503	\$	997,425	138566
		Program					
4T30	715659	Clean Air - Title V	\$	16,349,471	\$	16,241,822	138567
		Permit Program					
4U70	715660	Construction and	\$	425,913	\$	433,591	138568
		Demolition Debris					
5000	715608	Immediate Removal	\$	633,832	\$	634,033	138569
		Special Account					
5030	715621	Hazardous Waste	\$	10,241,107	\$	9,789,620	138570
		Facility Management					
5050	715623	Hazardous Waste	\$	12,511,234	\$	12,331,272	138571
		Cleanup					
5050	715674	Clean Ohio	\$	108,104	\$	108,104	138572
		Environmental Review					
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	138573
5420	715671	Risk Management	\$	132,636	\$	132,636	138574
		Reporting					
5920	715627	Anti Tampering	\$	2,285	\$	2,285	138575
		Settlement					
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	138576
5BC0	715622	Local Air Pollution	\$	2,297,980	\$	2,297,980	138577
		Control					
5BC0	715624	Surface Water	\$	8,970,181	\$	9,114,974	138578
5BC0	715672	Air Pollution Control	\$	4,438,629	\$	4,534,758	138579
5BC0	715673	Drinking and Ground	\$	4,317,527	\$	4,323,521	138580
		Water					
5BC0	715675	Hazardous Waste	\$	95,266	\$	95,266	138581
5BC0	715676	Assistance and	\$	640,179	\$	645,069	138582

		Prevention					
5BC0	715677	Laboratory	\$	939,717	\$	958,586	138583
5BC0	715678	Corrective Actions	\$	31,765	\$	105,423	138584
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	138585
		Agencies					
5BC0	715692	Administration	\$	8,562,476	\$	8,212,627	138586
5BT0	715679	C&DD Groundwater	\$	203,800	\$	203,800	138587
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	13,029,952	\$	13,242,762	138588
5CD0	715682	Clean Diesel School	\$	600,000	\$	600,000	138589
		Buses					
5H40	715664	Groundwater Support	\$	77,508	\$	78,212	138590
5N20	715613	Dredge and Fill	\$	29,250	\$	29,250	138591
5Y30	715685	Surface Water	\$	2,800,000	\$	2,800,000	138592
		Improvement					
6440	715631	ER Radiological Safety	\$	279,838	\$	279,966	138593
6600	715629	Infectious Waste	\$	91,573	\$	88,764	138594
		Management					
6760	715642	Water Pollution	\$	4,317,376	\$	4,321,605	138595
		Control Loan					
		Administration					
6780	715635	Air Toxic Release	\$	138,669	\$	138,669	138596
6790	715636	Emergency Planning	\$	2,623,192	\$	2,623,252	138597
6960	715643	Air Pollution Control	\$	1,100,000	\$	1,100,000	138598
		Administration					
6990	715644	Water Pollution	\$	220,000	\$	220,000	138599
		Control Administration					
6A10	715645	Environmental	\$	1,488,260	\$	1,488,718	138600
		Education					
TOTAL	SSR	State Special Revenue	\$	140,764,230	\$	138,700,461	138601
		Fund Group					
		Clean Ohio Conservation Fund Group					138602
5S10	715607	Clean Ohio -	\$	284,083	\$	284,124	138603

Operating			
TOTAL CLF Clean Ohio Conservation	\$	284,083	\$ 284,124 138604
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	187,496,194	\$ 183,814,494 138605
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 138606			
On July 1 of each fiscal year, or as soon as possible 138607			
thereafter, the Director of Budget and Management may transfer up 138608			
to \$13,029,952 in cash in fiscal year 2012, and up to \$13,242,762 138609			
in cash in fiscal year 2013 from the General Revenue Fund to the 138610			
Auto Emissions Test Fund (Fund 5BY0) for the operation and 138611			
oversight of the auto emissions testing program. 138612			
AREAWIDE PLANNING AGENCIES 138613			
The Director of Environmental Protection Agency may award 138614			
grants from appropriation item 715687, Areawide Planning Agencies, 138615			
to areawide planning agencies engaged in areawide water quality 138616			
management and planning activities in accordance with Section 208 138617			
of the "Federal Clean Water Act," 33 U.S.C. 1288. 138618			
CORRECTIVE CASH TRANSFERS 138619			
On July 1, 2011, or as soon as possible thereafter, the 138620			
Director of Budget and Management shall transfer \$376,891.85 in 138621			
cash that was mistakenly deposited in the Clean Air Non Title V 138622			
Fund (Fund 4K20) to the Clean Air Title V Permit Fund (Fund 4T30). 138623			
On July 1, 2011, or as soon as possible thereafter, the 138624			
Director of Budget and Management shall transfer \$133,026.63 in 138625			
cash that was mistakenly deposited in the Scrap Tire Management 138626			
Fund (Fund 4R50) to the Site Specific Cleanup Fund (Fund 5410). 138627			
Section 281.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 138628			
General Revenue Fund 138629			
GRF 172321 Operating Expenses	\$	580,145	\$ 545,530 138630
TOTAL GRF General Revenue Fund	\$	580,145	\$ 545,530 138631

TOTAL ALL BUDGET FUND GROUPS		\$	580,145	\$	545,530	138632
Section 283.10. ETC ETECH OHIO						138634
General Revenue Fund						138635
GRF 935401	Statehouse News	\$	215,561	\$	215,561	138636
Bureau						
GRF 935402	Ohio Government	\$	702,089	\$	702,089	138637
Telecommunications						
Services						
GRF 935408	General Operations	\$	1,251,789	\$	1,254,193	138638
GRF 935409	Technology Operations	\$	2,092,432	\$	2,091,823	138639
GRF 935410	Content Development,	\$	2,607,094	\$	2,607,094	138640
Acquisition, and						
Distribution						
GRF 935411	Technology	\$	4,251,185	\$	4,252,671	138641
Integration and						
Professional						
Development						
GRF 935412	Information	\$	829,340	\$	829,963	138642
Technology						
TOTAL GRF General Revenue Fund		\$	11,949,490	\$	11,953,394	138643
General Services Fund Group						138644
4F30 935603	Affiliate Services	\$	50,000	\$	50,000	138645
4T20 935605	Government	\$	25,000	\$	25,000	138646
Television/Telecommunications						
Operating						
TOTAL GSF General Services Fund		\$	75,000	\$	75,000	138647
Group						
State Special Revenue Fund Group						138648
4W90 935630	Telecommunity	\$	25,000	\$	25,000	138649
4X10 935634	Distance Learning	\$	24,150	\$	24,150	138650
5D40 935640	Conference/Special	\$	2,100,000	\$	2,100,000	138651

	Purposes			
5FK0 935608	Media Services	\$	637,601	\$ 637,956 138652
5JU0 935611	Information	\$	1,455,000	\$ 1,455,000 138653
	Technology Services			
5T30 935607	Gates Foundation	\$	200,000	\$ 171,112 138654
	Grants			
TOTAL SSR State Special Revenue		\$	4,441,751	\$ 4,413,218 138655
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$	16,466,241	\$ 16,441,612 138656

Section 283.20. STATEHOUSE NEWS BUREAU 138658

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 138659
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 138662

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. 138663
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TECHNOLOGY OPERATIONS 138670

The foregoing 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 link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. The foregoing appropriation item 935409, Technology Operations, may also be used to cover student costs for taking advanced placement 138671
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courses and courses that the Chancellor of the Board of Regents 138680
has determined to be eligible for postsecondary credit through the 138681
Ohio Learns Gateway. To the extent that funds remain available for 138682
this purpose, public school students taking advanced placement or 138683
postsecondary courses through the OhioLearns Gateway shall be 138684
eligible to receive a fee waiver to cover the cost of 138685
participating in one course. The fee waivers shall be distributed 138686
until the funds appropriated to support the waivers have been 138687
exhausted. 138688

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 138689

The foregoing appropriation item 935410, Content Development, 138690
Acquisition, and Distribution, shall be used for the development, 138691
acquisition, and distribution of information resources by public 138692
media and radio reading services and for educational use in the 138693
classroom and online. 138694

Of the foregoing appropriation item 935410, Content 138695
Development, Acquisition, and Distribution, up to \$658,099 in each 138696
fiscal year shall be allocated equally among the 12 Ohio 138697
educational television stations and used with the advice and 138698
approval of eTech Ohio. Funds shall be used for the production of 138699
interactive instructional programming series with priority given 138700
to resources aligned with state academic content standards in 138701
consultation with the Ohio Department of Education and for 138702
teleconferences to support eTech Ohio. The programming shall be 138703
targeted to the needs of the poorest two hundred school districts 138704
as determined by the district's adjusted valuation per pupil as 138705
defined in former section 3317.0213 of the Revised Code as that 138706
section existed prior to June 30, 2005. 138707

Of the foregoing appropriation item 935410, Content 138708
Development, Acquisition, and Distribution, up to \$1,749,283 in 138709
each fiscal year shall be distributed by eTech Ohio to Ohio's 138710
qualified public educational television stations and educational 138711

radio stations to support their operations. The funds shall be 138712
distributed pursuant to an allocation formula used by the Ohio 138713
Educational Telecommunications Network Commission unless a 138714
substitute formula is developed by eTech Ohio in consultation with 138715
Ohio's qualified public educational television stations and 138716
educational radio stations. 138717

Of the foregoing appropriation item 935410, Content 138718
Development, Acquisition, and Distribution, up to \$199,712 in each 138719
fiscal year shall be distributed by eTech Ohio to Ohio's qualified 138720
radio reading services to support their operations. The funds 138721
shall be distributed pursuant to an allocation formula used by the 138722
Ohio Educational Telecommunications Network Commission unless a 138723
substitute formula is developed by eTech Ohio in consultation with 138724
Ohio's qualified radio reading services. 138725

Section 283.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 138726
DEVELOPMENT 138727

The foregoing appropriation item 935411, Technology 138728
Integration and Professional Development, shall be used by eTech 138729
Ohio for the provision of staff development, hardware, software, 138730
telecommunications services, and information resources to support 138731
educational uses of technology in the classroom and at a distance 138732
and for professional development for teachers, administrators, and 138733
technology staff on the use of educational technology in 138734
qualifying public schools, including the State School for the 138735
Blind, the State School for the Deaf, and the Department of Youth 138736
Services. 138737

Of the foregoing appropriation item 935411, Technology 138738
Integration and Professional Development, up to \$1,691,701 in each 138739
fiscal year shall be used by eTech Ohio to contract with 138740
educational television to provide Ohio public schools with 138741
instructional resources and services with priority given to 138742

resources and services aligned with state academic content 138743
standards and such resources and services shall be based upon the 138744
advice and approval of eTech Ohio, based on a formula used by the 138745
Ohio SchoolNet Commission unless and until a substitute formula is 138746
developed by eTech Ohio in consultation with Ohio's educational 138747
technology agencies and noncommercial educational television 138748
stations. 138749

Section 283.40. TELECOMMUNITY 138750

The foregoing appropriation item 935630, Telecommunity, shall 138751
be distributed by eTech Ohio on a grant basis to eligible school 138752
districts to establish "distance learning" through interactive 138753
video technologies in the school district. Per agreements with 138754
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 138755
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 138756
Telephone Company, Orwell Telephone Company, Sprint North Central 138757
Telephone, VERIZON, and Western Reserve Telephone Company, school 138758
districts are eligible for funds if they are within one of the 138759
listed telephone company service areas. Funds to administer the 138760
program shall be expended by eTech Ohio up to the amount specified 138761
in the agreements with the listed telephone companies. 138762

Within thirty days after the effective date of this section, 138763
the Director of Budget and Management shall transfer to Fund 4W90 138764
in the State Special Revenue Fund Group any investment earnings 138765
from moneys paid by any telephone company as part of any 138766
settlement agreement between the listed companies and the Public 138767
Utilities Commission in fiscal years 1996 and beyond. 138768

DISTANCE LEARNING 138769

The foregoing appropriation item 935634, Distance Learning, 138770
shall be distributed by eTech Ohio on a grant basis to eligible 138771
school districts to establish "distance learning" in the school 138772
district. Per an agreement with Ameritech, school districts are 138773

eligible for funds if they are within an Ameritech service area. 138774
 Funds to administer the program shall be expended by eTech Ohio up 138775
 to the amount specified in the agreement with Ameritech. 138776

Within thirty days after the effective date of this section, 138777
 the Director of Budget and Management shall transfer to Fund 4X10 138778
 in the State Special Revenue Fund Group any investment earnings 138779
 from moneys paid by any telephone company as part of a settlement 138780
 agreement between the company and the Public Utilities Commission 138781
 in fiscal year 1995. 138782

GATES FOUNDATION GRANTS 138783

The foregoing appropriation item 935607, Gates Foundation 138784
 Grants, shall be used by eTech Ohio to provide professional 138785
 development to school district principals, superintendents, and 138786
 other administrative staff on the use of education technology. 138787

Section 285.10. ETH OHIO ETHICS COMMISSION 138788

General Revenue Fund 138789

GRF 146321	Operating Expenses	\$	1,409,751	\$	1,409,751	138790
TOTAL GRF	General Revenue Fund	\$	1,409,751	\$	1,409,751	138791

General Services Fund Group 138792

4M60 146601	Operating Expenses	\$	827,393	\$	827,393	138793
TOTAL GSF	General Services					138794

Fund Group		\$	827,393	\$	827,393	138795
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TOTAL ALL BUDGET FUND GROUPS		\$	2,237,144	\$	2,237,144	138796
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ETHICS COMMISSION CASINO-RELATED ACTIVITIES 138797

On July 1, 2011, or as soon as possible thereafter, an amount 138798
 equal to the unexpended and unencumbered balance of appropriation 138799
 item 146602, Casino Investigations, at the end of fiscal year 2011 138800
 is hereby reappropriated to the same appropriation item for fiscal 138801
 year 2012, to be used for the performance of the Ohio Ethics 138802
 Commission's casino-related duties. 138803

Section 287.10.	EXP OHIO EXPOSITIONS COMMISSION				138804
General Revenue Fund					138805
GRF 723403	Junior Fair Subsidy	\$	250,000	\$ 250,000	138806
TOTAL GRF	General Revenue Fund	\$	250,000	\$ 250,000	138807
State Special Revenue Fund Group					138808
4N20 723602	Ohio State Fair	\$	400,000	\$ 400,000	138809
	Harness Racing				
5060 723601	Operating Expenses	\$	12,991,000	\$ 12,894,000	138810
TOTAL SSR	State Special Revenue				138811
Fund Group		\$	13,391,000	\$ 13,294,000	138812
TOTAL ALL BUDGET FUND GROUPS		\$	13,641,000	\$ 13,544,000	138813
STATE FAIR RESERVE					138814
The General Manager of the Expositions Commission may submit					138815
a request to the Controlling Board to use available amounts in the					138816
State Fair Reserve Fund (Fund 6400) if the following conditions					138817
apply:					138818
(A) Admissions receipts for the 2011 or 2012 Ohio State Fair					138819
are less than \$1,982,000 because of inclement weather or					138820
extraordinary circumstances;					138821
(B) The Ohio Expositions Commission declares a state of					138822
fiscal exigency; and					138823
(C) The request contains a plan describing how the					138824
Expositions Commission will eliminate the cash shortage causing					138825
the request.					138826
The amount approved by the Controlling Board is hereby					138827
appropriated.					138828
Section 289.10.	GOV OFFICE OF THE GOVERNOR				138829
General Revenue Fund					138830

GRF 040321	Operating Expenses	\$	3,001,806	\$	2,851,552	138831
TOTAL GRF	General Revenue Fund	\$	3,001,806	\$	2,851,552	138832
General Services Fund Group						138833
5AK0 040607	Government Relations	\$	365,149	\$	365,149	138834
TOTAL GSF	General Services Fund	\$	365,149	\$	365,149	138835
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	3,366,955	\$	3,216,701	138836
GOVERNMENT RELATIONS						138837
A portion of the foregoing appropriation item 040607,						138838
Government Relations, may be used to support Ohio's membership in						138839
national or regional associations.						138840
The Office of the Governor may charge any state agency of the						138841
executive branch using an intrastate transfer voucher such amounts						138842
necessary to defray the costs incurred for the conduct of						138843
governmental relations associated with issues that can be						138844
attributed to the agency. Amounts collected shall be deposited in						138845
the Government Relations Fund (Fund 5AK0).						138846
Section 291.10. DOH DEPARTMENT OF HEALTH						138847
General Revenue Fund						138848
GRF 440412	Cancer Incidence	\$	600,000	\$	600,000	138849
Surveillance System						
GRF 440413	Local Health	\$	2,302,788	\$	2,303,061	138850
Department Support						
GRF 440416	Mothers and Children	\$	4,227,842	\$	4,228,015	138851
Safety Net Services						
GRF 440418	Immunizations	\$	6,430,538	\$	8,930,829	138852
GRF 440431	Free Clinics Safety	\$	437,326	\$	437,326	138853
Net Services						
GRF 440438	Breast and Cervical	\$	823,217	\$	823,217	138854
Cancer Screening						

GRF 440444	AIDS Prevention and Treatment	\$	5,842,315	\$	5,842,315	138855
GRF 440451	Public Health Laboratory	\$	3,654,348	\$	3,655,449	138856
GRF 440452	Child and Family Health Services Match	\$	630,390	\$	630,444	138857
GRF 440453	Health Care Quality Assurance	\$	8,170,694	\$	8,174,361	138858
GRF 440454	Local Environmental Health	\$	1,310,141	\$	1,310,362	138859
GRF 440459	Help Me Grow	\$	33,673,545	\$	33,673,987	138860
GRF 440465	Federally Qualified Health Centers	\$	458,688	\$	2,686,688	138861
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	138862
GRF 440468	Chronic Disease and Injury Prevention	\$	2,577,251	\$	2,577,251	138863
GRF 440472	Alcohol Testing	\$	550,000	\$	1,100,000	138864
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	138865
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,414	\$	1,045,414	138866
TOTAL GRF General Revenue Fund		\$	80,787,432	\$	86,071,654	138867
State Highway Safety Fund Group						138868
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	138869
TOTAL HSF State Highway Safety Fund Group		\$	233,894	\$	233,894	138870
General Services Fund Group						138872
1420 440646	Agency Health Services	\$	8,825,788	\$	8,826,146	138873
2110 440613	Central Support Indirect Costs	\$	28,900,000	\$	29,000,000	138874
4730 440622	Lab Operating	\$	5,000,000	\$	5,000,000	138875

		Expenses			
5HB0	440470	Breast and Cervical Cancer Screening	\$ 1,000,000	\$ 0	138876
6830	440633	Employee Assistance Program	\$ 1,100,000	\$ 1,100,000	138877
6980	440634	Nurse Aide Training	\$ 99,239	\$ 99,265	138878
TOTAL GSF General Services					138879
Fund Group			\$ 44,925,027	\$ 44,025,411	138880
Federal Special Revenue Fund Group					138881
3200	440601	Maternal Child Health Block Grant	\$ 27,068,886	\$ 27,068,886	138882
3870	440602	Preventive Health Block Grant	\$ 7,826,659	\$ 7,826,659	138883
3890	440604	Women, Infants, and Children	\$ 308,672,689	\$ 308,672,689	138884
3910	440606	Medicaid/Medicare	\$ 29,625,467	\$ 29,257,457	138885
3920	440618	Federal Public Health Programs	\$ 137,976,988	\$ 137,976,988	138886
TOTAL FED Federal Special Revenue					138887
Fund Group			\$ 511,170,689	\$ 510,802,679	138888
State Special Revenue Fund Group					138889
4700	440647	Fee Supported Programs	\$ 24,503,065	\$ 24,513,973	138890
4710	440619	Certificate of Need	\$ 878,145	\$ 878,433	138891
4770	440627	Medically Handicapped Children Audit	\$ 3,692,704	\$ 3,692,703	138892
4D60	440608	Genetics Services	\$ 3,310,953	\$ 3,311,039	138893
4F90	440610	Sickle Cell Disease Control	\$ 1,032,754	\$ 1,032,824	138894
4G00	440636	Heirloom Birth Certificate	\$ 5,000	\$ 5,000	138895
4G00	440637	Birth Certificate	\$ 5,000	\$ 5,000	138896

		Surcharge					
4L30	440609	Miscellaneous	\$	3,333,164	\$	3,333,164	138897
		Expenses					
4P40	440628	Ohio Physician Loan	\$	476,870	\$	476,870	138898
		Repayment					
4V60	440641	Save Our Sight	\$	2,255,760	\$	2,255,789	138899
5B50	440616	Quality, Monitoring,	\$	878,638	\$	878,997	138900
		and Inspection					
5C00	440615	Alcohol Testing and	\$	551,018	\$	0	138901
		Permit					
5CN0	440645	Choose Life	\$	75,000	\$	75,000	138902
5D60	440620	Second Chance Trust	\$	1,151,815	\$	1,151,902	138903
5ED0	440651	Smoke Free Indoor Air	\$	190,452	\$	190,452	138904
5G40	440639	Adoption Services	\$	20,000	\$	20,000	138905
5L10	440623	Nursing Facility	\$	687,500	\$	687,528	138906
		Technical Assistance					
		Program					
5Z70	440624	Ohio Dentist Loan	\$	140,000	\$	140,000	138907
		Repayment					
6100	440626	Radiation Emergency	\$	930,525	\$	930,576	138908
		Response					
6660	440607	Medically Handicapped	\$	19,738,286	\$	19,739,617	138909
		Children - County					
		Assessments					
TOTAL	SSR	State Special Revenue					138910
Fund Group			\$	63,856,649	\$	63,318,867	138911
Holding Account	Redistribution Fund Group						138912
R014	440631	Vital Statistics	\$	44,986	\$	44,986	138913
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	138914
		Reconciliation, and					
		Audit Settlements					
TOTAL	090	Holding Account					138915
Redistribution Fund Group			\$	64,986	\$	64,986	138916

Tobacco Master Settlement Agreement Fund Group				138917	
5BX0 440656 Tobacco Use	\$	1,000,000	\$	1,000,000	138918
Prevention					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,000,000	\$	1,000,000	138919
TOTAL ALL BUDGET FUND GROUPS	\$	702,038,677	\$	705,517,491	138920

Section 291.20. IMMUNIZATIONS 138922

Of the foregoing appropriation item 440418, Immunizations, 138923
\$2,500,000 in fiscal year 2013 shall be used to purchase 138924
pneumococcal conjugate vaccines. 138925

HIV/AIDS PREVENTION/TREATMENT 138926

The foregoing appropriation item 440444, AIDS Prevention and 138927
Treatment, shall be used to assist persons with HIV/AIDS in 138928
acquiring HIV-related medications and to administer educational 138929
prevention initiatives. 138930

PUBLIC HEALTH LABORATORY 138931

A portion of the foregoing appropriation item 440451, Public 138932
Health Laboratory, shall be used for coordination and management 138933
of prevention program operations and the purchase of drugs for 138934
sexually transmitted diseases. 138935

HELP ME GROW 138936

The foregoing appropriation item 440459, Help Me Grow, shall 138937
be used by the Department of Health to implement the Help Me Grow 138938
Program. Funds shall be distributed to counties through contracts, 138939
grants, or subsidies in accordance with section 3701.61 of the 138940
Revised Code. Appropriation item 440459, Help Me Grow, may be used 138941
in conjunction with Early Intervention funding from the Department 138942
of Developmental Disabilities, and in conjunction with other early 138943
childhood funds and services to promote the optimal development of 138944
young children and family-centered programs and services that 138945

acknowledge and support the social, emotional, cognitive, 138946
intellectual, and physical development of children and the vital 138947
role of families in ensuring the well-being and success of 138948
children. The Department of Health shall enter into an interagency 138949
agreement with the Department of Education, Department of 138950
Developmental Disabilities, Department of Job and Family Services, 138951
and Department of Mental Health to ensure that all early childhood 138952
programs and initiatives are coordinated and school linked. 138953

Of the foregoing appropriation item 440459, Help Me Grow, if 138954
a county Family and Children First Council selects home-visiting 138955
programs, the home-visiting program shall only be eligible for 138956
funding if it serves pregnant women, or parents or other primary 138957
caregivers and the parent or other primary caregiver's child or 138958
children under three years of age, through quality programs of 138959
early childhood home visitation and if the home visitations are 138960
performed by nurses, social workers, child development specialists 138961
or other well-trained and competent staff, as demonstrated by 138962
education or training and the provision of ongoing specific 138963
training and supervision in the model of service being delivered. 138964
The home-visiting program also shall be required to have outcome 138965
and research standards that demonstrate ongoing positive outcomes 138966
for children, parents, and other primary caregivers that enhance 138967
child health and development, and conform to a clear consistent 138968
home visitation model that has been in existence for at least 138969
three years. The home visitation model shall be research-based; 138970
grounded in relevant, empirically based knowledge; linked to 138971
program-determined outcomes; associated with a national 138972
organization or institution of higher education that has 138973
comprehensive home visitation program standards that ensure high 138974
quality service delivery and continuous program improvement; and 138975
have demonstrated significant positive outcomes when evaluated 138976
using well-designed and rigorous randomized, controlled, or 138977
quasi-experimental research designs, and the evaluation results 138978

have been published in a peer-reviewed journal. 138979

For fiscal year 2012, the Department of Health shall support 138980
a county's need for a transition period to meet expected service 138981
levels for the Help Me Grow Home Visiting Program and the Part C 138982
Program by distributing funds for home visiting through a subsidy 138983
agreement that allows the county Family and Children First Council 138984
discretion to use a percentage of those funds for Part C services, 138985
so long as the services are provided in accordance with the 138986
"Individuals with Disability Education Act," 118 Stat. 2744 138987
(2004), 20 U.S.C. 1431 et seq. and section 3701.61 of the Revised 138988
Code. The county Family and Children First council may use up to 138989
one hundred per cent of the funds allocated for the first quarter, 138990
with decreasing percentages determined by the Department of Health 138991
for the remaining quarters of fiscal year 2012, for Part C 138992
services. 138993

The foregoing appropriation item 440459, Help Me Grow, may 138994
also be used for the Developmental Autism and Screening Program. 138995

FEDERALLY QUALIFIED HEALTH CENTERS 138996

For fiscal year 2012, any undisbursed funds previously 138997
provided under subsidy agreements between the Department of Health 138998
and the Ohio Association of Community Health Centers, or its 138999
predecessor organization, pursuant to section 183.18 of the 139000
Revised Code, shall be available to federally qualified health 139001
centers in the same manner as those funds in appropriation item 139002
440465, Federally Qualified Health Centers. 139003

TARGETED HEALTH CARE SERVICES OVER 21 139004

The foregoing appropriation item 440507, Targeted Health Care 139005
Services Over 21, shall be used to administer the Cystic Fibrosis 139006
Program and to implement the Hemophilia Insurance Premium Payment 139007
Program. 139008

The foregoing appropriation item 440507, Targeted Health Care 139009

Services Over 21, shall also be used to provide essential 139010
medications and to pay the copayments for drugs approved by the 139011
Department of Health and covered by Medicare Part D that are 139012
dispensed to Bureau for Children with Medical Handicaps (BCMH) 139013
participants for the Cystic Fibrosis Program. 139014

The Department shall expend all of these funds. 139015

GENETICS SERVICES 139016

The foregoing appropriation item 440608, Genetics Services 139017
(Fund 4D60), shall be used by the Department of Health to 139018
administer programs authorized by sections 3701.501 and 3701.502 139019
of the Revised Code. None of these funds shall be used to counsel 139020
or refer for abortion, except in the case of a medical emergency. 139021

MEDICALLY HANDICAPPED CHILDREN AUDIT 139022

The Medically Handicapped Children Audit Fund (Fund 4770) 139023
shall receive revenue from audits of hospitals and recoveries from 139024
third-party payers. Moneys may be expended for payment of audit 139025
settlements and for costs directly related to obtaining recoveries 139026
from third-party payers and for encouraging Medically Handicapped 139027
Children's Program recipients to apply for third-party benefits. 139028
Moneys also may be expended for payments for diagnostic and 139029
treatment services on behalf of medically handicapped children, as 139030
defined in division (A) of section 3701.022 of the Revised Code, 139031
and Ohio residents who are twenty-one or more years of age and who 139032
are suffering from cystic fibrosis or hemophilia. Moneys may also 139033
be expended for administrative expenses incurred in operating the 139034
Medically Handicapped Children's Program. 139035

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 139036
PERMIT FUND 139037

The Director of Budget and Management may transfer up to 139038
\$551,018 in cash from the Liquor Control Fund (Fund 7043) to the 139039
Alcohol Testing and Permit Fund (Fund 5C00) in fiscal year 2012 to 139040

meet the operating needs of the Alcohol Testing and Permit Program. 139041
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The Director of Budget and Management may transfer up to \$551,018 in cash in fiscal year 2012 to the Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor Control Fund (Fund 7043) created in section 4301.12 of the Revised Code determined by a transfer schedule set by the Department of Health. 139043
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MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 139048

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code. 139049
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NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 139053

On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall be up to \$698,595 in each fiscal year of the biennium. 139054
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GENERAL REVENUE FUND TRANSFER TO THE TOBACCO USE PREVENTION FUND 139062
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On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$500,000 cash from the General Revenue Fund to the Tobacco Use Prevention Fund (Fund 5BX0), used by the Department of Health. 139064
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Section 291.30. EARLY INTERVENTION WORKGROUP 139068

(A) The Department of Health shall convene a workgroup to develop recommendations for eligibility criteria for early 139069
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intervention services to be provided pursuant to Part C of the 139071
"Individuals with Disability Education Act," 118 Stat. 2744 139072
(2004), 20 U.S.C. 1431 et seq. The recommendations shall be based 139073
on available funds and national data related to the identification 139074
of infants and toddlers who have developmental delays or are most 139075
at risk for developmental delays and, in either case, would 139076
benefit from early intervention services. 139077

(B) The workgroup shall be facilitated by the Department and 139078
shall be composed of all of the following members: 139079

(1) A representative from the Department of Developmental 139080
Disabilities; 139081

(2) A representative from the Department of Education; 139082

(3) A representative from the Department of Mental Health; 139083

(4) A representative from the Help Me Grow Advisory Council; 139084

(5) A parent member of the Help Me Grow Advisory Council; 139085

(6) A representative from the Ohio Family and Children First 139086
Cabinet Council; 139087

(7) A representative from the Ohio Family and Children First 139088
Association; 139089

(8) A county Help Me Grow project director; 139090

(9) A representative from the Ohio Council of Behavioral 139091
Health and Family Services Providers; 139092

(10) A representative from the Ohio Association for Infant 139093
Mental Health; 139094

(11) A representative from the Ohio Association of County 139095
Boards of Developmental Disabilities; 139096

(12) A representative from the Ohio Superintendents of County 139097
Boards of Developmental Disabilities; 139098

(13) A representative from the Ohio chapter of the American 139099

Academy of Pediatrics;	139100
(14) A public health nurse from a board of health of a city	139101
or general health district, or an authority having the duties of a	139102
board of health;	139103
(15) A representative from the Department of Job and Family	139104
Services;	139105
(16) The executive director of the Ohio Developmental	139106
Disabilities Council or the director's designee;	139107
(17) A representative of the County Commissioners Association	139108
of Ohio.	139109
(C) The Department shall convene the workgroup not later than	139110
July 15, 2011. The workgroup shall present to the Director of	139111
Health its recommendations for eligibility criteria for Part C	139112
early intervention services not later than October 1, 2011. After	139113
the recommendations are submitted, the Director may accept the	139114
recommendations in whole or in part and implement eligibility	139115
criteria accordingly.	139116
Section 291.40. CERTIFICATE OF NEED FOR NEW NURSING HOME	139117
(A) As used in this section:	139118
"Nursing home" and "residential care facility" have the same	139119
meanings as in section 3721.01 of the Revised Code.	139120
"Population" means that shown by the 2000 regular federal	139121
census.	139122
(B) The Director of Health shall accept, for review under	139123
section 3702.52 of the Revised Code, a certificate of need	139124
application for the establishment, development, and construction	139125
of a new nursing home if all of the following conditions are met:	139126
(1) The application is submitted to the Director not later	139127
than one hundred eighty days after the effective date of this	139128

section.	139129
(2) The new nursing home is to be located in a county that has a population of at least thirty thousand persons and not more than forty-one thousand persons.	139130 139131 139132
(3) The new nursing home is to be located on a campus that has been in operation for at least twelve years and both of the following are also located on the campus on the effective date of this section:	139133 139134 139135 139136
(a) At least one existing residential care facility with at least twenty-five residents;	139137 139138
(b) At least one existing independent living dwelling for seniors with at least seventy-five residents.	139139 139140
(4) The new nursing home is to have not more than thirty beds to which both of the following apply:	139141 139142
(a) All of the beds are to be transferred from an existing nursing home in the state.	139143 139144
(b) All of the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code.	139145 139146
(C) In reviewing certificate of need applications accepted under this section, the Director shall neither deny an application on the grounds that the new nursing home is to have less than fifty beds nor require an applicant to obtain a waiver of the minimum fifty-bed requirement established by division (I) of rule 3701-12-23 of the Administrative Code.	139147 139148 139149 139150 139151 139152
Section 291.50. EXEMPTION FROM CERTIFICATE OF NEED REQUIREMENT	139153 139154
(A) As used in this section:	139155
"2010 bed need determination" means the determination of each county's bed need that the Director of Health made in calendar	139156 139157

year 2010. 139158

"Bed need" means the number of long-term care beds that a county needs as determined by the Director of Health pursuant to division (B)(3) of section 3702.593 of the Revised Code. 139159
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"Bed need excess" means that a county's bed need is such that one or more long-term care beds could be relocated from the county according to the 2010 bed need determination and regardless of any subsequent bed need determination. 139162
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"Bed need shortage" means that a county's bed need is such that one or more long-term care beds could be relocated into the county according to the 2010 bed need determination and regardless of any subsequent bed need determination. 139166
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"Bed need shortage quantity" means the number of long-term care beds that could be relocated into a county with a bed need shortage according to the 2010 bed need determination and regardless of any subsequent bed need determination. 139170
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"Existing bed" means a county home bed that is used, or available for use, for skilled nursing care by a resident of the county home on the effective date of this section. 139174
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"Skilled nursing care" has the same meaning as in section 3721.01 of the Revised Code. 139177
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(B) Notwithstanding sections 3702.51 to 3702.62 of the Revised Code and until January 1, 2014, a county home is not required to obtain a certificate of need to obtain Medicare or Medicaid certification for one or more of the county home's existing beds if all of the following apply: 139179
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(1) The county home is located in a county that has a bed need shortage. 139184
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(2) No county that borders the county in which the county home is located has a bed need excess or bed need shortage. 139186
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(3) The number of the county home's existing beds for which Medicare or Medicaid certification is sought does not exceed the bed need shortage quantity of the county in which the county home is located and the county home obtains Medicare or Medicaid certification for those existing beds not later than December 31, 2013.

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Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 139194

Agency Fund Group 139195
4610 372601 Operating Expenses \$ 12,500 \$ 12,500 139196
TOTAL AGY Agency Fund Group \$ 12,500 \$ 12,500 139197
TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 139198

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 139200

General Revenue Fund 139201
GRF 148100 Personal Services \$ 230,000 \$ 230,000 139202
GRF 148200 Maintenance \$ 50,000 \$ 50,000 139203
GRF 148402 Community Projects \$ 37,005 \$ 44,922 139204
TOTAL GRF General Revenue Fund \$ 317,005 \$ 324,922 139205
General Services Fund Group 139206
6010 148602 Gifts and \$ 4,558 \$ 4,558 139207
Miscellaneous
TOTAL GSF General Services 139208
Fund Group \$ 4,558 \$ 4,558 139209
TOTAL ALL BUDGET FUND GROUPS \$ 321,563 \$ 329,480 139210

Section 297.10. OHS OHIO HISTORICAL SOCIETY 139212

General Revenue Fund 139213
GRF 360501 Education and \$ 2,368,997 \$ 2,368,997 139214
Collections
GRF 360502 Site and Museum \$ 3,926,288 \$ 3,926,288 139215
Operations

GRF	360504	Ohio Preservation Office	\$	290,000	\$	290,000	139216
GRF	360505	National Afro-American Museum	\$	414,798	\$	414,798	139217
GRF	360506	Hayes Presidential Center	\$	281,043	\$	281,043	139218
GRF	360508	State Historical Grants	\$	1,140,570	\$	390,570	139219
GRF	360509	Outreach and Partnership	\$	90,395	\$	90,395	139220
TOTAL GRF	General Revenue Fund		\$	8,512,091	\$	7,762,091	139221
TOTAL ALL BUDGET FUND GROUPS			\$	8,512,091	\$	7,762,091	139222

SUBSIDY APPROPRIATION 139223

Upon approval by the Director of Budget and Management, the 139224
foregoing appropriation items shall be released to the Ohio 139225
Historical Society in quarterly amounts that in total do not 139226
exceed the annual appropriations. The funds and fiscal records of 139227
the society for fiscal year 2012 and fiscal year 2013 shall be 139228
examined by independent certified public accountants approved by 139229
the Auditor of State, and a copy of the audited financial 139230
statements shall be filed with the Office of Budget and 139231
Management. The society shall prepare and submit to the Office of 139232
Budget and Management the following: 139233

(A) An estimated operating budget for each fiscal year of the 139234
biennium. The operating budget shall be submitted at or near the 139235
beginning of each calendar year. 139236

(B) Financial reports, indicating actual receipts and 139237
expenditures for the fiscal year to date. These reports shall be 139238
filed at least semiannually during the fiscal biennium. 139239

The foregoing appropriations shall be considered to be the 139240
contractual consideration provided by the state to support the 139241
state's offer to contract with the Ohio Historical Society under 139242

section 149.30 of the Revised Code.	139243
HAYES PRESIDENTIAL CENTER	139244
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.	139245 139246 139247 139248 139249 139250 139251
STATE HISTORICAL GRANTS	139252
Of the foregoing appropriation item 360508, State Historical Grants, \$195,285 in each fiscal year shall be granted to the Cincinnati Museum Center, and \$195,285 in each fiscal year shall be granted to the Western Reserve Historical Society.	139253 139254 139255 139256
Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES	139257
General Revenue Fund	139258
GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093	139259
TOTAL GRF General Revenue Fund \$ 18,517,093 \$ 18,517,093	139260
General Services Fund Group	139261
1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664	139262
4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849	139263
TOTAL GSF General Services Fund Group	139264
\$ 1,471,513 \$ 1,471,513	139265
TOTAL ALL BUDGET FUND GROUPS \$ 19,988,606 \$ 19,988,606	139266
OPERATING EXPENSES	139267
On July 1, 2011, or as soon as possible thereafter, the Chief Administrative Officer 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 2011 to	139268 139269 139270 139271 139272

be reappropriated to fiscal year 2012. The amount certified is 139273
 hereby reappropriated to the same appropriation item for fiscal 139274
 year 2012. 139275

On July 1, 2012, or as soon as possible thereafter, the Chief 139276
 Administrative Officer of the House of Representatives may certify 139277
 to the Director of Budget and Management the amount of the 139278
 unexpended, unencumbered balance of the foregoing appropriation 139279
 item 025321, Operating Expenses, at the end of fiscal year 2012 to 139280
 be reappropriated to fiscal year 2013. The amount certified is 139281
 hereby reappropriated to the same appropriation item for fiscal 139282
 year 2013. 139283

HOUSE REIMBURSEMENT 139284

If it is determined by the Chief Administrative Officer of 139285
 the House of Representatives that additional appropriations are 139286
 necessary for the foregoing appropriation item 025601, House 139287
 Reimbursement, the amounts are hereby appropriated. 139288

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 139289

Agency Fund Group 139290

5AZ0 997601 Housing Finance Agency \$ 9,800,000 \$ 9,800,000 139291

Personal Services

TOTAL AGY Agency Fund Group \$ 9,800,000 \$ 9,800,000 139292

TOTAL ALL BUDGET FUND GROUPS \$ 9,800,000 \$ 9,800,000 139293

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 139295

General Revenue Fund 139296

GRF 965321 Operating Expenses \$ 1,124,663 \$ 1,125,598 139297

TOTAL GRF General Revenue Fund \$ 1,124,663 \$ 1,125,598 139298

General Services Fund Group 139299

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 139300

General for ODOT

5FT0 965604	Deputy Inspector	\$	425,000	\$	425,000	139301
	General for BWC/OIC					
5GI0 965605	Deputy Inspector	\$	520,837	\$	521,535	139302
	General for ARRA					
TOTAL GSF	General Services Fund	\$	1,345,837	\$	1,346,535	139303
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	2,470,500	\$	2,472,133	139304

IGO CASINO-RELATED ACTIVITIES 139305

On July 1, 2011, or as soon as possible thereafter, an amount 139306
equal to the unexpended, unencumbered balance of appropriation 139307
item 965609, Casino Investigations, at the end of fiscal year 2011 139308
is hereby reappropriated to the same appropriation item for fiscal 139309
year 2012, to be used for the performance of the Inspector 139310
General's casino-related duties. 139311

DEPUTY INSPECTOR GENERAL FOR FUNDS RECEIVED THROUGH THE 139312
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 139313

On July 1, 2011, and on January 1, 2012, or as soon as 139314
possible thereafter, the Director of Budget and Management shall 139315
transfer \$225,000 in cash, for each period, from the General 139316
Revenue Fund to the Deputy Inspector General for Funds Received 139317
through the American Recovery and Reinvestment Act of 2009 Fund 139318
(Fund 5GI0), which is created in section 121.53 of the Revised 139319
Code. 139320

On July 1, 2012, and on January 1, 2013, or as soon as 139321
possible thereafter, the Director of Budget and Management shall 139322
transfer \$225,000 in cash, for each period, from the General 139323
Revenue Fund to the Deputy Inspector General for Funds Received 139324
through the American Recovery and Reinvestment Act of 2009 Fund 139325
(Fund 5GI0). 139326

Section 307.10. INS DEPARTMENT OF INSURANCE 139327

Federal Special Revenue Fund Group					139328
3EV0 820610 Health Insurance	\$	1,000,000	\$	1,000,000	139329
Premium Review					
3EW0 820611 Health Exchange	\$	1,000,000	\$	1,000,000	139330
Planning					
3U50 820602 OSHIIP Operating	\$	2,270,726	\$	2,270,725	139331
Grant					
TOTAL FED Federal Special					139332
Revenue Fund Group	\$	4,270,726	\$	4,270,725	139333
State Special Revenue Fund Group					139334
5540 820601 Operating Expenses -	\$	190,000	\$	180,000	139335
OSHIIP					
5540 820606 Operating Expenses	\$	22,745,538	\$	22,288,550	139336
5550 820605 Examination	\$	9,065,684	\$	8,934,065	139337
TOTAL SSR State Special Revenue					139338
Fund Group	\$	32,001,222	\$	31,402,615	139339
TOTAL ALL BUDGET FUND GROUPS	\$	36,271,948	\$	35,673,340	139340

MARKET CONDUCT EXAMINATION 139341

When conducting a market conduct examination of any insurer 139342
doing business in this state, the Superintendent of Insurance may 139343
assess the costs of the examination against the insurer. The 139344
superintendent may enter into consent agreements to impose 139345
administrative assessments or fines for conduct discovered that 139346
may be violations of statutes or rules administered by the 139347
superintendent. All costs, assessments, or fines collected shall 139348
be deposited to the credit of the Department of Insurance 139349
Operating Fund (Fund 5540). 139350

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 139351

The Director of Budget and Management, at the request of the 139352
Superintendent of Insurance, may transfer funds from the 139353
Department of Insurance Operating Fund (Fund 5540), established by 139354

section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.				139355	
				139356	
				139357	
				139358	
				139359	
TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND				139360	
Not later than the thirty-first day of July each fiscal year, the Director of Budget and Management shall transfer \$5,000,000 from the Department of Insurance Operating Fund (Fund 5540) to the General Revenue Fund.				139361	
				139362	
				139363	
				139364	
Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				139365	
General Revenue Fund				139366	
GRF 600321 Support Services				139367	
State	\$	34,801,760	\$	31,932,117	139368
Federal	\$	9,322,222	\$	9,207,441	139369
Support Services Total	\$	44,123,982	\$	41,139,558	139370
GRF 600410 TANF State	\$	151,386,934	\$	151,386,934	139371
GRF 600413 Child Care	\$	84,732,730	\$	84,732,730	139372
Match/Maintenance of Effort					
GRF 600416 Computer Projects				139373	
State	\$	67,955,340	\$	69,263,506	139374
Federal	\$	13,105,167	\$	12,937,222	139375
Computer Projects Total	\$	81,060,507	\$	82,200,728	139376
GRF 600417 Medicaid Provider Audits	\$	1,312,992	\$	1,312,992	139377
GRF 600420 Child Support Administration	\$	6,163,534	\$	6,065,588	139378
GRF 600421 Office of Family Stability	\$	3,768,929	\$	3,757,493	139379
GRF 600423 Office of Children and	\$	5,123,406	\$	4,978,756	139380

	Families				
GRF 600425	Office of Ohio Health				139381
	Plans				
	State	\$	13,149,582	\$	15,740,987 139382
	Federal	\$	12,556,921	\$	12,286,234 139383
	Office of Ohio Health	\$	25,706,503	\$	28,027,221 139384
	Plans Total				
GRF 600502	Administration - Local	\$	23,814,103	\$	23,814,103 139385
GRF 600511	Disability Financial	\$	26,599,666	\$	27,108,734 139386
	Assistance				
GRF 600521	Entitlement	\$	72,200,721	\$	72,200,721 139387
	Administration - Local				
GRF 600523	Children and Families	\$	53,605,323	\$	53,105,323 139388
	Services				
GRF 600525	Health Care/Medicaid				139389
	State	\$	4,313,761,372	\$	4,689,051,017 139390
	Federal	\$	7,530,008,024	\$	8,429,762,527 139391
	Health Care Total	\$	11,843,769,396	\$	13,118,813,544 139392
GRF 600526	Medicare Part D	\$	277,996,490	\$	296,964,743 139393
GRF 600528	Adoption Services				139394
	State	\$	29,257,932	\$	29,257,932 139395
	Federal	\$	41,085,169	\$	41,085,169 139396
	Adoption Services Total	\$	70,343,101	\$	70,343,101 139397
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000 139398
	Adult Community &				
	Protective Services				
GRF 600534	Adult Protective	\$	366,003	\$	366,003 139399
	Services				
GRF 600535	Early Care and	\$	123,596,474	\$	123,596,474 139400
	Education				
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000 139401
GRF 600540	Second Harvest Food	\$	4,000,000	\$	4,000,000 139402
	Banks				

GRF 600541	Kinship Permanency Incentive Program	\$ 2,500,000	\$ 3,500,000	139403
TOTAL GRF	General Revenue Fund			139404
	State	\$ 5,315,593,291	\$ 5,711,636,153	139405
	Federal	\$ 7,606,077,503	\$ 8,505,278,593	139406
	GRF Total	\$12,921,670,794	\$14,216,914,746	139407
	General Services Fund Group			139408
4A80 600658	Public Assistance Activities	\$ 34,000,000	\$ 34,000,000	139409
5C90 600671	Medicaid Program Support	\$ 85,800,878	\$ 82,839,266	139410
5DL0 600639	Medicaid Revenue and Collections	\$ 89,256,974	\$ 84,156,974	139411
5DM0 600633	Administration & Operating	\$ 20,392,173	\$ 19,858,928	139412
5FX0 600638	Medicaid Payment Withholding	\$ 5,000,000	\$ 6,000,000	139413
5HL0 600602	State and County Shared services	\$ 3,020,000	\$ 3,020,000	139414
5P50 600692	Prescription Drug Rebate - State	\$ 220,600,000	\$ 242,600,000	139415
6130 600645	Training Activities	\$ 500,000	\$ 500,000	139416
TOTAL GSF	General Services Fund Group	\$ 458,570,025	\$ 472,975,168	139417
	Federal Special Revenue Fund Group			139419
3270 600606	Child Welfare	\$ 29,769,865	\$ 29,769,866	139420
3310 600686	Federal Operating	\$ 49,128,140	\$ 48,203,023	139421
3840 600610	Food Assistance and State Administration	\$ 180,381,394	\$ 180,381,394	139422
3850 600614	Refugee Services	\$ 11,582,440	\$ 12,564,952	139423
3950 600616	Special Activities/Child and	\$ 2,259,264	\$ 2,259,264	139424

		Family Services				
3960	600620	Social Services Block Grant	\$	64,999,999	\$	64,999,998 139425
3970	600626	Child Support	\$	255,812,837	\$	255,813,528 139426
3980	600627	Adoption Maintenance/ Administration	\$	352,183,862	\$	352,184,253 139427
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000 139428
3AW0	600675	Faith Based Initiatives	\$	544,140	\$	544,140 139429
3D30	600648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524 139430
3ER0	600603	Health Information Technology	\$	411,661,286	\$	416,395,286 139431
3F00	600623	Health Care Federal	\$	2,637,061,505	\$	2,720,724,869 139432
3F00	600650	Hospital Care Assurance Match	\$	372,784,046	\$	380,645,627 139433
3FA0	600680	Ohio Health Care Grants	\$	9,405,000	\$	20,000,000 139434
3G50	600655	Interagency Reimbursement	\$	1,621,305,787	\$	1,380,391,478 139435
3H70	600617	Child Care Federal	\$	208,290,036	\$	204,813,731 139436
3N00	600628	IV-E Foster Care Maintenance	\$	133,963,142	\$	133,963,142 139437
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 139438
3V00	600688	Workforce Investment Act	\$	176,496,250	\$	172,805,562 139439
3V40	600678	Federal Unemployment Programs	\$	188,680,096	\$	186,723,415 139440
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	4,166,988	\$	4,068,758 139441
3V60	600689	TANF Block Grant	\$	727,968,260	\$	727,968,260 139442

TOTAL FED Federal Special Revenue				139443
Fund Group		\$ 7,446,018,911	\$ 7,302,795,120	139444
State Special Revenue Fund Group				139445
1980 600647 Children's Trust Fund	\$	5,873,637	\$ 5,873,848	139446
4A90 600607 Unemployment	\$	21,924,998	\$ 21,424,998	139447
Compensation				
Administration Fund				
4A90 600694 Unemployment	\$	2,173,167	\$ 2,117,031	139448
Compensation Review				
Commission				
4E30 600605 Nursing Home	\$	2,878,320	\$ 2,878,319	139449
Assessments				
4E70 600604 Child and Family	\$	400,000	\$ 400,000	139450
Services Collections				
4F10 600609 Children and Family	\$	683,359	\$ 683,549	139451
Services Activities				
4K10 600621 ICF/MR Bed Assessments	\$	41,405,596	\$ 44,372,874	139452
4Z10 600625 HealthCare Compliance	\$	11,551,076	\$ 14,582,000	139453
5AJ0 600631 Money Follows the	\$	5,483,080	\$ 4,733,080	139454
Person				
5DB0 600637 Military Injury Grants	\$	2,000,000	\$ 2,000,000	139455
5DP0 600634 Adoption Assistance	\$	500,000	\$ 500,000	139456
Loan				
5ES0 600630 Food Assistance	\$	500,000	\$ 500,000	139457
5GF0 600656 Medicaid - Hospital	\$	436,000,000	\$ 436,000,000	139458
5KC0 600682 Health Care Special	\$	10,000,000	\$ 10,000,000	139459
Activities				
5R20 600608 Medicaid-Nursing	\$	402,489,308	\$ 407,100,746	139460
Facilities				
5S30 600629 MR/DD Medicaid	\$	9,252,738	\$ 9,147,791	139461
Administration and				
Oversight				
5U30 600654 Health Care Services	\$	24,400,000	\$ 24,400,000	139462

		Administration				
5U60	600663	Children and Family	\$	4,000,000	\$	4,000,000 139463
		Support				
6510	600649	Hospital Care	\$	212,526,123	\$	217,008,050 139464
		Assurance Program Fund				
TOTAL SSR		State Special Revenue				139465
Fund Group			\$	1,194,041,402	\$	1,207,722,286 139466
Agency Fund Group						139467
1920	600646	Support Intercept -	\$	130,000,000	\$	130,000,000 139468
		Federal				
5830	600642	Support Intercept -	\$	16,000,000	\$	16,000,000 139469
		State				
5B60	600601	Food Assistance	\$	2,000,000	\$	2,000,000 139470
		Intercept				
TOTAL AGY		Agency Fund Group	\$	148,000,000	\$	148,000,000 139471
Holding Account		Redistribution Fund Group				139472
R012	600643	Refunds and Audit	\$	2,200,000	\$	2,200,000 139473
		Settlements				
R013	600644	Forgery Collections	\$	10,000	\$	10,000 139474
TOTAL 090		Holding Account	\$	2,210,000	\$	2,210,000 139475
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	22,170,511,132	\$	23,350,617,320 139476

Section 309.20. SUPPORT SERVICES 139478

Section 309.20.10. ADMINISTRATION AND OPERATING 139479

On July 1, 2011, or as soon as possible thereafter, the 139480
 Director of Budget and Management may transfer up to \$535,300 cash 139481
 from the TANF Quality Control Reinvestments Fund (Fund 5Z90) to 139482
 the Administration and Operating Fund (Fund 5DM0). Upon completion 139483
 of the transfer, Fund 5Z90 is abolished. 139484

Of the foregoing appropriation item 600633, Administration 139485

and Operating, the Department of Job and Family Services shall use 139486
up to \$535,300 to pay for one-time contract expenses. 139487

Section 309.20.20. TRANSFER TO STATE AND COUNTY SHARED 139488
SERVICES FUND 139489

Within thirty days of the effective date of this act, or as 139490
soon as possible thereafter, the Director of Budget and Management 139491
shall transfer the unencumbered cash balance in the County 139492
Technologies Fund (Fund 5N10) to the State and County Shared 139493
Services Fund (Fund 5HL0). The transferred cash is hereby 139494
appropriated. 139495

Section 309.20.30. AGENCY FUND GROUP 139496

The Agency Fund Group and Holding Account Redistribution Fund 139497
Group shall be used to hold revenues until the appropriate fund is 139498
determined or until the revenues are directed to the appropriate 139499
governmental agency other than the Department of Job and Family 139500
Services. If receipts credited to the Support Intercept - Federal 139501
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 139502
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 139503
Settlements Fund (Fund R012), or the Forgery Collections Fund 139504
(Fund R013) exceed the amounts appropriated from the fund, the 139505
Director of Job and Family Services may request the Director of 139506
Budget and Management to authorize expenditures from the fund in 139507
excess of the amounts appropriated. Upon the approval of the 139508
Director of Budget and Management, the additional amounts are 139509
hereby appropriated. 139510

Section 309.30. MEDICAID 139511

Section 309.30.10. HEALTH CARE/MEDICAID 139512

The foregoing appropriation item 600525, Health 139513

Care/Medicaid, shall not be limited by section 131.33 of the Revised Code. 139514
139515

Section 309.30.13. MEDICAID RESERVE FUND 139516

There is hereby created in the state treasury the Medicaid Reserve Fund. The Director of Budget and Management may transfer up to \$129,113,790 cash from the General Revenue Fund to the Medicaid Reserve Fund during the FY 2012-FY 2013 biennium. Money in the fund may be used for the Medicaid Program upon request of the Director of Job and Family Services and approval of the Director of Budget and Management. As necessary, the Director of Budget and Management is authorized to transfer cash from the Medicaid Reserve Fund to the General Revenue Fund. Appropriations in appropriation item 600525, Health Care/Medicaid, shall be increased by the amounts of such transfers and corresponding federal matching funds. Such amounts are hereby appropriated. 139517
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Section 309.30.20. UNIFIED LONG TERM CARE 139529

The foregoing appropriation item 600525, Health Care/Medicaid, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5111.204, 5119.061, and 5123.021 of the Revised Code. 139530
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The foregoing appropriation item 600525, Health Care/Medicaid, may be used to assess and provide long-term care consultations under section 173.42 of the Revised Code to clients regardless of Medicaid eligibility. 139535
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The foregoing appropriation item 600525, Health Care/Medicaid, may be used to provide nonwaiver funded PASSPORT and assisted living services to persons who the state department has determined to be eligible to participate in the nonwaiver funded PASSPORT and assisted living programs, who applied for but 139539
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have not yet been determined to be financially eligible to 139544
participate in the Medicaid waiver component of the PASSPORT Home 139545
Care Program or the Assisted Living Program by a county department 139546
of job and family services, and to persons who are not eligible 139547
for Medicaid but were enrolled in the PASSPORT Program prior to 139548
July 1, 1990. 139549

The foregoing appropriation item 600525, Health 139550
Care/Medicaid, shall be used to provide the required state match 139551
for federal Medicaid funds supporting the Medicaid waiver-funded 139552
PASSPORT Home Care Program, the Choices Program, the Assisted 139553
Living Program, and the PACE Program. 139554

The foregoing appropriation item 600525, Health 139555
Care/Medicaid, shall be used to provide the federal matching share 139556
of program costs determined by the Department of Job and Family 139557
Services to be eligible for Medicaid reimbursement for the 139558
Medicaid waiver-funded PASSPORT Home Care Program, the Choices 139559
Program, the Assisted Living Program, and the PACE Program. 139560

Section 309.30.21. ESTIMATED EXPENDITURES FOR PASSPORT, 139561
CHOICES, ASSISTED LIVING, AND PACE PROGRAMS 139562

(A) Of the funds appropriated to the Department of Job and 139563
Family Services for health care services, it is estimated that 139564
\$618,772,607 in fiscal year 2012 and \$662,261,174 in fiscal year 139565
2013 will be expended on the Medicaid waiver-funded PASSPORT Home 139566
Care Program, the Choices Program, the Assisted Living Program, 139567
and the PACE Program. 139568

(B) The Department of Job and Family Services and the 139569
Department of Aging shall jointly monitor the expenditures made 139570
under division (A) of this section at regular intervals, and shall 139571
use the following criteria in monitoring such expenditures: 139572

(1) For fiscal year 2012 and fiscal year 2013, per member per 139573

month spending for PASSPORT and Choices services will be provided 139574
at approximately the same levels as provided during fiscal year 139575
2011; 139576

(2) For fiscal year 2012 and fiscal year 2013, per member per 139577
month spending for PASSPORT Administrative Agency case management 139578
functions will be maintained at fiscal year 2011 levels; 139579

(3) For fiscal year 2012, spending for PASSPORT 139580
Administrative Agency site operation functions will be ninety-five 139581
per cent of the level provided in fiscal year 2011. For fiscal 139582
year 2013, spending for PASSPORT Administrative Agency site 139583
operation functions will be ninety-five per cent of the level 139584
provided in fiscal year 2012. 139585

(C) The Department of Job and Family Services and the 139586
Department of Aging shall identify any significant variance in 139587
expenditures from the overall funding levels provided under 139588
divisions (A) and (B) of this section, and shall take corrective 139589
action where variances may adversely affect the delivery of 139590
Medicaid waiver-funded PASSPORT Home Care, Choices, Assisted 139591
Living, and PACE services. 139592

Section 309.30.23. HATTIE LARLHAM COMMUNITY LIVING 139593

Of the foregoing appropriation item 600525, Health 139594
Care/Medicaid, \$62,500 in each fiscal year shall be awarded to 139595
Hattie Larlham Community Living. 139596

Section 309.30.30. REDUCTION IN MEDICAID PAYMENT RATES 139597

(A) As used in this section, "charge high trim point" means a 139598
measure, excluding the measure established by paragraph (A)(6) of 139599
rule 5101:3-2-07.9 of the Administrative Code, used to determine 139600
whether a claim for a hospital inpatient service qualifies for a 139601
cost outlier payment under the Medicaid program. 139602

(B) For fiscal year 2012 and fiscal year 2013, the Director
of Job and Family Services shall implement purchasing strategies
and rate reductions for hospital and other Medicaid-covered
services, as determined by the Director, that result in payment
rates for those services being at least two per cent less than the
respective payment rates for fiscal year 2011. In implementing the
purchasing strategies and rate reductions, the Director shall do
the following:

(1) Notwithstanding the section of this act titled
"CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND
OUTPATIENT SERVICES," modernize hospital inpatient and outpatient
reimbursement methodologies by doing the following:

(a) Modifying the inpatient hospital capital reimbursement
methodology;

(b) Establishing new diagnosis-related groups in a
cost-neutral manner;

(c) For hospital discharges that occur during the period
beginning October 1, 2011, and ending January 1, 2012, modifying
charge high trim points, as in effect on January 1, 2011, by a
factor of 13.6%;

(d) For hospital discharges that occur during the period
beginning January 1, 2012, and ending on the effective date of the
first of the new diagnosis-related groups established under
division (B)(1)(b) of this section, modifying charge high trim
points, as in effect on October 1, 2011, by a factor of 9.72%;

(e) Implementing other changes the Director considers
appropriate.

(2) Establish selective contracting and prior authorization
requirements for types of medical assistance the Director
identifies.

(C) The Director shall adopt rules under section 5111.02 and 139633
5111.85 of the Revised Code as necessary to implement this 139634
section. 139635

(D) This section does not apply to nursing facility and 139636
intermediate care facility for the mentally retarded services 139637
provided under the Medicaid program. 139638

Section 309.30.31. FISCAL YEAR 2012 MEDICARE COPAYMENT FOR 139639
DIALYSIS SERVICES PROVIDED TO MEDICAID RECIPIENTS 139640

(A) As used in this section, "dual eligible individual" has 139641
the same meaning as in section 1915(h)(2)(B) of the "Social 139642
Security Act," 124 Stat. 315 (2010), 42 U.S.C. 1396n(h)(2)(B). 139643

(B) Notwithstanding any conflicting provision of section 139644
5111.021 of the Revised Code or any other conflicting provision of 139645
the Revised Code or this act, in fiscal year 2012, for dialysis 139646
services provided to a dual eligible individual, the Department of 139647
Job and Family Services shall pay under the Medicaid program an 139648
amount equal to the Medicare copayment amount that applies to the 139649
service, as that amount was paid by the Department immediately 139650
prior to the effective date of this section. 139651

Section 309.30.32. FISCAL YEAR 2013 MEDICAID RATE FOR 139652
DIALYSIS SERVICES 139653

In fiscal year 2013, the Department of Job and Family 139654
Services may adjust the Medicaid rates that are paid for dialysis 139655
services by an amount sufficient to achieve aggregate savings of 139656
not more than \$9 million in state share expenditures under the 139657
Medicaid program. The aggregate savings shall include any savings 139658
that may be achieved through measures taken with regard to 139659
dialysis services under the section of this act titled "REDUCTION 139660
IN MEDICAID PAYMENT RATES." 139661

Section 309.30.33. HOSPITAL INPATIENT AND OUTPATIENT	139662
SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE	139663
HOSPITAL INCENTIVE PAYMENT PROGRAM	139664
(A) As used in this section:	139665
(1) "Hospital" has the same meaning as in section 5112.40 of the Revised Code.	139666 139667
(2) "Hospital Assessment Fund" means the fund created under section 5112.45 of the Revised Code.	139668 139669
(3) "Medicaid managed care organization" means an entity under contract pursuant to section 5111.17 of the Revised Code to provide or arrange services for Medicaid recipients who are required or permitted to participate in the Medicaid care management system.	139670 139671 139672 139673 139674
(B) The Department of Job and Family Services shall submit to the United States Secretary of Health and Human Services a Medicaid state plan amendment to do both of the following:	139675 139676 139677
(1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section;	139678 139679 139680 139681 139682
(2) Create the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section.	139683 139684
(C) Of the amounts deposited into the Hospital Assessment Fund in fiscal year 2012 and fiscal year 2013:	139685 139686
(1) Up to \$432,432,725 (state and federal) in fiscal year 2012 and up to \$415,162,388 (state and federal) in fiscal year 2013 shall be used for the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program;	139687 139688 139689 139690

(2) Up to \$162,000,000 (state and federal) in each fiscal year shall be used for the Medicaid Managed Care Hospital Incentive Payment Program;

(3) Up to \$176,021,111 (state and federal) in fiscal year 2012 and up to \$195,158,394 (state and federal) in fiscal year 2013 shall be used for the program authorized by the section of this act titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES."

(D)(1) If the Medicaid state plan amendment submitted under division (B)(1) of this section is approved, the Department shall implement the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program during fiscal year 2012 and fiscal year 2013. Under the Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals for Medicaid-covered inpatient and outpatient services. The Department shall make the payments through amounts that are made available for the Program under division (C) of this section and any federal financial participation available for the Program.

(2) The Department shall take all actions necessary to cease implementation of the Program if the United States Secretary determines that the assessment imposed under section 5112.41 of the Revised Code is an impermissible healthcare-related tax under section 1903(w) of the "Social Security Act," 105 Stat. 1793 (1991), 42 U.S.C. 1396b(w), as amended.

(E)(1) If the Medicaid state plan amendment submitted under division (B)(2) of this section is approved, the Department shall implement the Medicaid Managed Care Hospital Incentive Payment Program. The purpose of the Program is to increase access to hospital services for Medicaid recipients who are enrolled in Medicaid managed care organizations.

Under the Program, subject to division (E)(3) of this

section, funds shall be provided to Medicaid managed care 139722
organizations, which shall use the funds to increase payments to 139723
hospitals for providing services to Medicaid recipients who are 139724
enrolled in the organizations. The Department shall provide the 139725
funds through amounts that are made available for the Program 139726
under division (C) of this section and any federal financial 139727
participation available for the Program. 139728

(2) Not later than July 1, 2012, the Department shall select 139729
an actuary to conduct a study of the contracted reimbursement 139730
rates between Medicaid managed care organizations and hospitals. 139731
The actuary shall determine if a reduction in the capitation rates 139732
paid to Medicaid managed care organizations in fiscal year 2013 is 139733
appropriate as a result of the contracted reimbursement rates 139734
between the organizations and hospitals. The actuary shall notify 139735
the Department of its determination. 139736

If the actuary determines that a reduction in the capitation 139737
rates paid to Medicaid managed care organizations in fiscal year 139738
2013 will not achieve \$22 million in state savings in fiscal year 139739
2013, the state shall receive the difference between what the 139740
actuary determines the state will save and \$22 million. The 139741
Department, in consultation with the Ohio Association of Health 139742
Plans and the Ohio Hospital Association, shall establish a 139743
methodology under which the difference is paid equally by Medicaid 139744
managed care organizations and hospitals in this state. 139745

Notwithstanding anything to the contrary specified in 139746
division (E)(3)(b) or (c) of this section, the Medicaid managed 139747
care organizations and hospitals shall pay the amounts determined 139748
under the methodology, unless the Department waives the 139749
requirement to make the payments. The requirement may be waived if 139750
spending for the Medicaid program in fiscal year 2013 is less than 139751
the amount that is budgeted for that fiscal year. If payments are 139752
made, the amount received by the Department shall be deposited 139753

into the state treasury to the credit of the Health Care 139754
Compliance Fund created under section 5111.171 of the Revised 139755
Code. 139756

(3)(a) The Department shall not provide funds to Medicaid 139757
managed care organizations under the Program unless an actuary 139758
selected by the Department certifies that the Program would not 139759
violate the actuarial soundness of the capitation rates paid to 139760
Medicaid managed care organizations. 139761

(b) The Department shall not implement the Program in a 139762
manner that causes a hospital to receive less money from the 139763
Hospital Assessment Fund than the hospital would have received if 139764
the Program were not implemented. 139765

(c) The Department shall not implement the Program in a 139766
manner that causes a Medicaid managed care organization to receive 139767
a lower capitation payment rate solely because funds are made 139768
available to the organization under the Program. 139769

(d) The Department shall take all necessary actions to cease 139770
implementation of the Program if the United States Secretary 139771
determines that the assessment imposed under section 5112.41 of 139772
the Revised Code is an impermissible healthcare-related tax under 139773
section 1903(w) of the "Social Security Act," 105 Stat. 1793 139774
(1991), 42 U.S.C. 1396b(w), as amended. 139775

(F) The Director of Budget and Management may authorize 139776
additional expenditures from appropriation item 600623, Health 139777
Care Federal, appropriation item 600525, Health Care/Medicaid, and 139778
appropriation item 600656, Medicaid-Hospital, in order to 139779
implement the programs authorized by this section and to implement 139780
the section of this act titled "CONTINUATION OF MEDICAID RATES FOR 139781
HOSPITAL INPATIENT AND OUTPATIENT SERVICES." Any amounts 139782
authorized are hereby appropriated. 139783

(G) Nothing in this section reduces payments to children's 139784

hospitals authorized under the section of this act titled 139785
"CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING." 139786

Section 309.30.35. CONTINUATION OF MEDICAID RATES FOR 139787
HOSPITAL INPATIENT AND OUTPATIENT SERVICES 139788

The Director of Job and Family Services shall amend rules 139789
adopted under section 5111.02 of the Revised Code as necessary to 139790
continue, for fiscal year 2012 and fiscal year 2013, the Medicaid 139791
reimbursement rates in effect on June 30, 2011, for 139792
Medicaid-covered hospital inpatient services and hospital 139793
outpatient services that are paid under the prospective payment 139794
system established in those rules. 139795

Section 309.30.38. CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING 139796

(A) As used in this section, "children's hospital" means a 139797
children's hospital, as defined in section 3702.51 of the Revised 139798
Code, that is located in this state, primarily serves patients 139799
eighteen years of age and younger, is subject to the Medicaid 139800
prospective payment system for hospitals established in rules 139801
adopted under section 5111.02 of the Revised Code, and is excluded 139802
from Medicare prospective payment in accordance with 42 C.F.R. 139803
412.23(d). 139804

(B) For fiscal year 2012 and fiscal year 2013, the Director 139805
of Job and Family Services shall make additional Medicaid payments 139806
to children's hospitals for inpatient services to compensate 139807
children's hospitals for the high percentage of Medicaid 139808
recipients they serve. The additional payments shall be made under 139809
a program modeled after the program the Department of Job and 139810
Family Services was required to create for fiscal year 2006 and 139811
fiscal year 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 139812
126th General Assembly. The program may be the same as the program 139813
the Director used for making the payments to children's hospitals 139814

for fiscal year 2010 and fiscal year 2011 under Section 309.30.15 139815
of Am. Sub. H.B. 1 of the 128th General Assembly. 139816

(C) All of the following shall be used to make additional 139817
Medicaid payments to children's hospitals under division (B) of 139818
this section: 139819

(1) Of the foregoing appropriation item 600537, Children's 139820
Hospital, up to \$6 million in each fiscal year plus the 139821
corresponding federal match; 139822

(2) Of the amounts deposited into the Hospital Assessment 139823
Fund created under section 5112.45 of the Revised Code, \$4.4 139824
million in fiscal year 2012, plus the corresponding federal match, 139825
and \$4 million in fiscal year 2013, plus the corresponding federal 139826
match. 139827

Section 309.30.40. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 139828

At the beginning of each quarter, or as soon as possible 139829
thereafter, the Director of Job and Family Services shall certify 139830
to the Director of Budget and Management the amount withheld in 139831
accordance with section 5111.1711 of the Revised Code for purposes 139832
of the Managed Care Performance Payment Program. Upon receiving 139833
certification, the Director of Budget and Management shall 139834
transfer cash in the amount certified from the General Revenue 139835
Fund to the Managed Care Performance Payment Fund. The transferred 139836
cash is hereby appropriated. Appropriation item 600525, Health 139837
Care/Medicaid, is hereby reduced by the amount of the transfer. 139838

Section 309.30.50. COORDINATION OF CARE FOR COVERED FAMILIES 139839
AND CHILDREN PENDING MEDICAID MANAGED CARE ENROLLMENT 139840

(A) As used in this section, "Medicaid managed care" means 139841
the care management system established under section 5111.16 of 139842
the Revised Code. 139843

(B) The departments of Job and Family Services and Health 139844
shall work together on the issue of achieving efficiencies in the 139845
delivery of medical assistance provided under Medicaid to families 139846
and children. 139847

(C) As part of their work under division (B) of this section, 139848
the departments shall develop a proposal for coordinating medical 139849
assistance provided to families and children under Medicaid while 139850
they wait to be enrolled in Medicaid managed care. In developing 139851
the proposal, the departments may do the following: 139852

(1) Conduct research on the status of families and children 139853
waiting to be enrolled in Medicaid managed care, including 139854
research on the reasons for the wait and the utilization of 139855
medical assistance during the waiting period; 139856

(2) Conduct a review of ways to help families and children 139857
receive medical assistance in the most appropriate setting while 139858
they wait to be enrolled in Medicaid managed care; 139859

(3) Develop recommendations for a coordinated, cost-effective 139860
system of helping families and children waiting to be enrolled in 139861
Medicaid managed care find the medical assistance they need during 139862
the waiting period; 139863

(4) For the purpose of reducing the waiting period for 139864
enrollment in Medicaid managed care, develop recommendations for 139865
improving the enrollment processes. 139866

(D) As part of the work that is done under division (B) of 139867
this section, the Department of Job and Family Services may submit 139868
to the United States Secretary of Health and Human Services a 139869
request for a Medicaid state plan amendment to authorize payment 139870
for Medicaid-reimbursable targeted case management services that 139871
are provided in connection with the Help Me Grow Program and for 139872
services provided under the Program. Each quarter during fiscal 139873
year 2012 and fiscal year 2013 following approval of the Medicaid 139874

state plan amendment, the Department of Job and Family Services 139875
shall certify to the Director of Budget and Management the state 139876
and federal share of the amount the Department of Job and Family 139877
Services has expended that quarter for services under this 139878
section. On receipt of each quarterly certification to the 139879
Director of Budget and Management shall decrease appropriation 139880
from appropriation item 440459, Help Me Grow, an amount equal to 139881
the state share of the certified expenditures and increase 139882
appropriation item 600525, Health Care/Medicaid by an equal amount 139883
and adjust the Federal share accordingly. This transfer is not 139884
intended to reduce General Revenue Funds appropriated for the Help 139885
Me Grow Program, but is done solely for the purpose of drawing 139886
down the federal share of Medicaid reimbursement. 139887

Section 309.30.53. MEDICAID MANAGED CARE EXEMPTIONS 139888

Notwithstanding section 5111.16 of the Revised Code, as 139889
amended by this act, the Department of Job and Family Services 139890
shall not include in the care management system established under 139891
that section in either fiscal year 2012 or fiscal year 2013 any 139892
individual receiving services through the program for medically 139893
handicapped children established under section 3701.023 of the 139894
Revised Code who has one or more of the following conditions and 139895
who was not receiving services through the care management system 139896
immediately before the effective date of this section: 139897

(1) Cystic fibrosis; 139898

(2) Hemophilia; 139899

(3) Cancer. 139900

Section 309.30.55. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL 139901
HEALTH SERVICES 139902

(A) As used in this section, "community mental health 139903
services" means mental health services included in the state 139904

Medicaid plan pursuant to section 5111.023 of the Revised Code. 139905

(B) For fiscal year 2012 and fiscal year 2013, a Medicaid 139906
recipient who is under twenty-one years of age automatically 139907
satisfies all requirements for any prior authorization process for 139908
community mental health services provided under a component of the 139909
Medicaid program administered by the Department of Mental Health 139910
pursuant to an interagency agreement authorized by section 5111.91 139911
of the Revised Code if any of the following apply to the 139912
recipient: 139913

(1) The recipient is in the temporary custody or permanent 139914
custody of a public children services agency or private child 139915
placing agency or is in a planned permanent living arrangement. 139916

(2) The recipient has been placed in protective supervision 139917
by a juvenile court. 139918

(3) The recipient has been committed to the Department of 139919
Youth Services. 139920

(4) The recipient is an alleged or adjudicated delinquent or 139921
unruly child receiving services under the Felony Delinquent Care 139922
and Custody Program operated under section 5139.43 of the Revised 139923
Code. 139924

Section 309.30.60. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT 139925
SYSTEM FOR NURSING FACILITIES 139926

(A) As used in this section: 139927

"Franchise permit fee," "Medicaid days," "nursing facility," 139928
and "provider" have the same meanings as in section 5111.20 of the 139929
Revised Code. 139930

"Nursing facility services" means nursing facility services 139931
covered by the Medicaid program that a nursing facility provides 139932
to a resident of the nursing facility who is a Medicaid recipient 139933
eligible for Medicaid-covered nursing facility services. 139934

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2011, and a valid Medicaid provider agreement during fiscal year 2012 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2012, the rate calculated for the nursing facility under sections 5111.20 to 5111.331 of the Revised Code with the following adjustments:

(1) For the purpose of determining the nursing facility's rate for direct care costs under section 5111.231 of the Revised Code, the nursing facility's semiannual case-mix score for the period beginning July 1, 2011, and ending January 1, 2012, shall be the same as the semiannual case-mix score, as determined under section 5111.232 of the Revised Code, used in calculating the nursing facility's June 30, 2011, rate for direct care costs.

(2) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for tax costs calculated under section 5111.242 of the Revised Code, and the rate for capital costs calculated under section 5111.25 of the Revised Code shall each be increased by 5.08 per cent.

(3) The per resident per day rate paid under section 5111.243 of the Revised Code for the franchise permit fee shall be \$11.47.

(4) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, \$3.03 per Medicaid day.

(C) If the rate determined for a nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2012 is less than 90 per cent of the rate the provider is paid for nursing facility services the

nursing facility provides on June 30, 2011, the Department of Job and Family Services, except as provided in division (D) of this section, shall provide for the nursing facility's rate for fiscal year 2012 to be the percentage determined as follows less than its June 30, 2011, rate:

(1) Determine the percentage difference between the nursing facility's June 30, 2011, rate and the rate determined for the nursing facility under division (B) of this section;

(2) Reduce the percentage determined under division (C)(1) of this section by ten percentage points;

(3) Divide the percentage determined under division (C)(2) of this section by two;

(4) Increase the percentage determined under division (C)(3) of this section by ten percentage points.

(D) If the franchise permit fee must be reduced or eliminated to comply with federal law, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2011, and a valid Medicaid provider agreement during fiscal year 2012 notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised Code.

Section 309.30.70. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee," "Medicaid days," "nursing facility,"

and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Low resource utilization resident" means a Medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's Medicaid reimbursement rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2012, and a valid Medicaid provider agreement during fiscal year 2013 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2013, the rate calculated for the nursing facility under sections 5111.20 to 5111.331 of the Revised Code with the following adjustments:

(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for tax costs calculated under section 5111.242 of the Revised Code, and the rate for capital costs calculated under section 5111.25 of the Revised Code shall each be increased by 5.08 per cent;

(2) The maximum quality incentive payment made under section 5111.244 of the Revised Code shall be \$16.44 per Medicaid day.

(C) The rate determined under division (B) of this section

shall not be paid for nursing facility services provided to low 140027
resource utilization residents. Except as provided in division (D) 140028
of this section, the provider of a nursing facility that has a 140029
valid Medicaid provider agreement on June 30, 2012, and a valid 140030
Medicaid provider agreement during fiscal year 2013 shall be paid, 140031
for nursing facility services the nursing facility provides during 140032
fiscal year 2013 to low resource utilization residents, \$130.00 140033
per Medicaid day. 140034

(D) If the franchise permit fee must be reduced or eliminated 140035
to comply with federal law, the Department of Job and Family 140036
Services shall reduce the amount it pays providers of nursing 140037
facility services under this section as necessary to reflect the 140038
loss to the state of the revenue and federal financial 140039
participation generated from the franchise permit fee. 140040

(E) The Department of Job and Family Services shall follow 140041
this section in determining the rate to be paid to the provider of 140042
a nursing facility that has a valid Medicaid provider agreement on 140043
June 30, 2012, and a valid Medicaid provider agreement during 140044
fiscal year 2013 notwithstanding anything to the contrary in 140045
sections 5111.20 to 5111.331 of the Revised Code. 140046

Section 309.30.73. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED 140047
LONG-TERM SERVICES AND SUPPORTS 140048

(A) There is hereby created the Joint Legislative Committee 140049
for Unified Long-Term Services and Supports. The Committee shall 140050
consist of the following members: 140051

(1) Two members of the House of Representatives from the 140052
majority party, appointed by the Speaker of the House of 140053
Representatives; 140054

(2) One member of the House of Representatives from the 140055
minority party, appointed by the Speaker of the House of 140056

Representatives;	140057
(3) Two members of the Senate from the majority party, appointed by the President of the Senate;	140058 140059
(4) One member of the Senate from the minority party, appointed by the President of the Senate.	140060 140061
(B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this section to serve as the other co-chairperson of the Committee. The Committee shall meet at the call of the co-chairpersons. The co-chairpersons may request assistance for the Committee from the Legislative Service Commission.	140062 140063 140064 140065 140066 140067 140068 140069 140070
(C) The Committee may examine the following issues:	140071
(1) The implementation of the dual eligible integrated care demonstration project authorized by section 5111.981 of the Revised Code;	140072 140073 140074
(2) The implementation of a unified long-term services and support Medicaid waiver component under section 5111.864 of the Revised Code;	140075 140076 140077
(3) Providing consumers choices regarding a continuum of services that meet their health-care needs, promote autonomy and independence, and improve quality of life;	140078 140079 140080
(4) Ensuring that long-term care services and supports are delivered in a cost effective and quality manner;	140081 140082
(5) Subjecting county homes, county nursing homes, and district homes operated pursuant to Chapter 5155. of the Revised Code to the franchise permit fee under sections 3721.50 to 3721.58 of the Revised Code;	140083 140084 140085 140086

(6) Other issues of interest to the committee.	140087
(D) The co-chairpersons of the Committee shall provide for the Director of the Office of Ohio Health Plans in the Department of Job and Family Services to testify before the Committee not later than September 30, 2011, and at least quarterly thereafter regarding the issues that the Committee examines.	140088 140089 140090 140091 140092
Section 309.30.80. STUDY OF ICF/MR ISSUES	140093
(A) As used in this section:	140094
"Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	140095 140096
"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	140097 140098
"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	140099 140100 140101
(B) The Departments of Job and Family Services and Developmental Disabilities shall study issues regarding Medicaid reimbursement for ICF/MR services. In conducting the study, the Departments shall examine the following:	140102 140103 140104 140105
(1) Revising the Individual Assessment Form Answer Sheet in a manner that provides a more accurate assessment of the acuity and care needs of individuals who need ICF/MR services, especially the acuity and care needs of such individuals who have intensive behavioral or medical needs;	140106 140107 140108 140109 140110
(2) Revising the Medicaid reimbursement formula for ICF/MR services to accomplish the following:	140111 140112
(a) Ensure that reimbursement for capital costs is adequate for maintaining the capital assets of ICFs/MR in a manner that promotes the well-being of the residents;	140113 140114 140115

(b) Provide capital incentives for reducing the capacity of ICFs/MR as necessary to achieve goals regarding the optimal capacity of ICFs/MR;	140116 140117 140118
(c) Ensure that wages paid individuals who provide direct care services to ICF/MR residents are sufficient for ICFs/MR to meet staffing and quality requirements;	140119 140120 140121
(d) Provide incentives for high quality services;	140122
(e) Achieve other goals developed for the purpose of improving the appropriateness and sufficiency of Medicaid reimbursements for ICF/MR services.	140123 140124 140125
(C) The Departments shall examine the issue of revising the Individual Assessment Form Answer Sheet before examining the issue of revising the Medicaid reimbursement formula for ICF/MR services. The Departments shall prepare a report of the study conducted under this section and submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.	140126 140127 140128 140129 140130 140131 140132
(D) At the same time that the Departments conduct the study under this section, they shall work with the Governor's Office of Health Transformation and persons interested in the issue of ICF/MR services to develop recommendations regarding the following:	140133 140134 140135 140136 140137
(1) Goals regarding the ratio of home and community-based services and ICF/MR services provided under the Medicaid program that take into account goals regarding the optimal capacity of ICFs/MR;	140138 140139 140140 140141
(2) The roles and responsibilities of both of the following:	140142
(a) ICFs/MR owned and operated by the Department of Developmental Disabilities;	140143 140144
(b) Providers of home and community-based services.	140145

(3) Simplifying and eliminating duplicate regulations	140146
regarding ICFs/MR in a manner that lowers the cost of ICF/MR	140147
services.	140148
Section 309.30.90. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT	140149
SYSTEM FOR ICFs/MR	140150
(A) As used in this section:	140151
"Capped per diem rate" means the per diem rate calculated for	140152
an ICF/MR under division (D) of this section.	140153
"Change of operator," "entering operator," and "exiting	140154
operator" have the same meanings as in section 5111.65 of the	140155
Revised Code.	140156
"Franchise permit fee" and "provider" have the same meanings	140157
as in section 5111.20 of the Revised Code.	140158
"ICF/MR" means an intermediate care facility for the mentally	140159
retarded as defined in section 5111.20 of the Revised Code.	140160
"ICF/MR services" means services covered by the Medicaid	140161
program that an ICF/MR provides to a Medicaid recipient eligible	140162
for the services.	140163
"Medicaid days" means all days during which a resident who is	140164
a Medicaid recipient occupies a bed in an ICF/MR that is included	140165
in the ICF/MR's Medicaid-certified capacity. Therapeutic or	140166
hospital leave days for which payment is made under section	140167
5111.33 of the Revised Code are considered Medicaid days	140168
proportionate to the percentage of the ICF/MR's per resident per	140169
day rate paid for those days.	140170
"Modified per diem rate" means the per diem rate calculated	140171
for an ICF/MR under division (C) of this section.	140172
"Unmodified per diem rate" means the per diem rate calculated	140173
for an ICF/MR under sections 5111.20 to 5111.331 of the Revised	140174

Code.	140175
(B) This section applies to each provider of an ICF/MR to which either of the following applies:	140176 140177
(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2011, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2012.	140178 140179 140180
(2) The ICF/MR undergoes a change of operator that takes effect during fiscal year 2012, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2012.	140181 140182 140183 140184 140185 140186
(C) An ICF/MR's total modified per diem rate for fiscal year 2012 shall be the ICF/MR's total unmodified per diem rate for that fiscal year with the following modifications:	140187 140188 140189
(1) In place of the inflation adjustment otherwise made under section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2010 shall be multiplied by 1.0123.	140190 140191 140192 140193 140194
(2) In place of the maximum cost per case-mix unit established for the ICF/MR's peer group under division (B)(2) of section 5111.23 of the Revised Code, the ICF/MR's maximum costs per case-mix unit shall be the following:	140195 140196 140197 140198
(a) In the case of an ICF/MR with more than eight beds, \$108.21;	140199 140200
(b) In the case of an ICF/MR with eight or fewer beds, \$102.21.	140201 140202
(3) In place of the inflation adjustment otherwise calculated under division (B)(3) of section 5111.23 of the Revised Code for	140203 140204

the purpose of division (C)(2) of that section, an inflation adjustment of 1.0123 shall be used. 140205
140206

(4) In place of the maximum rate for indirect care costs established for the ICF/MR's peer group under division (B) of section 5111.241 of the Revised Code, the maximum rate for indirect care costs for the ICF/MR's peer group shall be the following: 140207
140208
140209
140210
140211

(a) In the case of an ICF/MR with more than eight beds, \$68.98; 140212
140213

(b) In the case of an ICF/MR with eight or fewer beds, \$59.60. 140214
140215

(5) In place of the inflation adjustment otherwise calculated under division (C)(1) of section 5111.241 of the Revised Code for the purpose of division (A)(1) of that section only, an inflation adjustment of 1.0123 shall be used. 140216
140217
140218
140219

(6) In place of the efficiency incentive otherwise calculated under division (A)(2) of section 5111.241 of the Revised Code, the ICF/MR's efficiency incentive for indirect care costs shall be the following: 140220
140221
140222
140223

(a) In the case of an ICF/MR with more than eight beds, \$3.69; 140224
140225

(b) In the case of an ICF/MR with eight or fewer beds, \$3.19. 140226

(7) The ICF/MR's efficiency incentive for capital costs, as determined under division (B) of section 5111.251 of the Revised Code, shall be reduced by 50 per cent. 140227
140228
140229

(D) An ICF/MR's total capped per diem rate for fiscal year 2012 shall be the ICF/MR's total unmodified per diem rate for that fiscal year reduced by the percentage by which the mean total unmodified per diem rates for all ICFs/MR in this state for fiscal year 2012, weighted by May 2011 Medicaid days and calculated as of 140230
140231
140232
140233
140234

July 1, 2011, exceeds \$282.59. 140235

(E) Except as otherwise provided by this section, the 140236
provider of an ICF/MR to which this section applies shall be paid, 140237
for ICF/MR services the ICF/MR provides during fiscal year 2012, a 140238
total per diem rate determined as follows: 140239

(1) Add the ICF/MR's total modified per diem rate to the 140240
ICF/MR's total capped per diem rate; 140241

(2) Divide the amount determined under division (E)(1) of 140242
this section by two. 140243

(F) If the mean total per diem rate for all ICFs/MR to which 140244
this section applies, weighted by May 2011 Medicaid days and 140245
determined under division (E) of this section as of July 1, 2011, 140246
is other than \$282.59, the Department of Job and Family Services 140247
shall adjust, for fiscal year 2012, the total per diem rate for 140248
each ICF/MR to which this section applies by a percentage that is 140249
equal to the percentage by which the mean total per diem rate is 140250
greater or less than \$282.59. 140251

(G) If the United States Centers for Medicare and Medicaid 140252
Services requires that the franchise permit fee be reduced or 140253
eliminated, the Department of Job and Family Services shall reduce 140254
the amount it pays providers of ICF/MR services under this section 140255
as necessary to reflect the loss to the state of the revenue and 140256
federal financial participation generated from the franchise 140257
permit fee. 140258

(H) The Department of Job and Family Services shall follow 140259
this section in determining the rate to be paid providers of 140260
ICF/MR services subject to this section notwithstanding anything 140261
to the contrary in sections 5111.20 to 5111.331 of the Revised 140262
Code. 140263

Section 309.33.10. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT 140264

SYSTEM FOR ICFs/MR	140265
(A) As used in this section:	140266
"Capped per diem rate" means the per diem rate calculated for an ICF/MR under division (D) of this section.	140267 140268
"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	140269 140270 140271
"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	140272 140273
"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	140274 140275
"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	140276 140277 140278
"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.	140279 140280 140281 140282 140283 140284 140285
"Modified per diem rate" means the per diem rate calculated for an ICF/MR under division (C) of this section.	140286 140287
"Unmodified per diem rate" means the per diem rate calculated for an ICF/MR under sections 5111.20 to 5111.331 of the Revised Code.	140288 140289 140290
(B) This section applies to each provider of an ICF/MR to which either of the following applies:	140291 140292
(1) The provider has a valid Medicaid provider agreement for	140293

the ICF/MR on June 30, 2012, and a valid Medicaid provider 140294
agreement for the ICF/MR during fiscal year 2013. 140295

(2) The ICF/MR undergoes a change of operator that takes 140296
effect during fiscal year 2013, the exiting operator has a valid 140297
Medicaid provider agreement for the ICF/MR on the day immediately 140298
preceding the effective date of the change of operator, and the 140299
entering operator has a valid Medicaid provider agreement for the 140300
ICF/MR during fiscal year 2013. 140301

(C) An ICF/MR's total modified per diem rate for fiscal year 140302
2013 shall be the ICF/MR's total unmodified per diem rate for that 140303
fiscal year with the following modifications: 140304

(1) In place of the inflation adjustment otherwise made under 140305
section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, 140306
actual, allowable, per diem other protected costs, excluding the 140307
franchise permit fee, from calendar year 2011 shall be multiplied 140308
by 1.0123. 140309

(2) In place of the maximum cost per case-mix unit 140310
established for the ICF/MR's peer group under division (B)(2) of 140311
section 5111.23 of the Revised Code, the ICF/MR's maximum costs 140312
per case-mix unit shall be the following: 140313

(a) In the case of an ICF/MR with more than eight beds, 140314
\$108.21; 140315

(b) In the case of an ICF/MR with eight or fewer beds, 140316
\$102.21. 140317

(3) In place of the inflation adjustment otherwise calculated 140318
under division (B)(3) of section 5111.23 of the Revised Code for 140319
the purpose of division (C)(2) of that section, an inflation 140320
adjustment of 1.0123 shall be used. 140321

(4) In place of the maximum rate for indirect care costs 140322
established for the ICF/MR's peer group under division (B) of 140323

section 5111.241 of the Revised Code, the maximum rate for 140324
indirect care costs for the ICF/MR's peer group shall be the 140325
following: 140326

(a) In the case of an ICF/MR with more than eight beds, 140327
\$68.98; 140328

(b) In the case of an ICF/MR with eight or fewer beds, 140329
\$59.60. 140330

(5) In place of the inflation adjustment otherwise calculated 140331
under divisions (C)(1) and (2) of section 5111.241 of the Revised 140332
Code for the purpose of division (A)(1) of that section only, an 140333
inflation adjustment of 1.0123 shall be used. 140334

(6) In place of the efficiency incentive otherwise calculated 140335
under division (A)(2) of section 5111.241 of the Revised Code, the 140336
ICF/MR's efficiency incentive for indirect care costs shall be the 140337
following: 140338

(a) In the case of an ICF/MR with more than eight beds, 140339
\$3.69; 140340

(b) In the case of an ICF/MR with eight or fewer beds, \$3.19. 140341

(7) The ICF/MR's efficiency incentive for capital costs, as 140342
determined under division (B) of section 5111.251 of the Revised 140343
Code, shall be reduced by 50 per cent. 140344

(D) An ICF/MR's total capped per diem rate for fiscal year 140345
2013 shall be the ICF/MR's total unmodified per diem rate for that 140346
fiscal year reduced by the percentage by which the mean total 140347
unmodified per diem rates for all ICFs/MR in this state for fiscal 140348
year 2013, weighted by May 2012 Medicaid days and calculated as of 140349
July 1, 2012, exceeds \$282.92. 140350

(E) Except as otherwise provided by this section, the 140351
provider of an ICF/MR to which this section applies shall be paid, 140352
for ICF/MR services the ICF/MR provides during fiscal year 2013, a 140353

total per diem rate determined as follows: 140354

(1) Add the ICF/MR's total modified per diem rate to the 140355
ICF/MR's total capped per diem rate; 140356

(2) Divide the amount determined under division (E)(1) of 140357
this section by two. 140358

(F) If the mean total per diem rate for all ICFs/MR to which 140359
this section applies, weighted by May 2012 Medicaid days and 140360
determined under division (E) of this section as of July 1, 2012, 140361
is other than \$282.92, the Department of Job and Family Services 140362
shall adjust, for fiscal year 2013, the total per diem rate for 140363
each ICF/MR to which this section applies by a percentage that is 140364
equal to the percentage by which the mean total per diem rate is 140365
greater or less than \$282.92. 140366

(G) If the United States Centers for Medicare and Medicaid 140367
Services requires that the franchise permit fee be reduced or 140368
eliminated, the Department of Job and Family Services shall reduce 140369
the amount it pays providers of ICF/MR services under this section 140370
as necessary to reflect the loss to the state of the revenue and 140371
federal financial participation generated from the franchise 140372
permit fee. 140373

(H) The Department of Job and Family Services shall follow 140374
this section in determining the rate to be paid providers of 140375
ICF/MR services subject to this section notwithstanding anything 140376
to the contrary in sections 5111.20 to 5111.331 of the Revised 140377
Code. 140378

Section 309.33.20. ICF/MR AND WAIVER SERVICES TRANSFERRED TO 140379
DEPARTMENT OF DEVELOPMENTAL DISABILITIES 140380

The Director of Budget and Management shall establish line 140381
items for use by the Department of Developmental Disabilities for 140382
purposes regarding the Department's assumption of powers and 140383

duties under section 5111.226 of the Revised Code regarding the 140384
Medicaid program's coverage of ICF/MR services and, under section 140385
5111.871 of the Revised Code, the Medicaid waiver component known 140386
as the Transitions Developmental Disabilities Waiver. The 140387
Department of Developmental Disabilities shall certify to the 140388
Director of Budget and Management and the Director of Job and 140389
Family Services the appropriation amounts, in fiscal year 2012 and 140390
fiscal year 2013, necessary for the Department of Developmental 140391
Disabilities to fulfill its obligations regarding the new powers 140392
and duties without duplicating administration or services that 140393
remain with the Department of Job and Family Services. 140394

Once the certification required under this section has been 140395
submitted and approved by the Directors of Budget and Management 140396
and Job and Family Services, the appropriation items established 140397
under this section are hereby appropriated in the amounts approved 140398
by the Director of Budget and Management. The Director of Budget 140399
and Management may reduce the amount of one or more of the 140400
Department of Job and Family Services' appropriation items if the 140401
Director determines that the reduction is necessary and 140402
appropriate because of the appropriation items established under 140403
this section for the Department of Developmental Disabilities. The 140404
appropriations are hereby reduced by the amount as determined by 140405
the Director of Budget and Management. 140406

Section 309.33.30. ADMINISTRATIVE ISSUES RELATED TO 140407
TERMINATION OF MEDICAID WAIVER PROGRAMS 140408

(A) As used in this section, "ODJFS or ODA Medicaid waiver 140409
component" means the following: 140410

(1) The Medicaid waiver component of the PASSPORT program 140411
created under section 173.40 of the Revised Code; 140412

(2) The Choices program created under section 173.403 of the 140413
Revised Code; 140414

(3) The Ohio Home Care program created under section 5111.861 of the Revised Code;	140415 140416
(4) The Ohio Transitions II Aging Carve-Out program created under section 5111.863 of the Revised Code;	140417 140418
(5) The Medicaid waiver component of the Assisted Living program created under section 5111.89 of the Revised Code.	140419 140420
(B) If an ODJFS or ODA Medicaid waiver component is terminated under section 173.40, 173.403, 5111.861, 5111.863, or 5111.89 of the Revised Code, all of the following apply:	140421 140422 140423
(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Director or Department of Job and Family Services or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.	140424 140425 140426 140427 140428 140429 140430 140431 140432 140433
(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5101.58 of the Revised Code to the Department of Job and Family Services and an assignment of the right to medical assistance given under section 5101.59 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections.	140434 140435 140436 140437 140438 140439 140440
(3) The Departments of Job and Family Services and Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the component's termination.	140441 140442 140443 140444
(4) Neither department has liability under the component to	140445

reimburse any provider or other person for claims for medical 140446
assistance rendered under the component after it is terminated. 140447

(C) The Directors of Job and Family Services and Aging may 140448
adopt rules in accordance with Chapter 119. of the Revised Code to 140449
implement this section. 140450

Section 309.33.40. BEACON QUALITY IMPROVEMENT INITIATIVES 140451

Building on the quality improvement work of the Best Evidence 140452
for Advancing Child Health in Ohio Now (BEACON) Council, the 140453
Departments of Health, Mental Health, and Job and Family Services, 140454
in conjunction with the Governor's Office of Health 140455
Transformation, may seek assistance from, and work with, the 140456
BEACON Council and hospitals and other provider groups to identify 140457
specific targets and initiatives to reduce the cost, and improve 140458
the quality, of medical assistance provided under the Medicaid 140459
program to children. At a minimum, the targets and initiatives 140460
shall focus on reducing all of the following: 140461

(A) Avoidable hospitalizations; 140462

(B) Inappropriate emergency room utilization; 140463

(C) Use of multiple medications when not medically indicated; 140464

(D) The state's rate of premature births; 140465

(E) The state's rate of elective, preterm births. 140466

If the Departments of Health, Mental Health, and Job and 140467
Family Services identify initiatives under this section, they 140468
shall make the initiatives available on their internet web sites. 140469
The Departments shall also make a list of hospitals and other 140470
provider groups involved in the initiatives available on their 140471
internet web sites. 140472

Section 309.33.50. EXPANSION AND EVALUATION OF PACE PROGRAM 140473

(A) In order to effectively administer and manage growth within the PACE Program, the Director of Aging, in consultation with the Director of Job and Family Services, may expand the PACE Program to regions of the state beyond those currently served by the PACE Program if all of the following apply:

(1) Funding is available for the expansion.

(2) The Directors of Aging and Job and Family Services mutually determine, taking into consideration the results of the evaluation conducted under division (B) of this section, that the PACE Program is a cost effective alternative to nursing home care.

(3) The United States Centers for Medicare and Medicaid Services agrees to share with the state any savings to the Medicare program resulting from an expansion of the PACE Program.

(B) The Director of Aging shall contract with Miami University's Scripps Gerontology Center for an evaluation of the PACE program.

(C) If the PACE Program is expanded, the Director of Aging may not decrease the number of individuals in Cuyahoga and Hamilton counties and parts of Butler, Clermont, and Warren counties who are participants in the PACE Program below the number of individuals in those counties and parts of counties who were participants in the PACE Program on July 1, 2011.

Section 309.33.60. REPEAL OF THE CHILDREN'S BUY-IN PROGRAM

(A) Notwithstanding sections 5101.5211 to 5101.5216 of the Revised Code and all references in the Revised Code to those sections or the Children's Buy-In Program, no person may enroll in the Program on or after the effective date of this section.

Notwithstanding this act's repeal on October 1, 2011, of the statutes under which the Program is operated, persons enrolled in the Program immediately prior to that date may continue to receive

services under the Program, as if those statutes were not 140504
repealed. Such persons may receive the services through December 140505
31, 2011, as long as they remain eligible for the Program. 140506

(B) Commencing on the effective date of this section, the 140507
Director of Job and Family Services shall take steps as necessary 140508
to transition persons enrolled in the Program to other health 140509
coverage options and otherwise conclude Program operations. 140510

All Program-related rules, standards, guidelines, or orders 140511
issued by the Director or Department of Job and Family Services 140512
prior to October 1, 2011, shall remain in full force and effect on 140513
and after that date, but solely for purposes of concluding the 140514
Program's operations. Such purposes include permitting eligible 140515
persons to receive services under the Program through December 31, 140516
2011, as authorized by this section, and fulfilling the 140517
Department's legal obligations for claims arising from the Program 140518
relating to eligibility determinations, covered medical services 140519
rendered to eligible persons, and recovering erroneous 140520
overpayments. 140521

(C) Notwithstanding this act's repeal of the statutes 140522
authorizing the Program, the right of subrogation for the cost of 140523
medical services and care given under section 5101.58 of the 140524
Revised Code to the Department and an assignment of the right to 140525
medical support given under section 5101.59 of the Revised Code to 140526
the Department continue to apply with respect to the Program and 140527
remain in force to the full extent provided under those sections. 140528

(D) The Department may use appropriated funds to satisfy any 140529
claims or contingent claims for services rendered to Program 140530
participants prior to October 1, 2011, and to eligible persons who 140531
receive services under the Program through December 31, 2011, as 140532
authorized by this section. The Department has no liability under 140533
the Program to reimburse any provider or other person for claims 140534
for services rendered on or after January 1, 2012. 140535

(E) The Department may adopt rules in accordance with section 140536
111.15 of the Revised Code to implement this section. 140537

Section 309.33.70. CONTINUATION OF DISPENSING FEE FOR 140538
NONCOMPOUNDED DRUGS 140539

The Medicaid dispensing fee for each noncompounded drug 140540
covered by the Medicaid program shall be \$1.80 for the period 140541
beginning July 1, 2011, and ending on the effective date of a 140542
rule, or an amendment to a rule, changing the amount of the fee 140543
that the Director of Job and Family Services adopts or amends 140544
under section 5111.02 of the Revised Code. 140545

Section 309.33.80. MONEY FOLLOWS THE PERSON ENHANCED 140546
REIMBURSEMENT FUND 140547

The Money Follows the Person Enhanced Reimbursement Fund, 140548
created by Section 751.20 of Am. Sub. H.B. 562 of the 127th 140549
General Assembly, shall continue to exist in the state treasury 140550
for fiscal year 2012 and fiscal year 2013. The federal payments 140551
made to the state under subsection (e) of section 6071 of the 140552
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 140553
shall be deposited into the fund. The Department of Job and Family 140554
Services shall continue to use money deposited into the fund for 140555
system reform activities related to the Money Follows the Person 140556
demonstration project. 140557

Section 309.33.90. MEDICARE PART D 140558

The foregoing appropriation item 600526, Medicare Part D, may 140559
be used by the Department of Job and Family Services for the 140560
implementation and operation of the Medicare Part D requirements 140561
contained in the "Medicare Prescription Drug, Improvement, and 140562
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 140563
the request of the Department of Job and Family Services, the 140564

Director of Budget and Management may transfer the state share of 140565
appropriations between appropriation item 600525, Health 140566
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 140567
the state share of appropriation item 600525, Health 140568
Care/Medicaid, is adjusted, the Director of Budget and Management 140569
shall adjust the federal share accordingly. The Department of Job 140570
and Family Services shall provide notification to the Controlling 140571
Board of any transfers at the next scheduled Controlling Board 140572
meeting. 140573

Section 309.35.10. REBALANCING LONG-TERM CARE 140574

(A) As used in this section: 140575

"Balancing Incentive Payments Program" means the program 140576
established under section 10202 of the Patient Protection and 140577
Affordable Care Act. 140578

"Long-term services and supports" has the same meaning as in 140579
section 10202(f)(1) of the Patient Protection and Affordable Care 140580
Act. 140581

"Non-institutionally-based long-term services and supports" 140582
has the same meaning as in section 10202(f)(1)(B) of the Patient 140583
Protection and Affordable Care Act. 140584

"Patient Protection and Affordable Care Act" means Public Law 140585
111-148. 140586

(B) The Departments of Job and Family Services, Aging, and 140587
Developmental Disabilities shall continue efforts to achieve a 140588
sustainable and balanced delivery system for long-term services 140589
and supports. In so doing, the Departments shall strive to realize 140590
the following goals by June 30, 2013: 140591

(1) Having at least fifty per cent of Medicaid recipients who 140592
are sixty years of age or older and need long-term services and 140593
supports utilize non-institutionally-based long-term services and 140594

supports; 140595

(2) Having at least sixty per cent of Medicaid recipients who 140596
are less than sixty years of age and have cognitive or physical 140597
disabilities for which long-term services and supports are needed 140598
utilize non-institutionally-based long-term services and supports. 140599

(C) If the Department of Job and Family Services determines 140600
that participating in the Balancing Incentive Payments Program 140601
will assist in achieving the goals specified in division (B) of 140602
this section, the Department may apply to the United States 140603
Secretary of Health and Human Services to participate in the 140604
program. Any funds the state receives as the result of the 140605
enhanced federal financial participation provided to states 140606
participating in the Balancing Incentive Payments Program shall be 140607
deposited into the Balancing Incentive Payments Program Fund, 140608
which is hereby created in the state treasury. The Department of 140609
Job and Family Services shall use the money in the fund in 140610
accordance with section 10202(c)(4) of the Patient Protection and 140611
Affordable Care Act. 140612

Section 309.35.20. BALANCING INCENTIVE PAYMENTS PROGRAM FUND 140613

The Director of Job and Family Services may seek Controlling 140614
Board approval to make expenditures from the Balancing Incentive 140615
Payments Program Fund. 140616

Section 309.35.30. DUAL ELIGIBLE INTEGRATED CARE 140617
DEMONSTRATION PROJECT 140618

The Director of Job and Family Services may seek Controlling 140619
Board approval to make expenditures from the Integrated Care 140620
Delivery Systems Fund. 140621

Section 309.35.40. OHIO ACCESS SUCCESS PROJECT AND 140622
IDENTIFICATION OF OVERPAYMENTS 140623

(A) Notwithstanding any limitations in sections 3721.51 and 140624
3721.56 of the Revised Code, in each fiscal year, cash from the 140625
Nursing Home Franchise Permit Fee Fund (Fund 5R20) may be used by 140626
the Department of Job and Family Services for the following 140627
purposes: 140628

(1) Up to \$3,000,000 in each fiscal year to fund the state 140629
share of audits or limited reviews of Medicaid providers; 140630

(2) Up to \$450,000 in each fiscal year to provide one-time 140631
transitional benefits under the Ohio Access Success Project that 140632
the Director of Job and Family Services may establish under 140633
section 5111.97 of the Revised Code. 140634

(B) On July 1, 2011, or as soon as possible thereafter, the 140635
Director of Budget and Management shall transfer the cash balance 140636
in the Home and Community-Based Services for the Aged Fund (Fund 140637
4J50) to the Nursing Home Franchise Permit Fee Fund (Fund 5R20). 140638
The transferred cash is hereby appropriated. Upon completion of 140639
the transfer, Fund 4J50 is abolished. The Director shall cancel 140640
any existing encumbrances against appropriation item 600613, 140641
Nursing Facility Bed Assessments, and appropriation item 600618, 140642
Residential State Supplement Payments, and reestablish them 140643
against appropriation item 600608, Medicaid - Nursing Facilities. 140644

Section 309.35.50. PROVIDER FRANCHISE FEE OFFSETS 140645

(A) At least quarterly, the Director of Job and Family 140646
Services shall certify to the Director of Budget and Management 140647
both of the following: 140648

(1) The amount of offsets withheld under section 3721.541 of 140649
the Revised Code from payments made from the General Revenue Fund. 140650

(2) The amount of offsets withheld under section 5112.341 of 140651
the Revised Code from payments made from the General Revenue Fund. 140652

(B) The Director of Budget and Management may transfer cash 140653

from the General Revenue Fund to all of the following: 140654

(1) The Nursing Home Franchise Permit Fee Fund (Fund 5R20), 140655
in accordance with section 3721.56 of the Revised Code; 140656

(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 140657

(C) Amounts transferred pursuant to this section are hereby 140658
appropriated. 140659

Section 309.35.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 140660
DEVELOPMENTAL DISABILITIES 140661

The Department of Job and Family Services may transfer cash 140662
in each fiscal year from the ICF/MR Bed Assessments Fund (Fund 140663
4K10) to the Home and Community-Based Services Fund (Fund 4K80), 140664
used by the Department of Developmental Disabilities. The amount 140665
to be transferred shall be agreed to by both departments. The 140666
transfer may occur on a quarterly basis or on a schedule developed 140667
and agreed to by both departments. The transfer may be made using 140668
an intrastate transfer voucher. 140669

Section 309.35.70. HOSPITAL CARE ASSURANCE MATCH 140670

The foregoing appropriation item 600650, Hospital Care 140671
Assurance Match, shall be used by the Department of Job and Family 140672
Services solely for distributing funds to hospitals under section 140673
5112.08 of the Revised Code. 140674

Section 309.35.73. HEALTHCARE COMPLIANCE APPROPRIATION 140675

Notwithstanding the provisions of section 5111.171 of the 140676
Revised Code specifying the uses of the HealthCare Compliance 140677
Fund, appropriations in appropriation item 600625, HealthCare 140678
Compliance, may be used for expenses incurred in implementation or 140679
operation of Health Home programs and for the creation, 140680
modification, or replacement of any federally funded Medicaid 140681

healthcare systems in fiscal year 2012 and fiscal year 2013. 140682

Section 309.35.80. HEALTH CARE SERVICES ADMINISTRATION FUND 140683

Of the amount received by the Department of Job and Family 140684
Services during fiscal year 2012 and fiscal year 2013 from the 140685
first installment of assessments paid under section 5112.06 of the 140686
Revised Code and intergovernmental transfers made under section 140687
5112.07 of the Revised Code, the Director of Job and Family 140688
Services shall deposit \$350,000 in each fiscal year into the state 140689
treasury to the credit of the Health Care Services Administration 140690
Fund (Fund 5U30). 140691

Section 309.35.90. TRANSFERS OF OFFSETS TO THE HEALTH CARE 140692
SERVICES ADMINISTRATION FUND 140693

(A) As used in this section: 140694

"Hospital offset" means an offset from a hospital's Medicaid 140695
payment authorized by section 5112.991 of the Revised Code. 140696

"Vendor offset" means a reduction of a Medicaid payment to a 140697
Medicaid provider to correct a previous, incorrect Medicaid 140698
payment. 140699

(B) At least quarterly during fiscal year 2012 and fiscal 140700
year 2013, the Director of Job and Family Services shall certify 140701
to the Director of Budget and Management the amount of hospital 140702
offsets and vendor offsets for the period covered by the 140703
certification and the particular funds that would have been used 140704
to make the extra payments to providers if not for the offsets. 140705
The certification shall specify how much extra would have been 140706
taken from each of the funds if not for the hospital offsets and 140707
vendor offsets. 140708

(C) On receipt of a certification under division (B) of this 140709
section, the Director of Budget and Management shall transfer cash 140710

from the funds identified in the certification to the Health Care 140711
Services Administration Fund (Fund 5U30). The amount transferred 140712
from a fund shall equal the amount that would have been taken from 140713
the fund if not for the hospital offsets and vendor offsets as 140714
specified in the certification. The transferred cash is hereby 140715
appropriated. 140716

Section 309.37.10. PROVIDER APPLICATION FEES 140717

If receipts credited to the Health Care Services 140718
Administration Fund (Fund 5U30) exceed the amounts appropriated 140719
from the fund, the Director of Job and Family Services may seek 140720
Controlling Board approval to increase the appropriations in 140721
appropriation item 600654, Health Care Services Administration. 140722

Section 309.37.20. INTERAGENCY REIMBURSEMENT 140723

The Director of Job and Family Services may request the 140724
Director of Budget and Management to increase appropriation item 140725
600655, Interagency Reimbursement. Upon the approval of the 140726
Director of Budget and Management, the additional amounts are 140727
hereby appropriated. 140728

Section 309.37.30. MEDICAID PROGRAM SUPPORT FUND - STATE 140729

The foregoing appropriation item 600671, Medicaid Program 140730
Support, shall be used by the Department of Job and Family 140731
Services to pay for Medicaid services and contracts. The 140732
Department may also deposit to the Medicaid Program Support Fund 140733
(Fund 5C90) revenues received from other state agencies for 140734
Medicaid services under the terms of interagency agreements 140735
between the Department and other state agencies. 140736

Section 309.37.40. TRANSFERS OF IMD/DSH CASH TO THE 140737
DEPARTMENT OF MENTAL HEALTH 140738

The Department of Job and Family Services shall transfer cash 140739
from the Medicaid Program Support Fund (Fund 5C90), to the 140740
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 140741
Department of Mental Health, in accordance with an interagency 140742
agreement that delegates authority from the Department of Job and 140743
Family Services to the Department of Mental Health to administer 140744
specified Medicaid services. The transfer shall be made using an 140745
intrastate transfer voucher. 140746

Section 309.37.50. PRESCRIPTION DRUG COVERAGE UNDER MEDICAID 140747
MANAGED CARE 140748

(A) As used in this section: 140749

(1) "Controlled substance" has the same meaning as in section 140750
3719.01 of the Revised Code. 140751

(2) "Licensed health professional authorized to prescribe 140752
drugs" has the same meaning as in section 4729.01 of the Revised 140753
Code. 140754

(B) Not later than October 1, 2011, the Department of Job and 140755
Family Services shall enter into new contracts or amend existing 140756
contracts with health insuring corporations, pursuant to section 140757
5111.17 of the Revised Code, as the Department considers necessary 140758
to require, in accordance with section 5111.172 of the Revised 140759
Code, as amended by this act, that each health insuring 140760
corporation participating in the Medicaid care management system 140761
include coverage of prescription drugs for the Medicaid recipients 140762
who are enrolled in the health insuring corporation. 140763

(C) For a period of thirty days immediately following the 140764
effective date of the inclusion of prescription drug coverage 140765
under a new or amended contract with a health insuring corporation 140766
pursuant to division (B) of this section, if, immediately prior to 140767
the effective date of the coverage, a Medicaid recipient enrolled 140768

in the health insuring corporation was being treated with a 140769
controlled substance prescribed by a licensed health professional 140770
authorized to prescribe drugs, and the drug is not an 140771
antidepressant or antipsychotic described in division (B)(2) of 140772
section 5111.172 of the Revised Code, as amended by this act, the 140773
health insuring corporation shall provide coverage of the 140774
controlled substance without using drug utilization or management 140775
techniques, including any prior authorization requirements, that 140776
are more stringent than the utilization or management techniques, 140777
if any, that the Medicaid recipient was subject to immediately 140778
prior to the effective date of the coverage. 140779

(D) For a period of ninety days immediately following the 140780
effective date of the inclusion of prescription drug coverage 140781
under a new or amended contract with a health insuring corporation 140782
pursuant to division (B) of this section, if, immediately prior to 140783
the effective date of the coverage, a Medicaid recipient enrolled 140784
in the health insuring corporation was being treated with a drug 140785
prescribed by a licensed health professional authorized to 140786
prescribe drugs, and the drug is not a controlled substance and 140787
the drug is not an antidepressant or antipsychotic described in 140788
division (B)(2) of section 5111.172 of the Revised Code, as 140789
amended by this act, the health insuring corporation shall provide 140790
coverage of the drug without using drug utilization or management 140791
techniques, including any prior authorization requirements, that 140792
are more stringent than the utilization or management techniques, 140793
if any, that the Medicaid recipient was subject to immediately 140794
prior to the effective date of the coverage. 140795

(E) For a period of one hundred twenty days immediately 140796
following the effective date of the inclusion of prescription drug 140797
coverage under a new or amended contract with a health insuring 140798
corporation pursuant to division (B) of this section, both of the 140799
following apply: 140800

(1) If, immediately prior to the effective date of the coverage, a Medicaid recipient enrolled in the health insuring corporation was being treated with an antidepressant or antipsychotic described in division (B)(2) of section 5111.172 of the Revised Code, as amended by this act, the health insuring corporation shall provide coverage of the drug without imposing a prior authorization requirement.

(2) Notwithstanding division (B)(3) of section 5111.172 of the Revised Code, as amended by this act, the health insuring corporation shall permit the health professional who was prescribing the drug to continue prescribing the drug for the Medicaid recipient, regardless of whether the prescriber is a psychiatrist as described in division (B)(3)(a) or (b) of that section.

Section 309.37.53. PHYSICIAN ASSISTANT MEDICAID PROVIDER AGREEMENTS, CLAIMS SUBMISSIONS, AND FISCAL YEAR 2013 REIMBURSEMENT RATES

(A) With respect to section 5111.053 of the Revised Code, as enacted by this act, regarding Medicaid provider agreements for physician assistants and submission of Medicaid claims for physician assistant services, the Department of Job and Family Services shall implement the provisions of that section when the Department determines that the computer system improvements necessary to implement those provisions are in place. The Department shall ensure that the necessary improvements are in place not later than July 1, 2012.

(B) The Medicaid reimbursement rates for services provided by physician assistants during fiscal year 2013 shall not be greater than the Medicaid reimbursement rates for such services provided on June 30, 2012.

Section 309.40. FAMILY STABILITY 140831

Section 309.40.10. FOOD STAMPS TRANSFER 140832

On July 1, 2011, or as soon as possible thereafter, the 140833
Director of Budget and Management may transfer up to \$1,000,000 140834
cash from the Food Stamp Program Fund (Fund 3840), to the Food 140835
Assistance Fund (Fund 5ES0). 140836

Section 309.40.20. NAME OF FOOD STAMP PROGRAM 140837

The Director of Job and Family Services is not required to 140838
amend rules regarding the Food Stamp Program to change the name of 140839
the program to the Supplemental Nutrition Assistance Program. The 140840
Director may refer to the program as the Food Stamp Program or the 140841
Food Assistance Program in rules and documents of the Department 140842
of Job and Family Services. 140843

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 140844
BANKS** 140845

The foregoing appropriation item 600540, Second Harvest Food 140846
Banks, shall be used to provide funds to the Ohio Association of 140847
Second Harvest Food Banks to purchase and distribute food 140848
products. 140849

Notwithstanding section 5101.46 of the Revised Code and any 140850
other provision in this bill, in addition to funds designated for 140851
the Ohio Association of Second Harvest Food Banks in this section, 140852
in fiscal year 2012 and fiscal year 2013, the Director of Job and 140853
Family Services shall provide assistance from eligible funds to 140854
the Ohio Association of Second Harvest Food Banks in an amount up 140855
to or equal to the assistance provided in state fiscal year 2011 140856
from all funds used by the Department, except the General Revenue 140857
Fund. 140858

Eligible nonfederal expenditures made by member food banks of 140859
the Association shall be counted by the Department of Job and 140860
Family Services toward the TANF maintenance of effort requirements 140861
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 140862
shall enter into an agreement with the Ohio Association of Second 140863
Harvest Food Banks, in accordance with sections 5101.80 and 140864
5101.801 of the Revised Code, to carry out the requirements under 140865
this section. 140866

Section 309.40.40. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 140867

The foregoing appropriation item 600658, Public Assistance 140868
Activities, shall be used by the Department of Job and Family 140869
Services to meet the TANF maintenance of effort requirements of 42 140870
U.S.C. 609(a)(7). When the state is assured that it will meet the 140871
maintenance of effort requirement, the Department of Job and 140872
Family Services may use funds from appropriation item 600658, 140873
Public Assistance Activities, to support public assistance 140874
activities. 140875

Section 309.40.50. INDEPENDENT LIVING INITIATIVE 140876

Of the foregoing appropriation item 600689, TANF Block Grant, 140877
up to \$2,000,000 in each fiscal year shall be used, in accordance 140878
with sections 5101.80 and 5101.801 of the Revised Code, to support 140879
the Independent Living Initiative, including life skills training 140880
and work supports for older children in foster care and those who 140881
have recently aged out of foster care. 140882

Section 309.40.60. KINSHIP PERMANENCY INCENTIVE PROGRAM 140883

Of the foregoing appropriation item 600689, TANF Block Grant, 140884
\$1,200,000 in each fiscal year shall be used to support the 140885
activities of the Kinship Permanency Incentive Program established 140886
in section 5101.802 of the Revised Code. 140887

Section 309.40.63. OHIO COMMISSION ON FATHERHOOD 140888

Of the foregoing appropriation item 600689, TANF Block Grant, 140889
\$1,000,000 in each fiscal year shall be provided to the Ohio 140890
Commission on Fatherhood. 140891

Section 309.40.70. SWIPE CARD PILOT PROGRAM 140892

During fiscal year 2012 and fiscal year 2013, if the 140893
Department of Job and Family Services implements a program that 140894
utilizes a swipe card system and point of service device to track 140895
attendance and submit invoices for payment for publicly funded 140896
child care, both of the following apply: 140897

(A) Misuse of the system by a child care provider 140898
participating in the program constitutes a reason for which the 140899
provider's license or certification may be revoked. 140900

(B) Misuse of the system by a caretaker parent participating 140901
in the program constitutes a reason for which the caretaker parent 140902
may lose eligibility for publicly funded child care. 140903

Section 309.50. CHILD WELFARE 140904

Section 309.50.10. DIFFERENTIAL RESPONSE 140905

In accordance with an independent evaluation of the Ohio 140906
Alternative Response Pilot Program that recommended statewide 140907
implementation, the Department of Job and Family Services shall 140908
plan the statewide expansion of the Ohio Alternative Response 140909
Pilot Program on a county by county basis, through a schedule 140910
determined by the Department. The program shall be known as the 140911
"differential response" approach as defined in section 2151.011 of 140912
the Revised Code. Notwithstanding provisions of Chapter 2151. of 140913
the Revised Code that refer to "differential response," 140914
"traditional response," and "alternative response," those 140915

provisions shall become effective on the scheduled date of 140916
expansion of the differential response approach to that county. 140917
Prior to statewide implementation, the Department may adopt rules 140918
in accordance with Chapter 119. of the Revised Code as necessary 140919
to carry out the purposes of this section. 140920

Section 309.50.20. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 140921

In collaboration with the county family and children first 140922
council, a county department of job and family services or public 140923
children services agency that receives an allocation from the 140924
Department of Job and Family Services from the foregoing 140925
appropriation item 600523, Children and Families Services, or 140926
600533, Child, Family, and Adult Community & Protective Services, 140927
may transfer a portion of either or both allocations to a flexible 140928
funding pool as authorized by the section of this act titled 140929
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 140930

Section 309.50.30. CHILD, FAMILY, AND ADULT COMMUNITY AND 140931
PROTECTIVE SERVICES 140932

(A) The foregoing appropriation item 600533, Child, Family, 140933
and Adult Community & Protective Services, shall be distributed to 140934
each county department of job and family services using the 140935
formula the Department of Job and Family Services uses when 140936
distributing Title XX funds to county departments of job and 140937
family services under section 5101.46 of the Revised Code. County 140938
departments shall use the funds distributed to them under this 140939
section as follows, in accordance with the written plan of 140940
cooperation entered into under section 307.983 of the Revised 140941
Code: 140942

(1) To assist individuals achieve or maintain 140943
self-sufficiency, including by reducing or preventing dependency 140944
among individuals with family income not exceeding two hundred per 140945

cent of the federal poverty guidelines;	140946
(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program developed under Section 309.50.10 of this act;	140947 140948 140949 140950
(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;	140951 140952 140953 140954
(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.	140955 140956 140957 140958 140959 140960
(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.	140961 140962 140963 140964 140965 140966 140967
Section 309.50.33. CHILDREN AND FAMILY SERVICES ACTIVITIES	140968
The foregoing appropriation item 600609, Children and Family Services Activities, shall be used to expend miscellaneous foundation funds and grants to support children and family services activities.	140969 140970 140971 140972
Section 309.50.40. ADOPTION ASSISTANCE LOAN	140973
Of the foregoing appropriation item 600634, Adoption	140974

Assistance Loan, the Department of Job and Family Services may use 140975
up to ten per cent for administration of adoption assistance loans 140976
pursuant to section 3107.018 of the Revised Code. 140977

Section 309.60. UNEMPLOYMENT COMPENSATION 140978

Section 309.60.10. FEDERAL UNEMPLOYMENT PROGRAMS 140979

All unexpended funds remaining at the end of fiscal year 2011 140980
that were appropriated and made available to the state under 140981
section 903(d) of the Social Security Act, as amended, in the 140982
foregoing appropriation item 600678, Federal Unemployment Programs 140983
(Fund 3V40), are hereby appropriated to the Department of Job and 140984
Family Services. Upon the request of the Director of Job and 140985
Family Services, the Director of Budget and Management may 140986
increase the appropriation for fiscal year 2012 by the amount 140987
remaining unspent from the fiscal year 2011 appropriation and may 140988
increase the appropriation for fiscal year 2013 by the amount 140989
remaining unspent from the fiscal year 2012 appropriation. The 140990
appropriation shall be used under the direction of the Department 140991
of Job and Family Services to pay for administrative activities 140992
for the Unemployment Insurance Program, employment services, and 140993
other allowable expenditures under section 903(d) of the Social 140994
Security Act, as amended. 140995

The amounts obligated pursuant to this section shall not 140996
exceed at any time the amount by which the aggregate of the 140997
amounts transferred to the account of the state under section 140998
903(d) of the Social Security Act, as amended, exceeds the 140999
aggregate of the amounts obligated for administration and paid out 141000
for benefits and required by law to be charged against the amounts 141001
transferred to the account of the state. 141002

Section 309.60.20. UNEMPLOYMENT COMPENSATION INTEREST 141003

CONTINGENCY FUND 141004

The General Health and Human Service Pass-Through Fund (Fund 5HC0) is hereby renamed the Unemployment Compensation Interest Contingency Fund. On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$23,000,000 cash from the Child and Adult Protective Services Fund (Fund 5GV0), used by the Department of Job and Family Services, to the Unemployment Compensation Interest Contingency Fund. The Director of Budget and Management may seek Controlling Board approval to establish appropriations for payment of interest costs paid to the United States Secretary of the Treasury for the repayment of accrued interest related to federal unemployment account borrowing.

Section 311.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW
General Revenue Fund
GRF 029321 Operating Expenses \$ 435,168 \$ 435,168
TOTAL GRF General Revenue Fund \$ 435,168 \$ 435,168
TOTAL ALL BUDGET FUND GROUPS \$ 435,168 \$ 435,168

OPERATING GUIDANCE
The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES
On July 1, 2011, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of

fiscal year 2011 to be reappropriated to fiscal year 2012. The 141035
amount certified is hereby reappropriated to the same 141036
appropriation item for fiscal year 2012. 141037

On July 1, 2012, or as soon as possible thereafter, the 141038
Executive Director of the Joint Committee on Agency Rule Review 141039
may certify to the Director of Budget and Management the amount of 141040
the unexpended, unencumbered balance of the foregoing 141041
appropriation item 029321, Operating Expenses, at the end of 141042
fiscal year 2012 to be reappropriated to fiscal year 2013. The 141043
amount certified is hereby reappropriated to the same 141044
appropriation item for fiscal year 2013. 141045

Section 313.10. JCO JUDICIAL CONFERENCE OF OHIO 141046

General Revenue Fund 141047

GRF 018321 Operating Expenses \$ 720,000 \$ 720,000 141048

TOTAL GRF General Revenue Fund \$ 720,000 \$ 720,000 141049

General Services Fund Group 141050

4030 018601 Ohio Jury \$ 350,000 \$ 350,000 141051

Instructions

TOTAL GSF General Services Fund \$ 350,000 \$ 350,000 141052

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,070,000 \$ 1,070,000 141053

OHIO JURY INSTRUCTIONS FUND 141054

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 141055
grants, royalties, dues, conference fees, bequests, devises, and 141056
other gifts received for the purpose of supporting costs incurred 141057
by the Judicial Conference of Ohio in its activities as a part of 141058
the judicial system of the state as determined by the Judicial 141059
Conference Executive Committee. Fund 4030 shall be used by the 141060
Judicial Conference of Ohio to pay expenses incurred in its 141061
activities as a part of the judicial system of the state as 141062

determined by the Judicial Conference Executive Committee. All 141063
moneys accruing to Fund 4030 in excess of \$350,000 in fiscal year 141064
2012 and in excess of \$350,000 in fiscal year 2013 are hereby 141065
appropriated for the purposes authorized. 141066

No money in Fund 4030 shall be transferred to any other fund 141067
by the Director of Budget and Management or the Controlling Board. 141068

Section 315.10. JSC THE JUDICIARY/SUPREME COURT 141069

General Revenue Fund 141070

GRF 005321 Operating Expenses - \$ 133,704,620 \$ 132,565,410 141071
Judiciary/Supreme
Court

GRF 005406 Law Related Education \$ 236,172 \$ 236,172 141072

GRF 005409 Ohio Courts \$ 2,150,000 \$ 2,150,000 141073
Technology Initiative

TOTAL GRF General Revenue Fund \$ 136,090,792 \$ 134,951,582 141074

General Services Fund Group 141075

6720 005601 Continuing Judicial \$ 172,142 \$ 169,420 141076
Education

TOTAL GSF General Services Fund \$ 172,142 \$ 169,420 141077
Group

Federal Special Revenue Fund Group 141078

3J00 005603 Federal Grants \$ 1,653,317 \$ 1,605,717 141079

TOTAL FED Federal Special Revenue \$ 1,653,317 \$ 1,605,717 141080
Fund Group

State Special Revenue Fund Group 141081

4C80 005605 Attorney Services \$ 3,718,328 \$ 3,695,192 141082

5HT0 005617 Court Interpreter \$ 39,000 \$ 39,000 141083
Certification

5T80 005609 Grants and Awards \$ 50,000 \$ 50,000 141084

6A80 005606 Supreme Court \$ 1,223,340 \$ 1,205,056 141085

CONTINUING JUDICIAL EDUCATION 141115

The Continuing Judicial Education Fund (Fund 6720) shall 141116
consist of fees paid by judges and court personnel for attending 141117
continuing education courses and other gifts and grants received 141118
for the purpose of continuing judicial education. The foregoing 141119
appropriation item 005601, Continuing Judicial Education, shall be 141120
used to pay expenses for continuing education courses for judges 141121
and court personnel. If it is determined by the Administrative 141122
Director of the Supreme Court that additional appropriations are 141123
necessary, the amounts are hereby appropriated. 141124

No money in Fund 6720 shall be transferred to any other fund 141125
by the Director of Budget and Management or the Controlling Board. 141126
Interest earned on money in Fund 6720 shall be credited to the 141127
fund. 141128

FEDERAL GRANTS 141129

The Federal Grants Fund (Fund 3J00) shall consist of grants 141130
and other moneys awarded to the Supreme Court (The Judiciary) by 141131
the United States Government or other entities that receive the 141132
moneys directly from the United States Government and distribute 141133
those moneys to the Supreme Court (The Judiciary). The foregoing 141134
appropriation item 005603, Federal Grants, shall be used in a 141135
manner consistent with the purpose of the grant or award. If it is 141136
determined by the Administrative Director of the Supreme Court 141137
that additional appropriations are necessary, the amounts are 141138
hereby appropriated. 141139

No money in Fund 3J00 shall be transferred to any other fund 141140
by the Director of Budget and Management or the Controlling Board. 141141
However, interest earned on money in Fund 3J00 shall be credited 141142
or transferred to the General Revenue Fund. 141143

ATTORNEY SERVICES 141144

The Attorney Services Fund (Fund 4C80), formerly known as the 141145

Attorney Registration Fund, shall consist of money received by the 141146
Supreme Court (The Judiciary) pursuant to the Rules for the 141147
Government of the Bar of Ohio. In addition to funding other 141148
activities considered appropriate by the Supreme Court, the 141149
foregoing appropriation item 005605, Attorney Services, may be 141150
used to compensate employees and to fund appropriate activities of 141151
the following offices established by the Supreme Court: the Office 141152
of Disciplinary Counsel, the Board of Commissioners on Grievances 141153
and Discipline, the Clients' Security Fund, and the Attorney 141154
Services Division. If it is determined by the Administrative 141155
Director of the Supreme Court that additional appropriations are 141156
necessary, the amounts are hereby appropriated. 141157

No money in Fund 4C80 shall be transferred to any other fund 141158
by the Director of Budget and Management or the Controlling Board. 141159
Interest earned on money in Fund 4C80 shall be credited to the 141160
fund. 141161

COURT INTERPRETER CERTIFICATION 141162

The Court Interpreter Certification Fund (Fund 5HT0) shall 141163
consist of money received by the Supreme Court (The Judiciary) 141164
pursuant to Rules 80 through 87 of the Rules of Superintendence 141165
for the Courts of Ohio. The foregoing appropriation item 005617, 141166
Court Interpreter Certification, shall be used to provide 141167
training, to provide the written examination, and to pay language 141168
experts to rate, or grade, the oral examinations of those applying 141169
to become certified court interpreters. If it is determined by the 141170
Administrative Director that additional appropriations are 141171
necessary, the amounts are hereby appropriated. 141172

No money in Fund 5HT0 shall be transferred to any other fund 141173
by the Director of Budget and Management or the Controlling Board. 141174
Interest earned on money in Fund 5HT0 shall be credited to the 141175
fund. 141176

GRANTS AND AWARDS	141177
The Grants and Awards Fund (Fund 5T80) shall consist of	141178
grants and other money awarded to the Supreme Court (The	141179
Judiciary) by the State Justice Institute, the Division of	141180
Criminal Justice Services, or other entities. The foregoing	141181
appropriation item 005609, Grants and Awards, shall be used in a	141182
manner consistent with the purpose of the grant or award. If it is	141183
determined by the Administrative Director of the Supreme Court	141184
that additional appropriations are necessary, the amounts are	141185
hereby appropriated.	141186
No money in Fund 5T80 shall be transferred to any other fund	141187
by the Director of Budget and Management or the Controlling Board.	141188
However, interest earned on money in Fund 5T80 shall be credited	141189
or transferred to the General Revenue Fund.	141190
SUPREME COURT ADMISSIONS	141191
The foregoing appropriation item 005606, Supreme Court	141192
Admissions, shall be used to compensate Supreme Court employees	141193
who are primarily responsible for administering the attorney	141194
admissions program under the Rules for the Government of the Bar	141195
of Ohio, and to fund any other activities considered appropriate	141196
by the court. Moneys shall be deposited into the Supreme Court	141197
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the	141198
Government of the Bar of Ohio. If it is determined by the	141199
Administrative Director of the Supreme Court that additional	141200
appropriations are necessary, the amounts are hereby appropriated.	141201
No money in Fund 6A80 shall be transferred to any other fund	141202
by the Director of Budget and Management or the Controlling Board.	141203
Interest earned on money in Fund 6A80 shall be credited to the	141204
fund.	141205
Section 317.10. LEC LAKE ERIE COMMISSION	141206

Federal Special Revenue Fund Group				141207
3EP0 780603 Lake Erie Federal	\$	95,750	\$ 95,750	141208
Grants				
TOTAL FED Federal Special Revenue	\$	95,750	\$ 95,750	141209
Fund Group				
State Special Revenue Fund Group				141210
4C00 780601 Lake Erie Protection	\$	400,000	\$ 400,000	141211
Fund				
5D80 780602 Lake Erie Resources	\$	261,783	\$ 250,143	141212
Fund				
TOTAL SSR State Special Revenue				141213
Fund Group	\$	661,783	\$ 650,143	141214
TOTAL ALL BUDGET FUND GROUPS	\$	757,533	\$ 745,893	141215
Section 319.10. LRS LEGAL RIGHTS SERVICE				141217
General Revenue Fund				141218
GRF 054321 Support Services	\$	97,255	\$ 24,314	141219
GRF 054401 Ombudsman	\$	142,003	\$ 35,750	141220
TOTAL GRF General Revenue Fund	\$	239,258	\$ 60,064	141221
General Services Fund Group				141222
5M00 054610 Settlements	\$	181,352	\$ 32,839	141223
TOTAL GSF General Services				141224
Fund Group	\$	181,352	\$ 32,839	141225
Federal Special Revenue Fund Group				141226
3050 054602 Protection and	\$	1,662,991	\$ 415,748	141227
Advocacy -				
Developmentally				
Disabled				
3AG0 054613 Protection and	\$	135,000	\$ 33,752	141228
Advocacy - Voter				
Accessibility				

3B80	054603	Protection and Advocacy - Mentally Ill	\$	1,152,677	\$	288,170	141229
3CA0	054615	Work Incentives Planning and Assistance	\$	355,000	\$	88,752	141230
3N30	054606	Protection and Advocacy - Individual Rights	\$	591,112	\$	147,779	141231
3N90	054607	Assistive Technology	\$	135,000	\$	33,751	141232
3R90	054616	Developmental Disability Publications	\$	130,000	\$	32,500	141233
3T20	054609	Client Assistance Program	\$	435,000	\$	108,752	141234
3X10	054611	Protection and Advocacy - Beneficiaries of Social Security	\$	235,000	\$	58,752	141235
3Z60	054612	Protection and Advocacy - Traumatic Brain Injury	\$	151,624	\$	37,907	141236
TOTAL FED Federal Special Revenue							141237
Fund Group							\$ 4,983,404 \$ 1,245,863 141238
State Special Revenue Fund Group							141239
5AE0	054614	Grants and Contracts	\$	74,600	\$	18,652	141240
TOTAL SSR State Special Revenue							\$ 74,600 \$ 18,652 141241
Fund Group							
TOTAL ALL BUDGET FUND GROUPS							\$ 5,478,614 \$ 1,357,418 141242
Section 319.20. CONVERSION OF LEGAL RIGHTS SERVICE TO A							141244
NONPROFIT ENTITY							141245
(A) Not later than December 31, 2011, the administrator of							141246

the Legal Rights Service, in consultation with the Legal Rights 141247
Service Commission, shall establish a nonprofit entity to provide 141248
advocacy services and a client assistance program for people with 141249
disabilities. The nonprofit entity shall be established in such a 141250
manner that the entity is in compliance with all federal law 141251
regarding a protection and advocacy system, including 42 U.S.C. 141252
15041 to 15045, and all federal law regarding a client assistance 141253
program, including 29 U.S.C. 732. 141254

The Legal Rights Service may subcontract with the nonprofit 141255
entity to perform any functions that the Legal Rights Service is 141256
permitted or required to perform. 141257

(B) Not later than September 30, 2012, the Governor shall 141258
designate the nonprofit entity established under division (A) of 141259
this section to serve as the state's protection and advocacy 141260
system. On October 1, 2012, pursuant to section 5123.60 of the 141261
Revised Code, as enacted by this act, the nonprofit entity is the 141262
Ohio Protection and Advocacy System. 141263

(C) Effective October 1, 2012, the Legal Rights Service, the 141264
Legal Rights Service Commission, and the Ombudsperson Section of 141265
the Legal Rights Service are abolished. 141266

Any aspect of the function of the Legal Rights Service, Legal 141267
Rights Service Commission, and the Ombudsperson Section of the 141268
Legal Rights Service commenced, but not completed on October 1, 141269
2012 shall be completed by the nonprofit entity in the same 141270
manner, and with the same effect, as if completed by the Legal 141271
Rights Service, Legal Rights Service Commission, and the 141272
Ombudsperson Section of the Legal Rights Service as they existed 141273
immediately prior to October 1, 2012. No validation, cure, right, 141274
privilege, remedy, obligation, or liability pertaining to the 141275
Legal Rights Service, Legal Rights Service Commission, and the 141276
Ombudsperson Section of the Legal Rights Service is lost or 141277
impaired by reason of the abolishment of the Legal Rights Service, 141278

Legal Rights Service Commission, and the Ombudsperson Section of 141279
the Legal Rights Service. Each such validation, cure, right, 141280
privilege, remedy, obligation, or liability shall be administered 141281
by the nonprofit entity established under division (A) of this 141282
section. 141283

Any action or proceeding that is related to the functions or 141284
duties of the Legal Rights Service, Legal Rights Service 141285
Commission, and the Ombudsperson Section of the Legal Rights 141286
Service pending on September 30, 2012, is not affected by the 141287
abolishment of the Legal Rights Service, the Legal Rights Service 141288
Commission, and the Ombudsperson Section of the Legal Rights 141289
Service and shall be prosecuted or defended in the name of the 141290
nonprofit entity. In all such actions and proceedings the 141291
nonprofit entity, on application to the court, shall be 141292
substituted as a party. 141293

(D) After the Legal Rights Service is abolished, all employee 141294
personnel records of the Legal Rights Service shall be retained by 141295
the Office of Budget and Management according to the applicable 141296
retention schedules and then transferred to the Department of 141297
Administrative Services to be kept permanently. 141298

All fiscal records of the Legal Rights Service shall be 141299
retained by the Office of Budget and Management until state and 141300
federal audits are conducted, audit reports are released, and all 141301
discrepancies are resolved. The records shall then be destroyed 141302
according to the applicable retention schedules. 141303

All other general administrative and information technology 141304
records of the Legal Rights Service shall be retained by the 141305
Office of Budget and Management in accordance with applicable 141306
retention schedules. 141307

(E) When the Legal Rights Service is abolished on October 1, 141308
2012, all equipment and assets of the Legal Rights Service shall 141309

be transferred to the Ohio Protection and Advocacy System. The 141310
Office of Budget and Management shall designate the employment 141311
positions, if any, to be transferred to the System. 141312

The Legal Rights Service and the nonprofit entity established 141313
to serve as the Ohio Protection and Advocacy System shall enter 141314
into an agreement to transfer any designated positions and all 141315
equipment and assets to the entity by October 1, 2012, or as soon 141316
as possible thereafter. The agreement may include provisions to 141317
transfer property and any other provisions necessary for the 141318
continued administration of Legal Rights Service activities. 141319

(F) The foregoing appropriation items 054321, Support 141320
Services, and 054401, Ombudsman, may be used to support the costs 141321
of transitioning the Ohio Legal Rights Service into a nonprofit 141322
entity. 141323

(G) By October 1, 2012, the Director of Budget and Management 141324
shall distribute any remaining cash balances in funds used by the 141325
Legal Rights Service to the nonprofit entity designated as the 141326
state's protection and advocacy system. To facilitate this 141327
transfer, on or before September 30, 2012, the Director of the 141328
Legal Rights Service shall certify to the Director of Budget and 141329
Management an estimate of the cash balance in each fund used by 141330
the Legal Rights Service to be transferred to the nonprofit 141331
entity. Upon receipt of the certification, the Director of Budget 141332
and Management may distribute the certified amounts to the 141333
nonprofit entity. Not more than sixty days after certifying the 141334
estimated amount, the nonprofit entity shall certify to the 141335
Director of Budget and Management the actual cash balances. If the 141336
actual amounts are more than the amounts that were transferred, 141337
the Director of Budget and Management shall disburse the 141338
difference to the nonprofit entity. The Director of Budget and 141339
Management may transfer cash between any funds used by the Legal 141340
Rights Service to fulfill the requirements of this section. 141341

On or after October 1, 2012, notwithstanding any provision of 141342
law to the contrary, the Director of Budget and Management may 141343
transfer cash between any funds that were used by the Legal Rights 141344
Service, create new funds, or abolish existing funds used by the 141345
Legal Rights Service in order to financially manage the abolition 141346
of that agency. 141347

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 141348

General Revenue Fund 141349

GRF 028321 Legislative Ethics \$ 550,000 \$ 550,000 141350
Committee

TOTAL GRF General Revenue Fund \$ 550,000 \$ 550,000 141351

General Services Fund Group 141352

4G70 028601 Joint Legislative \$ 100,000 \$ 100,000 141353
Ethics Committee

TOTAL GSF General Services Fund \$ 100,000 \$ 100,000 141354

Group

TOTAL ALL BUDGET FUND GROUPS \$ 650,000 \$ 650,000 141355

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 141356

General Revenue Fund 141357

GRF 035321 Operating Expenses \$ 15,117,700 \$ 15,117,700 141358

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 141359

GRF 035405 Correctional \$ 438,900 \$ 438,900 141360
Institution

Inspection Committee

GRF 035407 Legislative Task \$ 590,000 \$ 750,000 141361

Force on

Redistricting

GRF 035409 National Associations \$ 460,560 \$ 460,560 141362

GRF 035410 Legislative \$ 3,661,250 \$ 3,661,250 141363

Information Systems

GRF 035411	Ohio Constitutional	\$	50,000	\$	50,000	141364
	Modernization					
	Commission					
TOTAL GRF	General Revenue Fund	\$	21,340,530	\$	21,500,530	141365
	General Services Fund Group					141366
4100 035601	Sale of Publications	\$	10,000	\$	10,000	141367
4F60 035603	Legislative Budget	\$	200,000	\$	200,000	141368
	Services					
5EF0 035607	Legislative Agency	\$	30,000	\$	30,000	141369
	Telephone Usage					
TOTAL GSF	General Services					141370
Fund Group		\$	240,000	\$	240,000	141371
TOTAL ALL BUDGET FUND GROUPS		\$	21,580,530	\$	21,740,530	141372
	OPERATING EXPENSES					141373
	On July 1, 2011, or as soon as possible thereafter, the					141374
	Director of the Legislative Service Commission may certify to the					141375
	Director of Budget and Management the amount of the unexpended,					141376
	unencumbered balance of the foregoing appropriation item 035321,					141377
	Operating Expenses, at the end of fiscal year 2011 to be					141378
	reappropriated to fiscal year 2012. The amount certified is hereby					141379
	reappropriated to the same appropriation item for fiscal year					141380
	2012.					141381
	On July 1, 2012, or as soon as possible thereafter, the					141382
	Director of the Legislative Service Commission may certify to the					141383
	Director of Budget and Management the amount of the unexpended,					141384
	unencumbered balance of the foregoing appropriation item 035321,					141385
	Operating Expenses, at the end of fiscal year 2012 to be					141386
	reappropriated to fiscal year 2013. The amount certified is hereby					141387
	reappropriated to the same appropriation item for fiscal year					141388
	2013.					141389
	LEGISLATIVE TASK FORCE ON REDISTRICTING					141390

An amount equal to the unexpended, unencumbered portion of 141391
the foregoing appropriation item 035407, Legislative Task Force on 141392
Redistricting, at the end of fiscal year 2011 is hereby 141393
reappropriated to the Legislative Service Commission for the same 141394
purpose for fiscal year 2012. 141395

LEGISLATIVE INFORMATION SYSTEMS 141396

On July 1, 2011, or as soon as possible thereafter, the 141397
Director of the Legislative Service Commission may certify to the 141398
Director of Budget and Management the amount of the unexpended, 141399
unencumbered balance of the foregoing appropriation item 035410, 141400
Legislative Information Systems, at the end of fiscal year 2011 to 141401
be reappropriated to fiscal year 2012. The amount certified is 141402
hereby reappropriated to the same appropriation item for fiscal 141403
year 2012. 141404

On July 1, 2012, or as soon as possible thereafter, the 141405
Director of the Legislative Service Commission may certify to the 141406
Director of Budget and Management the amount of the unexpended, 141407
unencumbered balance of the foregoing appropriation item 035410, 141408
Legislative Information Systems, at the end of fiscal year 2012 to 141409
be reappropriated to fiscal year 2013. The amount certified is 141410
hereby reappropriated to the same appropriation item for fiscal 141411
year 2013. 141412

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 141413

The foregoing appropriation item 035411, Ohio Constitutional 141414
Modernization Commission, shall be used to support the operation 141415
and expenses of the Ohio Constitutional Modernization Commission 141416
under sections 103.61 to 103.67 of the Revised Code. 141417

Section 325.10. LIB STATE LIBRARY BOARD 141418

General Revenue Fund 141419

GRF 350321 Operating Expenses \$ 5,057,312 \$ 5,057,364 141420

GRF	350401	Ohioana Rental	\$	124,437	\$	124,437	141421
		Payments					
GRF	350502	Regional Library	\$	582,469	\$	582,469	141422
		Systems					
TOTAL GRF		General Revenue Fund	\$	5,764,218	\$	5,764,270	141423
		General Services Fund Group					141424
1390	350602	Intra-Agency Service	\$	9,000	\$	9,000	141425
		Charges					
4590	350603	Library Service	\$	2,986,424	\$	2,986,180	141426
		Charges					
4S40	350604	Ohio Public Library	\$	5,689,401	\$	5,689,788	141427
		Information Network					
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	141428
5GG0	350606	Gates Foundation	\$	6,000	\$	0	141429
		Grants					
TOTAL GSF		General Services					141430
		Fund Group	\$	9,965,019	\$	9,959,162	141431
		Federal Special Revenue Fund Group					141432
3130	350601	LSTA Federal	\$	5,879,314	\$	5,879,314	141433
TOTAL FED		Federal Special Revenue					141434
		Fund Group	\$	5,879,314	\$	5,879,314	141435
TOTAL ALL BUDGET FUND GROUPS			\$	21,608,551	\$	21,602,746	141436
		OHIOANA RENTAL PAYMENTS					141437
		The foregoing appropriation item 350401, Ohioana Rental					141438
		Payments, shall be used to pay the rental expenses of the Martha					141439
		Kinney Cooper Ohioana Library Association under section 3375.61 of					141440
		the Revised Code.					141441
		REGIONAL LIBRARY SYSTEMS					141442
		The foregoing appropriation item 350502, Regional Library					141443
		Systems, shall be used to support regional library systems					141444
		eligible for funding under sections 3375.83 and 3375.90 of the					141445

Revised Code.	141446
OHIO PUBLIC LIBRARY INFORMATION NETWORK	141447
(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).	141448 141449 141450 141451 141452
The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.	141453 141454 141455 141456
(B) Of the foregoing appropriation item 350604, Ohio Public Library Information Network, up to \$81,000 in each fiscal year shall be used to help local libraries use filters to screen out obscene and illegal internet materials.	141457 141458 141459 141460
The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.	141461 141462 141463 141464 141465 141466 141467 141468 141469 141470 141471
(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.	141472 141473 141474 141475 141476

LIBRARY FOR THE BLIND				141477
The foregoing appropriation item 350605, Library for the				141478
Blind, shall be used for the statewide Talking Book Program to				141479
assist the blind and disabled.				141480
TRANSFER TO OPLIN TECHNOLOGY FUND				141481
Notwithstanding sections 5747.03 and 5747.47 of the Revised				141482
Code and any other provision of law to the contrary, in accordance				141483
with a schedule established by the Director of Budget and				141484
Management, the Director of Budget and Management shall transfer				141485
\$3,689,401 in cash in fiscal year 2012 and \$3,689,788 in cash in				141486
fiscal year 2013 from the Public Library Fund (Fund 7065) to the				141487
OPLIN Technology Fund (Fund 4S40).				141488
TRANSFER TO LIBRARY FOR THE BLIND FUND				141489
Notwithstanding sections 5747.03 and 5747.47 of the Revised				141490
Code and any other provision of law to the contrary, in accordance				141491
with a schedule established by the Director of Budget and				141492
Management, the Director of Budget and Management shall transfer				141493
\$1,274,194 cash in each fiscal year from the Public Library Fund				141494
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				141495
Section 327.10. LCO LIQUOR CONTROL COMMISSION				141496
Liquor Control Fund Group				141497
7043 970321 Operating Expenses	\$	753,933	\$ 754,146	141498
TOTAL LCF Liquor Control Fund Group	\$	753,933	\$ 754,146	141499
TOTAL ALL BUDGET FUND GROUPS	\$	753,933	\$ 754,146	141500
Section 329.10. LOT STATE LOTTERY COMMISSION				141502
State Lottery Fund Group				141503
2310 950604 Charitable Gaming	\$	1,946,000	\$ 1,946,000	141504
Oversight				
7044 950100 Personal Services	\$	26,000,000	\$ 26,000,000	141505

7044	950200	Maintenance	\$	13,558,000	\$	13,266,150	141506
7044	950300	Equipment	\$	4,810,440	\$	4,465,690	141507
7044	950402	Advertising Contracts	\$	21,756,000	\$	21,756,000	141508
7044	950403	Gaming Contracts	\$	46,476,608	\$	47,359,732	141509
7044	950500	Problem Gambling	\$	350,000	\$	350,000	141510
		Subsidy					
7044	950601	Direct Prize Payments	\$	131,995,700	\$	133,263,456	141511
8710	950602	Annuity Prizes	\$	77,206,258	\$	77,641,283	141512
TOTAL	SLF	State Lottery Fund					141513
Group			\$	324,099,006	\$	326,048,311	141514
TOTAL	ALL BUDGET FUND GROUPS		\$	324,099,006	\$	326,048,311	141515

OPERATING EXPENSES 141516

Notwithstanding sections 127.14 and 131.35 of the Revised 141517
Code, the Controlling Board may, at the request of the State 141518
Lottery Commission, authorize expenditures from the State Lottery 141519
Fund in excess of the amounts appropriated, up to a maximum of 15 141520
per cent of anticipated total revenue accruing from the sale of 141521
lottery tickets. Upon the approval of the Controlling Board, the 141522
additional amounts are hereby appropriated. 141523

DIRECT PRIZE PAYMENTS 141524

Any amounts, in addition to the amounts appropriated in 141525
appropriation item 950601, Direct Prize Payments, that the 141526
Director of the State Lottery Commission determines to be 141527
necessary to fund prizes are hereby appropriated. 141528

ANNUITY PRIZES 141529

Upon request of the State Lottery Commission, the Director of 141530
Budget and Management may transfer cash from the State Lottery 141531
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 141532
an amount sufficient to fund deferred prizes. The Treasurer of 141533
State, from time to time, shall credit the Deferred Prizes Trust 141534
Fund (Fund 8710) the pro rata share of interest earned by the 141535

Treasurer of State on invested balances. 141536

Any amounts, in addition to the amounts appropriated in 141537
appropriation item 950602, Annuity Prizes, that the Director of 141538
the State Lottery Commission determines to be necessary to fund 141539
deferred prizes and interest earnings are hereby appropriated. 141540

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 141541

The Director of Budget and Management shall transfer an 141542
amount greater than or equal to \$717,500,000 in fiscal year 2012 141543
and \$680,500,000 in fiscal year 2013 from the State Lottery Fund 141544
to the Lottery Profits Education Fund (Fund 7017). Transfers from 141545
the State Lottery Fund to the Lottery Profits Education Fund shall 141546
represent the estimated net income from operations for the 141547
Commission in fiscal year 2012 and fiscal year 2013. Transfers by 141548
the Director of Budget and Management to the Lottery Profits 141549
Education Fund shall be administered as the statutes direct. 141550

Section 331.10. MHC MANUFACTURED HOMES COMMISSION 141551

General Services Fund Group 141552
4K90 996609 Operating Expenses \$ 652,922 \$ 642,267 141553
TOTAL GSF General Services 141554
Fund Group \$ 652,922 \$ 642,267 141555
TOTAL ALL BUDGET FUND GROUPS \$ 652,922 \$ 642,267 141556

Section 333.10. MED STATE MEDICAL BOARD 141558

General Services Fund Group 141559
5C60 883609 Operating Expenses \$ 9,292,393 \$ 9,172,062 141560
TOTAL GSF General Services 141561
Fund Group \$ 9,292,393 \$ 9,172,062 141562
TOTAL ALL BUDGET FUND GROUPS \$ 9,292,393 \$ 9,172,062 141563

Section 335.10. AMB OHIO MEDICAL TRANSPORTATION BOARD 141565

General Services Fund Group					141566
4K90 915604 Operating Expenses	\$	493,641	\$	493,856	141567
TOTAL GSF General Services Fund Group					141568
	\$	493,641	\$	493,856	141569
TOTAL ALL BUDGET FUND GROUPS	\$	493,641	\$	493,856	141570
 Section 337.10. DMH DEPARTMENT OF MENTAL HEALTH					141572
General Revenue Fund					141573
GRF 332401 Forensic Services	\$	3,244,251	\$	3,244,251	141574
GRF 333321 Central Administration	\$	16,000,000	\$	16,000,000	141575
GRF 333402 Resident Trainees	\$	450,000	\$	450,000	141576
GRF 333403 Pre-Admission Screening Expenses	\$	486,119	\$	486,119	141577
GRF 333415 Lease-Rental Payments	\$	18,394,250	\$	19,907,900	141578
GRF 333416 Research Program Evaluation	\$	421,724	\$	421,998	141579
GRF 334412 Hospital Services	\$	194,918,888	\$	192,051,209	141580
GRF 334506 Court Costs	\$	584,210	\$	584,210	141581
GRF 335405 Family & Children First	\$	1,386,000	\$	1,386,000	141582
GRF 335419 Community Medication Subsidy	\$	8,963,818	\$	8,963,818	141583
GRF 335501 Mental Health Medicaid Match	\$	186,400,000	\$	0	141584
GRF 335505 Local Mental Health Systems of Care	\$	49,963,776	\$	59,087,955	141585
GRF 335506 Residential State Supplement	\$	4,702,875	\$	4,702,875	141586
TOTAL GRF General Revenue Fund	\$	485,915,911	\$	307,286,335	141587
General Services Fund Group					141588
1490 333609 Central Office	\$	1,343,190	\$	1,343,190	141589

		Operating					
1490	334609	Hospital - Operating	\$	28,190,000	\$	28,190,000	141590
		Expenses					
1500	334620	Special Education	\$	150,000	\$	150,000	141591
4P90	335604	Community Mental	\$	4,061,100	\$	250,000	141592
		Health Projects					
1510	336601	Office of Support	\$	129,770,770	\$	129,779,822	141593
		Services					
	TOTAL GSF	General Services Fund	\$	163,515,060	\$	159,713,012	141594
		Group					
		Federal Special Revenue Fund Group					141595
3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	141596
3A60	333608	Federal Miscellaneous	\$	140,000	\$	140,000	141597
3A70	333612	Social Services Block	\$	50,000	\$	50,000	141598
		Grant					
3A80	333613	Federal Grant -	\$	4,717,000	\$	4,717,000	141599
		Administration					
3A90	333614	Mental Health Block	\$	748,470	\$	748,470	141600
		Grant -					
		Administration					
3B10	333635	Community Medicaid	\$	13,691,682	\$	13,691,682	141601
		Expansion					
3240	334605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	141602
3A60	334608	Federal Miscellaneous	\$	200,000	\$	200,000	141603
3A80	334613	Federal Letter of	\$	200,000	\$	200,000	141604
		Credit					
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	141605
3A70	335612	Social Services Block	\$	8,400,000	\$	8,400,000	141606
		Grant					
3A80	335613	Federal Grant -	\$	2,500,000	\$	2,500,000	141607
		Community Mental					
		Health Board Subsidy					
3A90	335614	Mental Health Block	\$	14,200,000	\$	14,200,000	141608

		Grant				
3B10	335635	Community Medicaid	\$	346,200,000	\$	0 141609
		Expansion				
TOTAL FED		Federal Special Revenue	\$	421,571,652	\$	75,371,652 141610
		Fund Group				
		State Special Revenue Fund Group				141611
2320	333621	Family and Children	\$	448,286	\$	432,197 141612
		First Administration				
4850	333632	Mental Health	\$	134,233	\$	134,233 141613
		Operating				
4X50	333607	Behavioral Health	\$	3,000,624	\$	3,000,624 141614
		Medicaid Services				
5V20	333611	Non-Federal	\$	100,000	\$	100,000 141615
		Miscellaneous				
4850	334632	Mental Health	\$	2,477,500	\$	2,477,500 141616
		Operating				
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000 141617
6320	335616	Community Capital	\$	350,000	\$	350,000 141618
		Replacement				
TOTAL SSR		State Special Revenue	\$	13,200,643	\$	13,184,554 141619
		Fund Group				
TOTAL ALL BUDGET		FUND GROUPS	\$	1,084,203,266	\$	555,555,553 141620

Section 337.10.10. FORENSIC SERVICES 141622

The foregoing appropriation item 332401, Forensic Services, 141623
shall be used to provide forensic psychiatric evaluations to 141624
courts of common pleas and to conduct evaluations of patients of 141625
forensic status in facilities operated or designated by the 141626
Department of Mental Health prior to conditional release to the 141627
community. A portion of this appropriation may be allocated 141628
through community mental health boards to certified community 141629
agencies in accordance with a distribution methodology as 141630
determined by the Director of Mental Health. 141631

In addition, appropriation item 332401, Forensic Services, 141632
may be used to provide forensic monitoring and tracking of 141633
individuals on conditional release and forensic training, and to 141634
support projects that assist courts and law enforcement to 141635
identify and develop appropriate alternative services to 141636
incarceration for nonviolent mentally ill offenders, and to 141637
provide specialized re-entry services to offenders leaving prisons 141638
and jails. 141639

Section 337.20.10. RESIDENCY TRAINEESHIP PROGRAMS 141640

The foregoing appropriation item 333402, Resident Trainees, 141641
shall be used to fund training agreements entered into by the 141642
Director of Mental Health for the development of curricula and the 141643
provision of training programs to support public mental health 141644
services. 141645

Section 337.20.20. PRE-ADMISSION SCREENING EXPENSES 141646

The foregoing appropriation item 333403, Pre-Admission 141647
Screening Expenses, shall be used to ensure that uniform statewide 141648
methods for pre-admission screening are in place for persons who 141649
have severe mental illness and are referred for long-term Medicaid 141650
certified nursing facility placement. Pre-admission screening 141651
includes the following activities: pre-admission assessment, 141652
consideration of continued stay requests, discharge planning and 141653
referral, and adjudication of appeals and grievance procedures. 141654

Section 337.20.30. LEASE-RENTAL PAYMENTS 141655

The foregoing appropriation item 333415, Lease-Rental 141656
Payments, shall be used to meet all payments at the times they are 141657
required to be made during the period from July 1, 2011, through 141658
June 30, 2013, by the Department of Mental Health under leases and 141659
agreements made under section 154.20 of the Revised Code. These 141660

appropriations are the source of funds pledged for bond service 141661
charges on obligations issued pursuant to Chapter 154. of the 141662
Revised Code. 141663

Section 337.20.50. HOSPITAL SERVICES 141664

The foregoing appropriation item 334412, Hospital Services, 141665
shall be used for the operation of the Department of Mental Health 141666
State Regional Psychiatric Hospitals, including, but not limited 141667
to, all aspects involving civil and forensic commitment, 141668
treatment, and discharge as determined by the Director of Mental 141669
Health. A portion of this appropriation may be used by the 141670
Department of Mental Health to create, purchase, or contract for 141671
the custody, supervision, control, and treatment of persons 141672
committed to the Department of Mental Health in other clinically 141673
appropriate environments, consistent with public safety. 141674

Section 337.20.60. FISCAL YEARS 2012 AND 2013 ALLOCATIONS OF 141675
STATE HOSPITAL FUNDS TO ADAMHS BOARDS 141676

(A) As used in this section: 141677

"Bed day" means a day for which a person receives inpatient 141678
hospitalization services in a state regional psychiatric hospital. 141679

"State regional psychiatric hospital" means a hospital that 141680
the Department of Mental Health maintains, operates, manages, and 141681
governs under section 5119.02 of the Revised Code for the care and 141682
treatment of mentally ill persons. 141683

(B) For fiscal years 2012 and 2013 and notwithstanding 141684
section 5119.62 of the Revised Code, the Director of Mental Health 141685
shall allocate a portion of the foregoing appropriation item 141686
334412, Hospital Services, to boards of alcohol, drug addiction, 141687
and mental health services. In consultation with the boards, the 141688
Director shall establish a methodology to be used in allocating 141689
the funds to boards. The allocation methodology shall include as 141690

factors at least the per diem cost of inpatient hospitalization 141691
services at state regional psychiatric hospitals and the estimated 141692
number of bed days that each board will incur in fiscal years 2012 141693
and 2013 in carrying out their duties under division (A)(12) of 141694
section 340.03 of the Revised Code. The Director may require each 141695
board to provide the Director with an estimate of the number of 141696
bed days the board will incur in fiscal years 2012 and 2013 for 141697
such purpose. 141698

(C) All of the following apply to the funds allocated to a 141699
board under this section: 141700

(1) Subject to divisions (C)(2) and (3) of this section, the 141701
board shall use the funds to pay for expenditures the board incurs 141702
in fiscal years 2012 and 2013 under division (A)(12) of section 141703
340.03 of the Revised Code in paying for inpatient hospitalization 141704
services provided by state regional psychiatric hospitals to 141705
persons involuntarily committed to the board pursuant to Chapter 141706
5122. of the Revised Code. 141707

(2) If the amount of the funds allocated to the board and 141708
used for the purpose specified in division (C)(1) of this section 141709
exceeds the amount that the board needs to pay for its 141710
expenditures identified in division (C)(1) of this section, the 141711
Director may permit the board to use the excess funds for the 141712
board's community mental health plan developed under division 141713
(A)(1)(c) of section 340.03 of the Revised Code. 141714

(3) If the Director approves, the board may have a portion of 141715
the funds deposited into the Department of Mental Health Risk 141716
Fund. 141717

(D) Notwithstanding the amendment by this act to section 141718
5119.62 of the Revised Code, the Department of Mental Health Risk 141719
Fund shall continue to exist in the state treasury for the purpose 141720
of this section until it is no longer needed. In addition to the 141721

money that is in the fund on the effective date of this section, 141722
the fund shall consist of money deposited into it pursuant to 141723
division (C)(3) of this section and all the fund's investment 141724
earnings. Money in the fund shall be used in accordance with 141725
guidelines that the Director shall develop in consultation with 141726
representatives of the boards. 141727

Section 337.30.20. COMMUNITY MEDICATION SUBSIDY 141728

The foregoing appropriation item 335419, Community Medication 141729
Subsidy, shall be used to provide subsidized support for 141730
psychotropic medication needs of indigent citizens in the 141731
community to reduce unnecessary hospitalization because of lack of 141732
medication and to provide subsidized support for methadone costs. 141733
This appropriation may be allocated to community mental health 141734
boards in accordance with a distribution methodology determined by 141735
the Director of Mental Health. 141736

Section 337.30.30. MENTAL HEALTH MEDICAID MATCH 141737

(A) As used in this section, "community mental health 141738
Medicaid services" means services provided under the component, or 141739
aspect of the component, of the Medicaid program that the 141740
Department of Mental Health administers pursuant to a contract 141741
entered into with the Department of Job and Family Services under 141742
section 5111.91 of the Revised Code. 141743

(B) Subject to division (C) of this section, the foregoing 141744
appropriation item 335501, Mental Health Medicaid Match, shall be 141745
used by the Department of Mental Health to make payments for 141746
community mental health Medicaid services. 141747

(C) For state fiscal year 2012, the Department shall allocate 141748
foregoing appropriation item 335501, Mental Health Medicaid Match, 141749
to boards of alcohol, drug addiction, and mental health services 141750
in accordance with a distribution methodology the Department shall 141751

establish. Notwithstanding sections 5111.911 and 5111.912 of the Revised Code, the boards shall use the funds allocated to them under this section to pay claims for community mental health Medicaid services provided during fiscal year 2012. The boards shall use all federal financial participation that the Department of Mental Health receives for claims paid for community mental health Medicaid services provided during fiscal year 2012 as the first payment source to pay claims for community mental health Medicaid services provided during fiscal year 2012. The boards are not required to use any funds other than the funds allocated to them under this section and the federal financial participation received for claims for community mental health Medicaid services provided during fiscal year 2012 to pay for such claims.

(D) The Department shall enter into an agreement with each board regarding the issue of paying claims that are for community mental health Medicaid services provided before July 1, 2011, and submitted for payment on or after that date. Such claims shall be paid in accordance with the agreements. A board shall receive the federal financial participation received for claims for community mental health Medicaid services that were provided before July 1, 2011, and paid by the board.

Section 337.30.40. LOCAL MENTAL HEALTH SYSTEMS OF CARE

The foregoing appropriation item 335505, Local Mental Health Systems of Care, shall be used by community mental health boards to purchase mental health services permitted under Chapter 340. of the Revised Code.

Section 337.30.50. RESIDENTIAL STATE SUPPLEMENT

(A)(1) On July 1, 2011, the Residential State Supplement Program is transferred from the Department of Aging to the Department of Mental Health. The transferred program is thereupon

and thereafter successor to, assumes the obligations of, and 141782
otherwise constitutes the continuation of the program as it was 141783
operated immediately prior to July 1, 2011. The transfer shall not 141784
affect persons receiving payments under the program on July 1, 141785
2011. 141786

(2) Any business of the program commenced but not completed 141787
before July 1, 2011 shall be completed by the Department of Mental 141788
Health. The business shall be completed in the same manner, and 141789
with the same effect, as if completed by the Department of Aging 141790
immediately prior to July 1, 2011. No validation, cure, right, 141791
privilege, remedy, obligation, or liability pertaining to the 141792
program is lost or impaired by reason of the program's transfer to 141793
the Department of Mental Health. Each such validation, cure, 141794
right, privilege, remedy, obligation, or liability shall be 141795
administered by the Department of Mental Health pursuant to 141796
sections 5119.69, 5119.691, and 5119.692 of the Revised Code. 141797

(3) All rules, orders, and determinations pertaining to the 141798
program as it was operated immediately prior to July 1, 2011 141799
continue in effect as rules, orders, and determinations of the 141800
Department of Mental Health until modified or rescinded by the 141801
Department of Mental Health. If necessary to ensure the integrity 141802
of the numbering system of the Administrative Code, the Director 141803
of the Legislative Service Commission shall renumber the rules to 141804
reflect the transfer of the Residential State Supplement Program 141805
from the Department of Aging to the Department of Mental Health. 141806

(4) Any action or proceeding that is related to the functions 141807
or duties of the Residential State Supplement Program pending on 141808
July 1, 2011 is not affected by the transfer of the program and 141809
shall be prosecuted or defended in the name of the Department of 141810
Mental Health. In all such actions and proceedings, the Department 141811
of Mental Health, on application to the court, shall be 141812
substituted as a party. 141813

(B) On July 1 of each fiscal year, or as soon as possible 141814
thereafter, the Director of Budget and Management shall transfer 141815
\$2.8 million cash from the General Revenue Fund to the Residential 141816
State Supplement Fund (Fund 5CH0) to be used for the Residential 141817
State Supplement program. The transferred cash is hereby 141818
appropriated. 141819

(C) The foregoing appropriation item 335506, Residential 141820
State Supplement, and the Residential State Supplement Fund (Fund 141821
5CH0), may be used by the Department of Mental Health to provide 141822
training for adult care facilities serving residents with mental 141823
illness, to transfer cash to the Nursing Home Franchise Permit Fee 141824
Fund (Fund 5R20) used by the Department of Job and Family 141825
Services, and to make benefit payments to residential state 141826
supplement recipients. Under the Residential State Supplement 141827
Program, the amount used to determine whether a resident is 141828
eligible for payment, and for determining the amount per month the 141829
eligible resident will receive, shall be as follows: 141830

(1) \$927 for a residential care facility, as defined in 141831
section 3721.01 of the Revised Code; 141832

(2) \$927 for an adult group home, as defined in section 141833
5119.70 of the Revised Code; 141834

(3) \$824 for an adult foster home, as defined in section 141835
5119.692 of the Revised Code; 141836

(4) \$824 for an adult family home, as defined in section 141837
5119.70 of the Revised Code; 141838

(5) \$824 for a residential facility, as identified in 141839
division (C)(1)(c) of section 5119.69 of the Revised Code; and 141840

(6) \$618 for community mental health housing services, as 141841
identified in division (C)(1)(d) of section 5119.69 of the Revised 141842
Code. 141843

The Department of Mental Health shall reflect these amounts 141844
in any applicable rules the Department adopts under section 141845
5119.69 of the Revised Code. 141846

Section 337.30.60. BEHAVIORAL HEALTH MEDICAID SERVICES 141847

The Department of Mental Health shall administer specified 141848
Medicaid services as delegated by the Department of Job and Family 141849
Services in an interagency agreement. The foregoing appropriation 141850
item 333607, Behavioral Health Medicaid Services, may be used to 141851
make payments for free-standing psychiatric hospital inpatient 141852
services as defined in an interagency agreement with the 141853
Department of Job and Family Services. 141854

Section 337.30.70. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 141855
POOL 141856

A county family and children first council may establish and 141857
operate a flexible funding pool in order to assure access to 141858
needed services by families, children, and older adults in need of 141859
protective services. The operation of the flexible funding pools 141860
shall be subject to the following restrictions: 141861

(A) The county council shall establish and operate the 141862
flexible funding pool in accordance with formal guidance issued by 141863
the Family and Children First Cabinet Council; 141864

(B) The county council shall produce an annual report on its 141865
use of the pooled funds. The annual report shall conform to a 141866
format prescribed in the formal guidance issued by the Family and 141867
Children First Cabinet Council; 141868

(C) Unless otherwise restricted, funds transferred to the 141869
flexible funding pool may include state general revenues allocated 141870
to local entities to support the provision of services to families 141871
and children; 141872

(D) The amounts transferred to the flexible funding pool 141873
shall be limited to amounts that can be redirected without 141874
impairing the achievement of the objectives for which the initial 141875
allocation is designated; and 141876

(E) Each amount transferred to the flexible funding pool from 141877
a specific allocation shall be approved for transfer by the 141878
director of the local agency that was the original recipient of 141879
the allocation. 141880

**Section 337.30.75. TRANSITION FOR CURRENTLY CERTIFIED ADULT 141881
FOSTER HOMES 141882**

On July 1, 2011, the certification of adult foster homes is 141883
transferred from the Department of Aging to the Department of 141884
Mental Health. A certification that was issued by the Director of 141885
Aging to an adult foster home under former section 175.36 of the 141886
Revised Code and that is current and valid on the effective date 141887
of section 5119.692 of the Revised Code, as enacted by this act, 141888
is deemed to be a certificate issued by the Director of Mental 141889
Health under those sections. 141890

Any business regarding the certification of adult foster 141891
homes commenced but not completed before July 1, 2011 shall be 141892
completed by the Department of Mental Health. The business shall 141893
be completed in the same manner, and with the same effect, as if 141894
completed by the Department of Aging immediately prior to July 1, 141895
2011. 141896

No validation, cure, right, privilege, remedy, obligation, or 141897
liability is lost or impaired by reason of this act's transfer of 141898
responsibility to the Department of Mental Health, from the 141899
Department of Aging, for the certification of adult foster homes. 141900

Each such validation, cure, right, privilege, remedy, 141901
obligation, or liability shall be administered by the Department 141902

of Mental Health pursuant to section 5119.692 of the Revised Code. 141903

All rules, orders, and determinations pertaining to the 141904
certification of adult foster homes as it was operated immediately 141905
prior to July 1, 2011 shall continue in effect as rules, orders, 141906
and determinations of the Department of Mental Health until 141907
modified or rescinded by the Department of Mental Health. If 141908
necessary to ensure the integrity of the numbering system of the 141909
Administrative Code, the Director of the Legislative Service 141910
Commission shall renumber the rules to reflect the transfer of the 141911
certification of adult foster homes from the Department of Aging 141912
to the Department of Mental Health. 141913

Any action or proceeding that is related to the functions or 141914
duties of the certification of adult foster homes pending on July 141915
1, 2011 is not affected by the transfer of the certification and 141916
shall be prosecuted or defended in the name of the Department of 141917
Mental Health. In all such actions and proceedings, the Department 141918
of Mental Health, on application to the court, shall be 141919
substituted as a party. 141920

Section 337.30.80. TRANSITION FOR CURRENTLY LICENSED ADULT 141921
CARE FACILITIES 141922

On July 1, 2011, the licensing of adult care facilities is 141923
transferred from the Department of Health to the Department of 141924
Mental Health. A license that was issued by the Director of Health 141925
to an adult care facility under former Chapter 3722. of the 141926
Revised Code and that is current and valid on the effective date 141927
of sections 5119.70 to 5119.88 of the Revised Code, as enacted by 141928
this act, is deemed to be a license issued by the Director of 141929
Mental Health under those sections. 141930

Any business regarding the licensing of adult care facilities 141931
commenced but not completed before July 1, 2011 shall be completed 141932
by the Department of Mental Health. The business shall be 141933

completed in the same manner, and with the same effect, as if 141934
completed by the Department of Health immediately prior to July 1, 141935
2011. 141936

No validation, cure, right, privilege, remedy, obligation, or 141937
liability is lost or impaired by reason of this act's transfer of 141938
responsibility to the Department of Mental Health, from the 141939
Department of Health, for the licensing of adult care facilities. 141940
Each such validation, cure, right, privilege, remedy, obligation, 141941
or liability shall be administered by the Department of Mental 141942
Health pursuant to sections 5119.70 to 5119.88 of the Revised 141943
Code. 141944

All rules, orders, and determinations pertaining to the 141945
licensing of adult care facilities as it was operated immediately 141946
prior to July 1, 2011 shall continue in effect as rules, orders, 141947
and determinations of the Department of Mental Health until 141948
modified or rescinded by the Department of Mental Health. If 141949
necessary to ensure the integrity of the numbering system of the 141950
Administrative Code, the Director of the Legislative Service 141951
Commission shall renumber the rules to reflect the transfer of the 141952
licensing of adult care facilities from the Department of Health 141953
to the Department of Mental Health. 141954

Any action or proceeding that is related to the functions or 141955
duties of the licensing of adult care facilities pending on July 141956
1, 2011 is not affected by the transfer of the licensing and shall 141957
be prosecuted or defended in the name of the Department of Mental 141958
Health. In all such actions and proceedings, the Department of 141959
Mental Health, on application to the court, shall be substituted 141960
as a party. 141961

Section 337.30.90. BEHAVIORAL HEALTH DOCUMENTATION REDUCTION 141962

(A) As used in this section: 141963

(1) "Community behavioral health services and programs" means	141964
both of the following:	141965
(a) Community mental health services certified by the	141966
Director of Mental Health under section 5119.611 of the Revised	141967
Code;	141968
(b) Alcohol and drug addiction programs certified by the	141969
Department of Alcohol and Drug Addiction Services under section	141970
3793.06 of the Revised Code.	141971
(2) "Residential facility" has the same meaning as in section	141972
5119.22 of the Revised Code.	141973
(B) Not later than December 31, 2011, the Directors of Mental	141974
Health and Alcohol and Drug Addiction Services, or their	141975
designees, shall, in consultation with persons interested in the	141976
issues of residential facilities and community behavioral health	141977
services and programs, do all of the following:	141978
(1) Identify areas of duplicative and unnecessary	141979
documentation requirements associated with licensing residential	141980
facilities and certifying community behavioral health services and	141981
programs;	141982
(2) Align the documentation standards of the Departments of	141983
Mental Health and Alcohol and Drug Addiction Services;	141984
(3) Streamline the Departments' standards regarding	141985
residential facilities and community behavioral health services	141986
and programs with federal standards;	141987
(4) Promote the integration of behavioral and physical health	141988
in residential facilities and community behavioral health services	141989
and programs.	141990
Section 337.40.10. TRANSFER FROM FACILITIES ESTABLISHMENT	141991
Notwithstanding Chapter 166. of the Revised Code, on July 1	141992

of each fiscal year, or as soon as possible thereafter, the 141993
 Director of Budget and Management shall transfer \$5 million cash 141994
 from the Facilities Establishment Fund (Fund 7037) to the General 141995
 Revenue Fund. 141996

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 141997

General Revenue Fund 141998

GRF 149321 Operating Expenses \$ 423,588 \$ 408,990 141999

GRF 149501 Minority Health \$ 1,061,600 \$ 1,061,600 142000

Grants

GRF 149502 Lupus Program \$ 110,047 \$ 110,047 142001

TOTAL GRF General Revenue Fund \$ 1,595,235 \$ 1,580,637 142002

Federal Special Revenue Fund Group 142003

3J90 149602 Federal Grants \$ 140,000 \$ 140,000 142004

TOTAL FED Federal Special Revenue 142005

Fund Group \$ 140,000 \$ 140,000 142006

State Special Revenue Fund Group 142007

4C20 149601 Minority Health \$ 25,000 \$ 25,000 142008

Conference

TOTAL SSR State Special Revenue 142009

Fund Group \$ 25,000 \$ 25,000 142010

TOTAL ALL BUDGET FUND GROUPS \$ 1,760,235 \$ 1,745,637 142011

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR 142013

REGISTRATION BOARD 142014

General Services Fund Group 142015

4K90 865601 Operating Expenses \$ 331,841 \$ 324,292 142016

TOTAL GSF General Services 142017

Fund Group \$ 331,841 \$ 324,292 142018

TOTAL ALL BUDGET FUND GROUPS \$ 331,841 \$ 324,292 142019

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 142021

General Revenue Fund				142022
GRF	725401	Wildlife-GRF Central	\$ 1,800,000 \$ 1,800,000	142023
		Support		
GRF	725413	Lease Rental Payments	\$ 20,568,600 \$ 19,734,700	142024
GRF	725456	Canal Lands	\$ 135,000 \$ 135,000	142025
GRF	725502	Soil and Water	\$ 2,900,000 \$ 2,900,000	142026
		Districts		
GRF	725903	Natural Resources	\$ 5,375,300 \$ 25,209,100	142027
		General Obligation		
		Debt Service		
GRF	727321	Division of Forestry	\$ 4,878,338 \$ 4,880,000	142028
GRF	729321	Office of Information	\$ 194,118 \$ 197,117	142029
		Technology		
GRF	730321	Division of Parks and	\$ 30,000,000 \$ 30,000,000	142030
		Recreation		
GRF	736321	Division of	\$ 3,024,459 \$ 3,025,078	142031
		Engineering		
GRF	737321	Division of Soil and	\$ 4,982,961 \$ 4,983,356	142032
		Water Resources		
GRF	741321	Division of Natural	\$ 1,200,000 \$ 1,200,000	142033
		Areas and Preserves		
TOTAL GRF General Revenue Fund			\$ 75,058,776 \$ 94,064,351	142034
General Services Fund Group				142035
1550	725601	Departmental Projects	\$ 3,365,651 \$ 2,725,484	142036
1570	725651	Central Support	\$ 5,854,167 \$ 5,857,800	142037
		Indirect		
2040	725687	Information Services	\$ 4,659,276 \$ 4,643,835	142038
2070	725690	Real Estate Services	\$ 50,000 \$ 50,000	142039
2230	725665	Law Enforcement	\$ 2,106,776 \$ 2,126,432	142040
		Administration		
2270	725406	Parks Projects	\$ 436,500 \$ 436,500	142041
		Personnel		

4300	725671	Canal Lands	\$	907,618	\$	907,879	142042
4D50	725618	Recycled Materials	\$	50,000	\$	50,000	142043
4S90	725622	NatureWorks Personnel	\$	400,358	\$	400,358	142044
4X80	725662	Water Resources Council	\$	138,011	\$	138,005	142045
5100	725631	Maintenance - State-owned Residences	\$	303,611	\$	303,611	142046
5160	725620	Water Management	\$	2,541,565	\$	2,559,292	142047
6350	725664	Fountain Square Facilities Management	\$	3,544,623	\$	3,548,445	142048
6970	725670	Submerged Lands	\$	836,162	\$	848,546	142049
TOTAL GSF General Services							142050
Fund Group			\$	25,194,318	\$	24,596,187	142051
Federal Special Revenue Fund Group							142052
3320	725669	Federal Mine Safety Grant	\$	258,102	\$	258,102	142053
3B30	725640	Federal Forest Pass-Thru	\$	600,000	\$	600,000	142054
3B40	725641	Federal Flood Pass-Thru	\$	600,000	\$	600,000	142055
3B50	725645	Federal Abandoned Mine Lands	\$	21,007,667	\$	21,207,667	142056
3B60	725653	Federal Land and Water Conservation Grants	\$	1,150,000	\$	1,150,000	142057
3B70	725654	Reclamation - Regulatory	\$	3,200,000	\$	3,200,000	142058
3P10	725632	Geological Survey - Federal	\$	692,401	\$	692,401	142059
3P20	725642	Oil and Gas-Federal	\$	234,509	\$	234,509	142060
3P30	725650	Coastal Management - Federal	\$	3,290,633	\$	3,290,633	142061

3P40	725660	Federal - Soil and Water Resources	\$	1,213,048	\$	1,209,957	142062
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	142063
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	142064
TOTAL FED Federal Special Revenue							142065
Fund Group			\$	36,121,361	\$	36,318,270	142066
State Special Revenue Fund Group							142067
4J20	725628	Injection Well Review	\$	130,899	\$	128,466	142068
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	142069
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	142070
5090	725602	State Forest	\$	7,891,747	\$	7,058,793	142071
5110	725646	Ohio Geological Mapping	\$	704,777	\$	705,130	142072
5120	725605	State Parks Operations	\$	32,284,117	\$	31,550,444	142073
5140	725606	Lake Erie Shoreline	\$	1,502,654	\$	1,505,983	142074
5180	725643	Oil and Gas Permit Fees	\$	5,821,970	\$	5,623,645	142075
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	142076
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	142077
5220	725656	Natural Areas and Preserves	\$	546,580	\$	546,639	142078
5260	725610	Strip Mining Administration Fee	\$	2,000,000	\$	2,000,000	142079
5270	725637	Surface Mining Administration	\$	1,940,977	\$	1,941,532	142080
5290	725639	Unreclaimed Land Fund	\$	2,004,180	\$	2,004,180	142081
5310	725648	Reclamation Forfeiture	\$	1,423,000	\$	1,423,000	142082
5320	725644	Litter Control and	\$	4,926,730	\$	4,911,575	142083

		Recycling					
5860	725633	Scrap Tire Program	\$	1,497,645	\$	1,497,645	142084
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	142085
5BV0	725658	Heidelberg Water	\$	250,000	\$	250,000	142086
		Quality Lab					
5BV0	725683	Soil and Water	\$	8,000,000	\$	8,000,000	142087
		Districts					
5CU0	725647	Mine Safety	\$	3,000,000	\$	3,000,000	142088
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000	142089
		Enforcement					
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000	142090
		Preserves Law					
		Enforcement					
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	142091
		Enforcement					
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	142092
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500	142093
		Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	142094
6150	725661	Dam Safety	\$	925,344	\$	926,028	142095
TOTAL SSR		State Special Revenue					142096
Fund Group			\$	76,073,745	\$	74,296,185	142097
Clean Ohio Conservation Fund Group							142098
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775	142099
TOTAL CLF		Clean Ohio Conservation	\$	300,775	\$	300,775	142100
Fund Group							
Wildlife Fund Group							142101
5P20	725634	Wildlife Boater	\$	4,000,000	\$	4,000,000	142102
		Angler Administration					
7015	740401	Division of Wildlife	\$	52,721,044	\$	51,669,158	142103
		Conservation					
8150	725636	Cooperative	\$	120,449	\$	120,449	142104

		Management Projects				
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885 142105
8170	725655	Wildlife Conservation	\$	3,240,000	\$	3,240,000 142106
		Checkoff Fund				
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000 142107
		Research				
8190	725685	Ohio River Management	\$	128,584	\$	128,584 142108
TOTAL WLF		Wildlife Fund Group	\$	62,676,962	\$	61,625,076 142109
		Waterways Safety Fund Group				142110
7086	725414	Waterways Improvement	\$	5,692,601	\$	5,693,671 142111
7086	725418	Buoy Placement	\$	52,182	\$	52,182 142112
7086	725501	Waterway Safety	\$	120,000	\$	120,000 142113
		Grants				
7086	725506	Watercraft Marine	\$	576,153	\$	576,153 142114
		Patrol				
7086	725513	Watercraft	\$	366,643	\$	366,643 142115
		Educational Grants				
7086	739401	Division of	\$	18,040,593	\$	17,552,370 142116
		Watercraft				
TOTAL WSF		Waterways Safety Fund				142117
Group			\$	24,848,172	\$	24,361,019 142118
		Accrued Leave Liability Fund Group				142119
4M80	725675	FOP Contract	\$	20,219	\$	20,219 142120
TOTAL ALF		Accrued Leave				142121
Liability Fund Group			\$	20,219	\$	20,219 142122
		Holding Account Redistribution Fund Group				142123
R017	725659	Performance Cash Bond	\$	296,263	\$	296,263 142124
		Refunds				
R043	725624	Forestry	\$	2,000,000	\$	2,154,750 142125
TOTAL 090		Holding Account				142126
Redistribution Fund Group			\$	2,296,263	\$	2,451,013 142127
TOTAL ALL BUDGET FUND GROUPS			\$	302,590,591	\$	318,033,095 142128

Section 343.20. CENTRAL SUPPORT INDIRECT 142130

With the exception of the Division of Wildlife, whose direct 142131
and indirect central support charges shall be paid out of the 142132
General Revenue Fund from the foregoing appropriation item 725401, 142133
Wildlife-GRF Central Support, the Department of Natural Resources, 142134
with approval of the Director of Budget and Management, shall 142135
utilize a methodology for determining each division's payments 142136
into the Central Support Indirect Fund (Fund 1570). The 142137
methodology used shall contain the characteristics of 142138
administrative ease and uniform application in compliance with 142139
federal grant requirements. It may include direct cost charges for 142140
specific services provided. Payments to Fund 1570 shall be made 142141
using an intrastate transfer voucher. 142142

Section 343.30. WELL LOG FILING FEES 142143

The Chief of the Division of Soil and Water Resources shall 142144
deposit fees forwarded to the Division pursuant to section 1521.05 142145
of the Revised Code into the Departmental Services - Intrastate 142146
Fund (Fund 1550) for the purposes described in that section. 142147

Section 343.40. LEASE RENTAL PAYMENTS 142148

The foregoing appropriation item 725413, Lease Rental 142149
Payments, shall be used to meet all payments at the times they are 142150
required to be made during the period from July 1, 2011, through 142151
June 30, 2013, by the Department of Natural Resources pursuant to 142152
leases and agreements made under section 154.22 of the Revised 142153
Code. These appropriations are the source of funds pledged for 142154
bond service charges or obligations issued pursuant to Chapter 142155
154. of the Revised Code. 142156

CANAL LANDS 142157

The foregoing appropriation item 725456, Canal Lands, shall 142158

be used to transfer funds to the Canal Lands Fund (Fund 4300) to 142159
provide operating expenses for the State Canal Lands Program. The 142160
transfer shall be made using an intrastate transfer voucher and 142161
shall be subject to the approval of the Director of Budget and 142162
Management. 142163

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 142164

The foregoing appropriation item 725903, Natural Resources 142165
General Obligation Debt Service, shall be used to pay all debt 142166
service and related financing costs during the period July 1, 142167
2011, through June 30, 2013, on obligations issued under sections 142168
151.01 and 151.05 of the Revised Code. 142169

Section 343.40.10. LAW ENFORCEMENT ADMINISTRATION 142170

The foregoing appropriation item 725665, Law Enforcement 142171
Administration, shall be used to cover the cost of support, 142172
coordination, and oversight of the Department of Natural 142173
Resources' law enforcement functions. The Law Enforcement 142174
Administration Fund (Fund 2230) shall consist of cash transferred 142175
to it via intrastate transfer voucher from other funds as 142176
determined by the Director of Natural Resources and the Director 142177
of Budget and Management. 142178

Section 343.40.20. FOUNTAIN SQUARE 142179

The foregoing appropriation item 725664, Fountain Square 142180
Facilities Management, shall be used for payment of repairs, 142181
renovation, utilities, property management, and building 142182
maintenance expenses for the Fountain Square complex. Cash 142183
transferred by intrastate transfer vouchers from various 142184
department funds and rental income received by the Department of 142185
Natural Resources shall be deposited into the Fountain Square 142186
Facilities Management Fund (Fund 6350). 142187

Section 343.40.30. SOIL AND WATER DISTRICTS 142188

In addition to state payments to soil and water conservation 142189
districts authorized by section 1515.10 of the Revised Code, the 142190
Department of Natural Resources may use appropriation item 725683, 142191
Soil and Water Districts, to pay any soil and water conservation 142192
district an annual amount not to exceed \$40,000, upon receipt of a 142193
request and justification from the district and approval by the 142194
Ohio Soil and Water Conservation Commission. The county auditor 142195
shall credit the payments to the special fund established under 142196
section 1515.10 of the Revised Code for the local soil and water 142197
conservation district. Moneys received by each district shall be 142198
expended for the purposes of the district. 142199

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION OPERATIONS 142200

During fiscal years 2012 and 2013, the Director of Budget and 142201
Management may, in consultation with the Director of Natural 142202
Resources, transfer such cash as necessary from the General 142203
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) for handling 142204
the increased regulatory work related to the expansion of oil and 142205
gas drilling that will occur before receipts from this activity 142206
are deposited into Fund 5180. Once funds from severance taxes, 142207
application and permitting fees, and other sources have accrued to 142208
Fund 5180 in such amounts as are deemed sufficient to sustain 142209
expanded operations, the Director of Budget and Management, in 142210
consultation with the Director of Natural Resources, shall 142211
establish a schedule for repaying the transferred funds from Fund 142212
5180 to the General Revenue Fund. 142213

OIL AND GAS WELL PLUGGING 142214

The foregoing appropriation item 725677, Oil and Gas Well 142215
Plugging, shall be used exclusively for the purposes of plugging 142216
wells and to properly restore the land surface of idle and orphan 142217
oil and gas wells pursuant to section 1509.071 of the Revised 142218

Code. No funds from the appropriation item shall be used for 142219
salaries, maintenance, equipment, or other administrative 142220
purposes, except for those costs directly attributed to the 142221
plugging of an idle or orphan well. This appropriation item shall 142222
not be used to transfer cash to any other fund or appropriation 142223
item. 142224

LITTER CONTROL AND RECYCLING 142225

Of the foregoing appropriation item 725644, Litter Control 142226
and Recycling, up to \$1,500,000 may be used in each fiscal year 142227
for the administration of the Recycling and Litter Prevention 142228
Program. 142229

Section 343.40.40. CLEAN OHIO OPERATING EXPENSES 142230

The foregoing appropriation item 725405, Clean Ohio 142231
Operating, shall be used by the Department of Natural Resources in 142232
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 142233
to section 1519.05 of the Revised Code. 142234

Section 343.40.50. WATERCRAFT MARINE PATROL 142235

Of the foregoing appropriation item 739401, Division of 142236
Watercraft, up to \$200,000 in each fiscal year shall be expended 142237
for the purchase of equipment for marine patrols qualifying for 142238
funding from the Department of Natural Resources pursuant to 142239
section 1547.67 of the Revised Code. Proposals for equipment shall 142240
accompany the submission of documentation for receipt of a marine 142241
patrol subsidy pursuant to section 1547.67 of the Revised Code and 142242
shall be loaned to eligible marine patrols pursuant to a 142243
cooperative agreement between the Department of Natural Resources 142244
and the eligible marine patrol. 142245

Section 343.40.60. TRANSFER FOR CAESAR CREEK MARINA 142246

On July 1, 2011, or as soon as possible thereafter, the 142247

Director of Natural Resources may request the Director of Budget 142248
and Management to transfer up to \$4,000,000 in cash from the 142249
Watercraft Revolving Loan Fund (Fund 5AW0) to the Waterways Safety 142250
Fund (Fund 7086) to support a marina project at Caesar Creek State 142251
Park. 142252

Section 343.50. PARKS CAPITAL EXPENSES FUND 142253

The Director of Natural Resources shall submit to the 142254
Director of Budget and Management the estimated design, 142255
engineering, and planning costs of capital-related work to be done 142256
by Department of Natural Resources staff for parks projects within 142257
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 142258
Director of Budget and Management approves the estimated costs, 142259
the Director may release appropriations from appropriation item 142260
C725E6, Project Planning, Fund 7035, for those purposes. Upon 142261
release of the appropriations, the Department of Natural Resources 142262
shall pay for these expenses from the Parks Capital Expenses Fund 142263
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 142264
Fund 7035 using an intrastate transfer voucher. 142265

NATUREWORKS CAPITAL EXPENSES FUND 142266

The Department of Natural Resources shall periodically 142267
prepare and submit to the Director of Budget and Management the 142268
estimated design, planning, and engineering costs of 142269
capital-related work to be done by Department of Natural Resources 142270
staff for each capital improvement project within the Ohio Parks 142271
and Natural Resources Fund (Fund 7031). If the Director of Budget 142272
and Management approves the estimated costs, the Director may 142273
release appropriations from appropriation item C725E5, Project 142274
Planning, in Fund 7031, for those purposes. Upon release of the 142275
appropriations, the Department of Natural Resources shall pay for 142276
these expenses from the Capital Expenses Fund (Fund 4S90). 142277
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 142278

using an intrastate transfer voucher. 142279

Section 345.10. NUR STATE BOARD OF NURSING 142280

General Services Fund Group 142281

4K90 884609 Operating Expenses \$ 6,943,322 \$ 6,680,896 142282

5AC0 884602 Nurse Education Grant \$ 1,373,506 \$ 1,373,506 142283
Program

5P80 884601 Nursing Special \$ 5,000 \$ 5,000 142284
Issues

TOTAL GSF General Services 142285

Fund Group \$ 8,321,828 \$ 8,059,402 142286

TOTAL ALL BUDGET FUND GROUPS \$ 8,321,828 \$ 8,059,402 142287

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 142289

AND ATHLETIC TRAINERS BOARD 142290

General Services Fund Group 142291

4K90 890609 Operating Expenses \$ 874,087 \$ 866,169 142292

TOTAL GSF General Services Fund \$ 874,087 \$ 866,169 142293

Group

TOTAL ALL BUDGET FUND GROUPS \$ 874,087 \$ 866,169 142294

Section 349.10. OLA OHIOANA LIBRARY ASSOCIATION 142296

General Revenue Fund 142297

GRF 355501 Library Subsidy \$ 120,000 \$ 120,000 142298

TOTAL GRF General Revenue Fund \$ 120,000 \$ 120,000 142299

TOTAL ALL BUDGET FUND GROUPS \$ 120,000 \$ 120,000 142300

Section 351.10. ODB OHIO OPTICAL DISPENSERS BOARD 142302

General Services Fund Group 142303

4K90 894609 Operating Expenses \$ 357,039 \$ 347,300 142304

TOTAL GSF General Services 142305

Fund Group \$ 357,039 \$ 347,300 142306

TOTAL ALL BUDGET FUND GROUPS	\$	357,039	\$	347,300	142307
Section 353.10. OPT STATE BOARD OF OPTOMETRY					142309
General Services Fund Group					142310
4K90 885609 Operating Expenses	\$	356,914	\$	347,278	142311
TOTAL GSF General Services					142312
Fund Group	\$	356,914	\$	347,278	142313
TOTAL ALL BUDGET FUND GROUPS	\$	356,914	\$	347,278	142314
Section 355.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					142316
General Services Fund Group					142317
4K90 973609 Operating Expenses	\$	126,340	\$	114,218	142319
TOTAL GSF General Services					142320
Fund Group	\$	126,340	\$	114,218	142321
TOTAL ALL BUDGET FUND GROUPS	\$	126,340	\$	114,218	142322
Section 357.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD					142323
Agency Fund Group					142324
6910 810632 PUSTRCB Staff	\$	1,162,179	\$	1,123,014	142325
TOTAL AGY Agency Fund Group	\$	1,162,179	\$	1,123,014	142326
TOTAL ALL BUDGET FUND GROUPS	\$	1,162,179	\$	1,123,014	142327
Section 359.10. PRX STATE BOARD OF PHARMACY					142328
General Services Fund Group					142329
4A50 887605 Drug Law Enforcement	\$	150,000	\$	150,000	142330
4K90 887609 Operating Expenses	\$	6,608,498	\$	6,701,285	142331
TOTAL GSF General Services Fund	\$	6,758,498	\$	6,851,285	142332
Group					
Federal Special Revenue Fund Group					142333
3CT0 887606 2008	\$	70,775	\$	0	142334

		Developing/Enhancing					
		PMP					
3DV0	887607	Enhancing Ohio's PMP	\$	169,888	\$	2,379	142337
3EY0	887603	Administration of	\$	320,637	\$	66,335	142338
		PMIX Hub					
3EZ0	887610	NASPER 10	\$	164,459		27,710	142339
TOTAL FED		Federal Special Revenue	\$	725,759	\$	96,424	142340
		Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	7,484,257	\$	6,947,709	142341
		Section 361.10. PSY STATE BOARD OF PSYCHOLOGY					142343
		General Services Fund Group					142344
4K90	882609	Operating Expenses	\$	525,394	\$	535,406	142345
TOTAL GSF		General Services					142346
		Fund Group	\$	525,394	\$	535,406	142347
TOTAL ALL BUDGET FUND GROUPS			\$	525,394	\$	535,406	142348
		Section 363.10. PUB OHIO PUBLIC DEFENDER COMMISSION					142350
		General Revenue Fund					142351
GRF	019401	State Legal Defense	\$	2,610,272	\$	3,020,855	142352
		Services					
GRF	019403	Multi-County: State	\$	338,931	\$	406,626	142353
		Share					
GRF	019404	Trumbull County -	\$	99,321	\$	119,158	142354
		State Share					
GRF	019405	Training Account	\$	50,000	\$	50,000	142355
GRF	019501	County Reimbursement	\$	2,565,398	\$	3,077,786	142356
TOTAL GRF		General Revenue Fund	\$	5,663,922	\$	6,674,425	142357
		General Services Fund Group					142358
4070	019604	County Representation	\$	231,076	\$	231,754	142359
4080	019605	Client Payments	\$	1,052,919	\$	953,492	142360
5CX0	019617	Civil Case Filing Fee	\$	708,654	\$	705,713	142361

TOTAL GSF General Services				142362
Fund Group	\$	1,992,649	\$ 1,890,959	142363
Federal Special Revenue Fund Group				142364
3S80 019608 Federal	\$	341,733	\$ 263,431	142365
Representation				
TOTAL FED Federal Special Revenue				142366
Fund Group	\$	341,733	\$ 263,431	142367
State Special Revenue Fund Group				142368
4C70 019601 Multi-County: County	\$	3,324,009	\$ 3,333,014	142369
Share				
4N90 019613 Gifts and Grants	\$	35,000	\$ 35,000	142370
4X70 019610 Trumbull County -	\$	974,069	\$ 976,612	142371
County Share				
5740 019606 Civil Legal Aid	\$	24,000,000	\$ 27,000,000	142372
5DY0 019618 Indigent Defense	\$	42,195,000	\$ 43,125,000	142373
Support - County				
Share				
5DY0 019619 Indigent Defense	\$	6,521,723	\$ 6,096,759	142374
Support Fund - State				
Office				
TOTAL SSR State Special Revenue				142375
Fund Group	\$	77,049,801	\$ 80,566,385	142376
TOTAL ALL BUDGET FUND GROUPS	\$	85,048,105	\$ 89,395,200	142377
INDIGENT DEFENSE OFFICE				142378
The foregoing appropriation items 019404, Trumbull County -				142379
State Share, and 019610, Trumbull County - County Share, shall be				142380
used to support an indigent defense office for Trumbull County.				142381
MULTI-COUNTY OFFICE				142382
The foregoing appropriation items 019403, Multi-County: State				142383
Share, and 019601, Multi-County: County Share, shall be used to				142384
support the Office of the Ohio Public Defender's Multi-County				142385

Branch Office Program.					142386
TRAINING ACCOUNT					142387
The foregoing appropriation item 019405, Training Account,					142388
shall be used by the Ohio Public Defender to provide legal					142389
training programs at no cost for private appointed counsel who					142390
represent at least one indigent defendant at no cost and for state					142391
and county public defenders and attorneys who contract with the					142392
Ohio Public Defender to provide indigent defense services.					142393
FEDERAL REPRESENTATION					142394
The foregoing appropriation item 019608, Federal					142395
Representation, shall be used to receive reimbursements from the					142396
federal courts when the Ohio Public Defender provides					142397
representation in federal court cases and to support					142398
representation in such cases.					142399
Section 365.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					142400
General Services Fund Group					142401
5F60 870622 Utility and Railroad	\$	30,637,234	\$	31,638,708	142402
Regulation					
5F60 870624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	142403
5F60 870625 Motor Transportation	\$	4,976,641	\$	5,971,218	142404
Regulation					
5Q50 870626 Telecommunications	\$	5,000,000	\$	5,000,000	142405
Relay Service					
TOTAL GSF General Services					142406
Fund Group	\$	40,771,875	\$	42,767,926	142407
Federal Special Revenue Fund Group					142408
3330 870601 Gas Pipeline Safety	\$	597,959	\$	597,959	142409
3500 870608 Motor Carrier Safety	\$	7,351,660	\$	7,351,660	142410
3CU0 870627 Electric Market	\$	91,183	\$	0	142411
Modeling					

3EA0	870630	Energy Assurance Planning	\$	384,000	\$	384,000	142412
3ED0	870631	State Regulators Assistance	\$	231,824	\$	231,824	142413
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	142414
TOTAL FED Federal Special Revenue							142415
Fund Group			\$	8,756,626	\$	8,665,443	142416
State Special Revenue Fund Group							142417
4A30	870614	Grade Crossing Protection Devices-State	\$	1,347,357	\$	1,347,357	142418
4L80	870617	Pipeline Safety-State	\$	181,992	\$	181,992	142419
4S60	870618	Hazardous Material Registration	\$	450,395	\$	450,395	142420
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346	142421
4U80	870620	Civil Forfeitures	\$	277,347	\$	277,496	142422
5590	870605	Public Utilities Territorial Administration	\$	3,880	\$	3,880	142423
5600	870607	Special Assessment	\$	97,000	\$	97,000	142424
5610	870606	Power Siting Board	\$	631,508	\$	631,618	142425
5BP0	870623	Wireless 9-1-1 Administration	\$	36,440,000	\$	18,220,000	142426
5HD0	870629	Radioactive Waste Transportation	\$	98,800	\$	98,800	142427
6380	870611	Biofuels/Municipal Waste Technology	\$	570	\$	0	142428
6610	870612	Hazardous Materials Transportation	\$	898,800	\$	898,800	142429

TOTAL SSR State Special Revenue				142430
Fund Group		\$ 40,800,995	\$ 22,580,684	142431
TOTAL ALL BUDGET FUND GROUPS		\$ 90,329,496	\$ 74,014,053	142432
COMMUNITY-VOICEMAIL SERVICE PILOT PROGRAM				142433
The Community-voicemail Service Pilot Program assessments				142434
authorized by Section 6 of Sub. S.B. 162 of the 128th General				142435
Assembly shall cease. These assessments shall be refunded without				142436
interest to those assessed under the program by the Public				142437
Utilities Commission within 60 days of the effective date of this				142438
section.				142439
Section 367.10. PWC PUBLIC WORKS COMMISSION				142440
General Revenue Fund				142441
GRF 150904 Conservation General		\$ 21,953,000	\$ 29,297,300	142442
Obligation Debt				
Service				
GRF 150907 State Capital		\$ 106,770,600	\$ 215,571,100	142443
Improvements				
General Obligation				142444
Debt Service				
TOTAL GRF General Revenue Fund		\$ 128,723,600	\$ 244,868,400	142445
Clean Ohio Conservation Fund Group				142446
7056 150403 Clean Ohio Operating		\$ 300,000	\$ 288,980	142447
Expenses				
TOTAL 056 Clean Ohio Conservation		\$ 300,000	\$ 288,980	142448
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 129,023,600	\$ 245,157,380	142449
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				142450
The foregoing appropriation item 150904, Conservation General				142451
Obligation Debt Service, shall be used to pay all debt service and				142452
related financing costs during the period from July 1, 2011,				142453

through June 30, 2013, at the times they are required to be made 142454
for obligations issued under sections 151.01 and 151.09 of the 142455
Revised Code. 142456

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 142457

The foregoing appropriation item 150907, State Capital 142458
Improvements General Obligation Debt Service, shall be used to pay 142459
all debt service and related financing costs during the period 142460
from July 1, 2011, through June 30, 2013, at the times they are 142461
required to be made for obligations issued under sections 151.01 142462
and 151.08 of the Revised Code. 142463

CLEAN OHIO OPERATING EXPENSES 142464

The foregoing appropriation item 150403, Clean Ohio Operating 142465
Expenses, shall be used by the Ohio Public Works Commission in 142466
administering Clean Ohio Conservation Fund (Fund 7056) projects 142467
pursuant to sections 164.20 to 164.27 of the Revised Code. 142468

REIMBURSEMENT TO THE GENERAL REVENUE FUND 142469

(A) On or before July 15, 2013, the Director of the Public 142470
Works Commission shall certify to the Director of Budget and 142471
Management the following: 142472

(1) The total amount disbursed from appropriation item 142473
700409, Farmland Preservation, during the FY 2012-FY 2013 142474
biennium; and 142475

(2) The amount of interest earnings that have been credited 142476
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 142477
of the amount needed for other purposes as calculated by the 142478
Director of the Public Works Commission. 142479

(B) If the Director of Budget and Management determines under 142480
division (A)(2) of this section that there are excess interest 142481
earnings, the Director of Budget and Management shall, on or 142482
before July 15, 2013, transfer the excess interest earnings to the 142483

General Revenue Fund in an amount equal to the total amount				142484
disbursed under division (A)(1) of this section from the Clean				142485
Ohio Conservation Fund (Fund 7056).				142486
Section 369.10. RAC STATE RACING COMMISSION				142487
State Special Revenue Fund Group				142488
5620 875601 Thoroughbred Race	\$	1,796,328	\$ 1,696,456	142489
Fund				
5630 875602 Standardbred	\$	1,697,418	\$ 1,697,452	142490
Development Fund				
5640 875603 Quarter Horse	\$	1,000	\$ 1,000	142491
Development Fund				
5650 875604 Racing Commission	\$	3,095,331	\$ 2,934,178	142492
Operating				
5C40 875607 Simulcast Horse	\$	12,000,000	\$ 12,000,000	142493
Racing Purse				
TOTAL SSR State Special Revenue				142494
Fund Group	\$	18,590,078	\$ 18,329,087	142495
Holding Account Redistribution Fund Group				142496
R021 875605 Bond Reimbursements	\$	100,000	\$ 100,000	142497
TOTAL 090 Holding Account				142498
Redistribution				
Fund Group	\$	100,000	\$ 100,000	142499
TOTAL ALL BUDGET FUND GROUPS	\$	18,690,078	\$ 18,429,087	142500
Section 371.10. BOR BOARD OF REGENTS				142502
General Revenue Fund				142503
GRF 235321 Operating Expenses	\$	2,300,000	\$ 2,300,000	142504
GRF 235401 Lease Rental Payments	\$	83,151,600	\$ 57,634,400	142505
GRF 235402 Sea Grants	\$	285,000	\$ 285,000	142506
GRF 235406 Articulation and	\$	2,000,000	\$ 2,000,000	142507
Transfer				

GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	142508
GRF 235409	Information System	\$	800,000	\$	800,000	142509
GRF 235414	State Grants and Scholarship Administration	\$	1,230,000	\$	1,230,000	142510
GRF 235417	Ohio Learning Network	\$	2,532,688	\$	2,532,688	142511
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	142512
GRF 235433	Economic Growth Challenge	\$	440,000	\$	440,000	142513
GRF 235438	Choose Ohio First Scholarship	\$	15,750,085	\$	15,750,085	142514
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$	7,302,416	142515
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,317,547	\$	15,317,547	142516
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	142517
GRF 235501	State Share of Instruction	\$	1,735,530,031	\$	1,751,225,497	142518
GRF 235502	Student Support Services	\$	632,974	\$	632,974	142519
GRF 235504	War Orphans Scholarships	\$	4,787,833	\$	4,787,833	142520
GRF 235507	OhioLINK	\$	6,100,000	\$	6,100,000	142521
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	142522
GRF 235510	Ohio Supercomputer Center	\$	3,347,418	\$	3,347,418	142523

GRF 235511	Cooperative Extension Service	\$	22,220,910	\$	22,220,910	142524
GRF 235514	Central State Supplement	\$	11,503,651	\$	10,928,468	142525
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	142526
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	142527
GRF 235520	Shawnee State Supplement	\$	2,448,523	\$	2,326,097	142528
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	142529
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	142530
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	142531
GRF 235535	Ohio Agricultural Research and Development Center	\$	33,100,000	\$	33,100,000	142532
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	142533
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	142534
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	142535
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	142536
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	142537
GRF 235541	Northeast Ohio Medical University Clinical	\$	2,994,178	\$	2,994,178	142538

	Teaching				
GRF 235552	Capital Component	\$	20,638,274	\$	20,638,274 142539
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342 142540
GRF 235556	Ohio Academic	\$	3,172,519	\$	3,172,519 142541
	Resources Network				
GRF 235558	Long-term Care	\$	195,300	\$	195,300 142542
	Research				
GRF 235563	Ohio College	\$	80,284,265	\$	80,284,265 142543
	Opportunity Grant				
GRF 235572	The Ohio State	\$	766,533	\$	766,533 142544
	University Clinic				
	Support				
GRF 235599	National Guard	\$	16,912,271	\$	18,143,293 142545
	Scholarship Program				
GRF 235909	Higher Education	\$	108,262,500	\$	201,555,000 142546
	General Obligation				
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,226,105,156	\$	2,310,109,335 142547
	General Services Fund Group				142548
2200 235614	Program Approval and	\$	1,311,567	\$	1,457,959 142549
	Reauthorization				
4560 235603	Sales and Services	\$	199,250	\$	199,250 142550
5JC0 235649	Co-op Internship	\$	12,000,000	\$	12,000,000 142551
	Program				
5JC0 235667	Ohio College	\$	6,000,000	\$	6,000,000 142552
	Opportunity				
	Grant-Proprietary				
5JC0 235668	Air Force Institute	\$	4,000,000	\$	4,000,000 142553
	of Technology -				
	Defense/Aerospace				
	Graduate Studies				
	Institute				
TOTAL GSF	General Services				142554

Fund Group			\$	23,510,817	\$	23,657,209	142555
Federal Special Revenue Fund Group							142556
3120	235609	Tech Prep	\$	183,850	\$	183,850	142557
3120	235611	Gear-up Grant	\$	3,900,000	\$	3,900,000	142558
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	142559
3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	142560
3120	235641	Adult Basic and Literacy Education - Federal	\$	14,835,671	\$	14,835,671	142561
3120	235659	Race to the Top Scholarship Program	\$	2,400,000	\$	3,780,000	142562
3120	235660	Race to the Top Educator Preparation Reform Initiative	\$	448,000	\$	1,120,000	142563
3120	235661	Americorps Grant	\$	260,000	\$	260,000	142564
3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	142565
3N60	235638	College Access Challenge Grant	\$	4,381,431	\$	4,381,431	142566
TOTAL FED	Federal Special Revenue						142567
Fund Group			\$	34,021,913	\$	36,073,913	142568
State Special Revenue Fund Group							142569
4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	142570
5FR0	235640	Joyce Foundation Grant	\$	919,719	\$	919,719	142571
5FR0	235647	Developmental Education Initiatives	\$	135,000	\$	135,000	142572
5FR0	235657	Win-Win Grant	\$	37,000	\$	15,000	142573

5P30	235663	Variable Savings Plan	\$	8,946,994	\$	9,072,136	142574
6450	235664	Guaranteed Savings Plan	\$	900,293	\$	907,514	142575
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	142576
TOTAL SSR State Special Revenue							142577
Fund Group							
			\$	11,859,426	\$	11,969,789	142578
Third Frontier Research & Development Fund Group							142579
7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	142580
Third Frontier Fund							
TOTAL 011 Third Frontier Research & Development Fund Group							142581
TOTAL ALL BUDGET FUND GROUPS							
			\$	2,303,497,312	\$	2,389,810,246	142582

Section 371.10.10. LEASE RENTAL PAYMENTS 142584

The foregoing appropriation item 235401, Lease Rental 142585
Payments, shall be used to meet all payments at the times they are 142586
required to be made during the period from July 1, 2011, through 142587
June 30, 2013, by the Chancellor of the Board of Regents under 142588
leases and agreements made under section 154.21 of the Revised 142589
Code. These appropriations are the source of funds pledged for 142590
bond service charges or obligations issued pursuant to Chapter 142591
154. of the Revised Code. 142592

Section 371.10.20. SEA GRANTS 142593

The foregoing appropriation item 235402, Sea Grants, shall be 142594
used as required matching Funds by The Ohio State University's Sea 142595
Grant program to enhance the economic value, public utilization, 142596
and responsible management of Lake Erie and Ohio's coastal 142597
resources. 142598

Section 371.10.30. ARTICULATION AND TRANSFER 142599

The foregoing appropriation item 235406, Articulation and 142600

Transfer, shall be used by the Chancellor of the Board of Regents 142601
to maintain and expand the work of the Articulation and Transfer 142602
Council to develop a system of transfer policies to ensure that 142603
students at state institutions of higher education can transfer 142604
and have coursework apply to their majors and degrees at any other 142605
state institution of higher education without unnecessary 142606
duplication or institutional barriers under sections 3333.16, 142607
3333.161, and 3333.162 of the Revised Code. 142608

Section 371.10.40. MIDWEST HIGHER EDUCATION COMPACT 142609

The foregoing appropriation item 235408, Midwest Higher 142610
Education Compact, shall be distributed by the Chancellor of the 142611
Board of Regents under section 3333.40 of the Revised Code. 142612

Section 371.10.50. INFORMATION SYSTEM 142613

The foregoing appropriation item 235409, Information System, 142614
shall be used by the Chancellor of the Board of Regents to support 142615
the development and implementation of information technology 142616
solutions designed to improve the performance and services of the 142617
Chancellor of the Board of Regents and the University System of 142618
Ohio. Information technology solutions shall be provided by the 142619
Ohio Academic Research Network (OARnet). 142620

Section 371.10.60. STATE GRANTS AND SCHOLARSHIP 142621

ADMINISTRATION 142622

The foregoing appropriation item 235414, State Grants and 142623
Scholarship Administration, shall be used by the Chancellor of the 142624
Board of Regents to administer the following student financial aid 142625
programs: Ohio College Opportunity Grant, Ohio War Orphans' 142626
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 142627
Officers College Memorial Fund, and any other student financial 142628
aid programs created by the General Assembly. The appropriation 142629

item also shall be used to support all state financial aid audits 142630
and student financial aid programs created by Congress, and to 142631
provide fiscal services for the Ohio National Guard Scholarship 142632
Program. 142633

Section 371.10.70. OHIO LEARNING NETWORK 142634

The foregoing appropriation item 235417, Ohio Learning 142635
Network, shall be used by the Chancellor of the Board of Regents 142636
to support the continued implementation of the Ohio Learning 142637
Network, a consortium organized under division (U) of section 142638
3333.04 of the Revised Code to expand access to dual enrollment 142639
opportunities for high school students, as well as adult and 142640
higher education opportunities through technology. The funds shall 142641
be used by the Ohio Learning Network to develop and promote 142642
learning and assessment through the use of technology, to test and 142643
provide advice on emerging learning-directed technologies, and to 142644
facilitate cost-effectiveness through shared educational 142645
technology investments. 142646

Of the foregoing appropriation item 235417, Ohio Learning 142647
Network, up to \$250,000 in each fiscal year shall be used by the 142648
Chancellor of the Board of Regents to fund staff support and 142649
operations of the Ohio Digital Learning Task Force established in 142650
Section 371.60.80 of this act. 142651

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 142652

The foregoing appropriation item 235428, Appalachian New 142653
Economy Partnership, shall be distributed to Ohio University to 142654
continue a multi-campus and multi-agency coordinated effort to 142655
link Appalachia to the new economy. Ohio University shall use 142656
these funds to provide leadership in the development and 142657
implementation of initiatives in the areas of entrepreneurship, 142658
management, education, and technology. 142659

Section 371.10.90. ECONOMIC GROWTH CHALLENGE 142660

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. 142661
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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. 142665
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Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP 142673

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.70 of the Revised Code. 142674
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142676

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235438, Choose Ohio First Scholarship, at the end of fiscal year 2012 is hereby reappropriated to the Board of Regents for the same purpose for fiscal year 2013. 142677
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Section 371.20.20. ADULT BASIC AND LITERACY EDUCATION 142682

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program. 142683
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Section 371.20.30. POST-SECONDARY ADULT CAREER-TECHNICAL 142689
EDUCATION 142690

The foregoing appropriation item 235444, Post-Secondary Adult 142691
Career-Technical Education, shall be used by the Chancellor of the 142692
Board of Regents in each fiscal year to provide post-secondary 142693
adult career-technical education under sections 3313.52 and 142694
3313.53 of the Revised Code. 142695

Section 371.20.40. AREA HEALTH EDUCATION CENTERS 142696

The foregoing appropriation item 235474, Area Health 142697
Education Centers Program Support, shall be used by the Chancellor 142698
of the Board of Regents to support the medical school regional 142699
area health education centers' educational programs for the 142700
continued support of medical and other health professions 142701
education and for support of the Area Health Education Center 142702
Program. 142703

Section 371.20.50. STATE SHARE OF INSTRUCTION FORMULAS 142704

The Chancellor of the Board of Regents shall establish 142705
procedures to allocate the foregoing appropriation item 235501, 142706
State Share of Instruction, based on the formulas, enrollment, 142707
course completion, degree attainment, and student achievement 142708
factors in the instructional models set out in this section. 142709

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 142710

(1) As soon as possible during each fiscal year of the 142711
biennium ending June 30, 2013, in accordance with instructions of 142712
the Board of Regents, each state-assisted institution of higher 142713
education shall report its actual enrollment, consistent with the 142714
definitions in the Higher Education Information (HEI) system's 142715
enrollment files, to the Chancellor of the Board of Regents. 142716

(2) In defining the number of full-time equivalent students 142717

for state subsidy purposes, the Chancellor of the Board of Regents 142718
shall exclude all undergraduate students who are not residents of 142719
Ohio, except those charged in-state fees in accordance with 142720
reciprocity agreements made under section 3333.17 of the Revised 142721
Code or employer contracts entered into under section 3333.32 of 142722
the Revised Code. 142723

(3) In calculating the core subsidy entitlements for 142724
university branch and main campuses, the Chancellor of the Board 142725
of Regents shall use the following count of FTE students: 142726

(a) The subsidy eligible enrollments by model shall equal 142727
only those FTE students who successfully complete the course as 142728
defined and reported through the Higher Education Information 142729
(HEI) system course enrollment file; 142730

(b) For those undergraduate FTE students with successful 142731
course completions, identified in division (A)(3)(a) of this 142732
section, that had an expected family contribution less than 2190 142733
or were determined to have been in need of remedial education 142734
shall be defined as at-risk students and shall have their eligible 142735
completions weighted by the following: 142736

(i) Campus-specific course completion rates by model; 142737

(ii) Campus-specific course completion indexes, where the 142738
indexes are calculated based upon the number of at-risk students 142739
enrolled during the 2009-2010 academic year; and 142740

(iii) A statewide average at-risk course completion weight 142741
determined for each subsidy model. The statewide average at-risk 142742
course completion weight shall be determined by calculating the 142743
difference between the percentage of traditional students who 142744
complete a course and the percentage of at-risk students who 142745
complete the same course. 142746

(4) In calculating the core subsidy entitlements for Medical 142747
II models only, students repeating terms may be no more than five 142748

per cent of current year enrollment. 142749

(5) In calculating the core subsidy entitlements for students 142750
enrolled in state-supported law schools, subsidy eligible FTE 142751
completions shall be limited to students identified as residents 142752
of Ohio. 142753

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 142754

For purposes of calculating state share of instruction 142755
allocations, the total instructional costs per full-time 142756
equivalent student shall be: 142757

Model	Fiscal Year 2012	Fiscal Year 2013	
ARTS AND HUMANITIES 1	\$8,000	\$8,207	142758
ARTS AND HUMANITIES 2	\$10,757	\$11,036	142759
ARTS AND HUMANITIES 3	\$13,853	\$14,212	142760
ARTS AND HUMANITIES 4	\$20,228	\$20,751	142761
ARTS AND HUMANITIES 5	\$32,605	\$33,449	142762
ARTS AND HUMANITIES 6	\$38,027	\$39,011	142763
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,124	\$7,308	142764
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,164	\$8,376	142765
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,430	\$10,700	142766
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,406	\$12,727	142767
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,267	\$19,765	142768
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,684	\$23,272	142769
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$29,426	\$30,188	142770
MEDICAL 1	\$51,214	\$52,539	142771
MEDICAL 2	\$46,876	\$48,089	142772
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,306	\$7,495	142773
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,242	\$10,507	142774
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$12,242	\$12,559	142775

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,592	\$15,995	142777
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$20,250	\$20,774	142778
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$22,357	\$22,935	142779
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$28,000	\$28,724	142780
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$37,731	\$38,707	142781
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$52,676	\$54,039	142782
MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			142783
accordance with division (D)(2) of this section.			142784
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			142785
AND GRADUATE WEIGHTS			142786
For the purpose of implementing the recommendations of the			142787
State Share of Instruction Consultation and the Higher Education			142788
Funding Study Council that priority be given to maintaining state			142789
support for science, technology, engineering, mathematics,			142790
medicine, and graduate programs, the costs in division (B) of this			142791
section shall be weighted by the amounts provided below:			142792
Model	Fiscal	Fiscal	142793
	Year 2012	Year 2013	
ARTS AND HUMANITIES 1	1.0000	1.0000	142794
ARTS AND HUMANITIES 2	1.0000	1.0000	142795
ARTS AND HUMANITIES 3	1.0000	1.0000	142796
ARTS AND HUMANITIES 4	1.0000	1.0000	142797
ARTS AND HUMANITIES 5	1.0425	1.0425	142798
ARTS AND HUMANITIES 6	1.0425	1.0425	142799
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	142800
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	142801

BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	142802
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	142803
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	142804
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	142805
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	142806
MEDICAL 1	1.6456	1.6456	142807
MEDICAL 2	1.7462	1.7462	142808
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	142809
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	142810
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	142811
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	142812
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	142813
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	142814
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	142815
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	142816
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	142817
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			142818
ENTITLEMENTS AND ADJUSTMENTS			142819
(1) Of the foregoing appropriation item 235501, State Share			142820
of Instruction, 7.5 per cent of the fiscal year 2012 appropriation			142821
and 10 per cent of the fiscal year 2013 appropriation for			142822
state-supported community colleges, state community colleges, and			142823
technical colleges shall be allocated to colleges in proportion to			142824
their share of college student success factors as adopted by the			142825

Chancellor of the Board of Regents in formal communication to the 142826
Controlling Board on August 30, 2010. 142827

(2) Of the foregoing appropriation item 235501, State Share 142828
of Instruction, up to 12.89 per cent of the appropriation for 142829
university main campuses in each fiscal year shall be reserved for 142830
support of doctoral programs to implement the funding 142831
recommendations made by representatives of the universities. The 142832
amount so reserved shall be referred to as the doctoral set-aside. 142833

The doctoral set-aside shall be allocated to universities as 142834
follows: 142835

(a) 70 per cent of the doctoral set-aside in fiscal year 2012 142836
and 60 per cent of the doctoral set-aside in fiscal year 2013 142837
shall be allocated to universities in proportion to their share of 142838
the total number of Doctoral I equivalent FTEs as calculated on an 142839
institutional basis using the greater of the two-year or five-year 142840
FTEs for the period fiscal year 1994 through fiscal year 1998 with 142841
annualized FTEs for fiscal years 1994 through 1997 and all-term 142842
FTEs for fiscal year 1998 as adjusted to reflect the effects of 142843
doctoral review and subsequent changes in Doctoral I equivalent 142844
enrollments. For the purposes of this calculation, Doctoral I 142845
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 142846
times the sum of Doctoral II FTEs. 142847

(b) 15 per cent of the doctoral set-aside in fiscal year 2012 142848
and 20 per cent of the doctoral set-aside in fiscal year 2013 142849
shall be allocated to universities in proportion to each campus's 142850
share of the total statewide doctoral degrees, weighted by the 142851
cost of the doctoral discipline. In calculating each campus's 142852
doctoral degrees the Chancellor of the Board of Regents shall use 142853
the three-year average doctoral degrees awarded for the three-year 142854
period ending in the prior year. 142855

(c) 7.5 per cent of the doctoral set-aside in fiscal year 142856

2012 and 10 per cent of the doctoral set-aside in fiscal year 2013 142857
shall be allocated to universities in proportion to their share of 142858
research grant activity, using a data collection method that is 142859
reviewed and approved by the presidents of Ohio's doctoral degree 142860
granting universities. In the event that the data collection 142861
method is not available, funding for this component shall be 142862
allocated to universities in proportion to their share of research 142863
grant activity published by the National Science Foundation. Grant 142864
awards from the Department of Health and Human Services shall be 142865
weighted at 50 per cent. 142866

(d) 7.5 per cent of the doctoral set-aside in fiscal year 142867
2012 and 10 per cent of the doctoral set-aside in fiscal year 2013 142868
shall be allocated to universities based on other quality measures 142869
that contribute to the advancement of quality doctoral programs. 142870
These other quality measures shall be identified by the Chancellor 142871
in consultation with universities. If for any reason metrics for 142872
distributing the quality component of the doctoral set-aside are 142873
not identified prior to the fiscal year allocation process, this 142874
portion of the doctoral set-aside funds shall be allocated to 142875
universities based on division (D)(2)(a) of this section. 142876

(3) Of the foregoing appropriation item 235501, State Share 142877
of Instruction, 7.01 per cent of the appropriation for university 142878
main campuses in each fiscal year shall be reserved for support of 142879
Medical II FTEs. The amount so reserved shall be referred to as 142880
the medical II set-aside. 142881

The medical II set-aside shall be allocated to universities 142882
in proportion to their share of the total number of Medical II 142883
FTEs as calculated in division (A) of this section, weighted by 142884
model cost. 142885

The Northeast Ohio Medical University may use funds from the 142886
addition of 35 medical students resulting from its partnership 142887
with Cleveland State University to establish the Northeast Ohio 142888

Medical University academic campus at Cleveland State University 142889
to enable 50 per cent or more of the medical curriculum to be 142890
based in Cleveland at Cleveland State University, local hospitals, 142891
and community- and neighborhood-based primary care clinics. 142892
Cleveland State University shall not receive state capital 142893
appropriations to pay for facilities for the academic campus. 142894

(4) Of the foregoing appropriation item 235501, State Share 142895
of Instruction, 1.61 per cent of the appropriation for university 142896
main campuses in each fiscal year shall be reserved for support of 142897
Medical I FTEs. The amount so reserved shall be referred to as the 142898
medical I set-aside. 142899

The medical I set-aside shall be allocated to universities in 142900
proportion to their share of the total number of Medical I FTEs as 142901
calculated in division (A) of this section. 142902

(5) Of the foregoing appropriation item 235501, State Share 142903
of Instruction, 15 per cent of the fiscal year 2012 appropriation 142904
for university main campuses and 20 per cent of the fiscal year 142905
2013 appropriation for university main campuses shall be reserved 142906
for support of associate, baccalaureate, master's, and 142907
professional level degree attainment. 142908

The degree attainment funding shall be allocated to 142909
universities in proportion to each campus's share of the total 142910
statewide degrees granted, weighted by the cost of the degree 142911
programs. 142912

In calculating the subsidy entitlements for degree attainment 142913
at university main campuses, the Chancellor of the Board of 142914
Regents shall use the following count of degrees and degree costs: 142915

(a) For those associate degrees awarded by a state-supported 142916
university, the subsidy eligible degrees granted are defined as 142917
only those earned by students attending a university that received 142918
funding under GRF appropriation item 235418, Access Challenge, in 142919

fiscal year 2009. 142920

(b) In calculating each campus's count of degrees, the 142921
Chancellor of the Board of Regents shall use the three-year 142922
average associate, baccalaureate, master's, and professional 142923
degrees awarded for the three-year period ending in the prior 142924
year. 142925

(c) Eligible associate degrees defined in division (D)(5)(a) 142926
of this section and all bachelor's degrees earned by a student 142927
that either had an expected family contribution less than 2190, 142928
was determined to have been in need of remedial education, is 142929
Native American, African American, or Hispanic, or is at least age 142930
26 at the time of graduation, shall be defined as degrees earned 142931
by an at-risk student and shall be weighted by the following: 142932

(i) A campus-specific degree completion index, where the 142933
index is calculated based on the number of at-risk students 142934
enrolled during a two-year degree cohort beginning in fiscal year 142935
2000 or 2001 and earning a degree in eight years or less; and 142936

(ii) A statewide average at-risk completion weight determined 142937
by calculating the difference between the percentage of 142938
traditional students who earned a degree and the percentage of 142939
at-risk students who earned a degree during the same time period. 142940

(6) Each campus's state share of instruction base formula 142941
earnings shall be determined as follows: 142942

(a) For each campus in each fiscal year, the instructional 142943
costs shall be determined by multiplying the amounts listed above 142944
in divisions (B) and (C) of this section by (i) average 142945
subsidy-eligible FTEs for the two-year period ending in the prior 142946
year for all models except Doctoral I and Doctoral II; and (ii) 142947
average subsidy-eligible FTEs for the five-year period ending in 142948
the prior year for all models except Doctoral I and Doctoral II. 142949

(b) The Chancellor of the Board of Regents shall compute the 142950

two calculations listed in division (D)(6)(a) of this section and 142951
use the greater amount as each campus's instructional costs. 142952

(c) The Chancellor of the Board of Regents shall compute a 142953
uniform state share of instructional costs for each sector. 142954

(i) For the state-supported community colleges, state 142955
community colleges, and technical colleges, the Chancellor of the 142956
Board of Regents shall compute the uniform state share of 142957
instructional costs by dividing the sector level appropriation 142958
total as determined by the Chancellor in division (A)(1) of 142959
Section 371.20.60 of this act and adjusted pursuant to divisions 142960
(B) and (C) of Section 371.20.60 of this act, less the student 142961
college success allocation as described in division (D)(1) of this 142962
section, by the sum of all eligible campuses' instructional costs 142963
as calculated in division (D)(6)(b) of this section. 142964

(ii) For the state-supported university branch campuses, the 142965
Chancellor of the Board of Regents shall compute the uniform state 142966
share of instructional costs by dividing the sector level 142967
appropriation, as determined by the Chancellor in division (A)(2) 142968
of Section 371.20.60 of this act and adjusted pursuant to division 142969
(B) of Section 371.20.60 of this act by the sum of all campuses' 142970
instructional costs as calculated in division (D)(6)(b) of this 142971
section. 142972

(iii) For the state-supported university main campuses, the 142973
Chancellor of the Board of Regents shall compute the uniform state 142974
share of instructional costs by dividing the sector level 142975
appropriation, as determined by the Chancellor in division (A)(3) 142976
of Section 371.20.60 of this act and adjusted pursuant to division 142977
(B) of Section 371.20.60 of this act, less the doctoral set-aside, 142978
less the medical I set-aside, less the medical II set-aside, and 142979
less the degree attainment funding as calculated in divisions 142980
(D)(2) to (5) of this section, by the sum of all campuses' 142981
instructional costs as calculated in division (D)(6)(b) of this 142982

section.	142983
(d) The formula entitlement for each sector's campuses shall	142984
be determined by multiplying the uniform state share of	142985
instructional costs calculated in division (D)(6)(c) of this	142986
section by the campus's instructional cost determined in division	142987
(D)(6)(b) of this section.	142988
(7) In addition to the student success allocation, doctoral	142989
set-aside, medical I set-aside, medical II set-aside, and the	142990
degree attainment allocation determined in divisions (D)(1) to (5)	142991
of this section and the formula entitlement determined in division	142992
(D)(6) of this section, an allocation based on facility-based	142993
plant operations and maintenance (POM) subsidy shall be made. For	142994
each eligible campus, the amount of the POM allocation in each	142995
fiscal year shall be distributed based on what each campus	142996
received in the fiscal year 2009 POM allocation.	142997
Any POM allocations required by this division shall be funded	142998
by proportionately reducing formula entitlement earnings,	142999
including the POM allocations, for all campuses in that sector.	143000
(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING	143001
(a) In addition to and after the adjustments noted above, in	143002
fiscal year 2012, no campus shall receive a state share of	143003
instruction allocation that is less than the lesser of the	143004
following two amounts, net of funding for the medical II	143005
set-aside:	143006
(i) The prior year's state share of instruction amount	143007
reduced by 3 per cent, or	143008
(ii) The prior year's state share of instruction amount	143009
reduced by a percentage equal to the percentage change from the	143010
prior year in the campus's sector's state share of instruction	143011
funding minus three percentage points. Funds shall be made	143012
available to support this allocation by proportionately reducing	143013

formula entitlement earnings from those campuses, within each 143014
sector, that are not receiving stability funding. 143015

(b) In fiscal year 2013, in addition to and after the 143016
adjustments noted above, no campus shall receive a state share of 143017
instruction allocation that is less than the lesser of the 143018
following two amounts, net of funding for the medical II 143019
set-aside: 143020

(i) The prior year's state share of instruction amount 143021
reduced by 4 per cent, or 143022

(ii) The prior year's state share of instruction amount 143023
reduced by a percentage equal to the percentage change from the 143024
prior year in the campus's sector's state share of instruction 143025
funding minus four percentage points. Funds shall be made 143026
available to support this allocation by proportionately reducing 143027
formula entitlement earnings from those campuses, within each 143028
sector, that are not receiving stability funding. 143029

(c) For main campus universities that operate a medical 143030
school, in fiscal year 2012 no campus shall receive an allocation 143031
for the medical II set-aside that is less than the lesser of the 143032
following amounts: 143033

(i) The prior year's allocation for the medical II set-aside 143034
reduced by 2 per cent, or 143035

(ii) The prior year's allocation for the medical II set-aside 143036
reduced by a percentage equal to the percentage change from the 143037
prior year in the total medical II set-aside minus two percentage 143038
points. Funds shall be made available to support this allocation 143039
by proportionately reducing formula entitlement earnings from 143040
public medical schools, within each sector, that are not receiving 143041
stability funding. 143042

(d) In fiscal year 2013, no main campus university that 143043
operates a medical school shall receive an allocation for the 143044

medical II set-aside that is less than 97 per cent of the prior 143045
year's allocation for the medical II set-aside. Funds shall be 143046
made available to support this allocation by proportionately 143047
reducing formula entitlement earnings from public medical schools, 143048
within each sector, that are not receiving stability funding. 143049

(9) CAPITAL COMPONENT DEDUCTION 143050

After all other adjustments have been made, state share of 143051
instruction earnings shall be reduced for each campus by the 143052
amount, if any, by which debt service charged in Am. H.B. 748 of 143053
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 143054
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 143055
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 143056
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 143057
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 143058
562 of the 127th General Assembly for that campus exceeds that 143059
campus's capital component earnings. The sum of the amounts 143060
deducted shall be transferred to appropriation item 235552, 143061
Capital Component, in each fiscal year. 143062

(E) EXCEPTIONAL CIRCUMSTANCES 143063

Adjustments may be made to the state share of instruction 143064
payments and other subsidies distributed by the Chancellor of the 143065
Board of Regents to state-assisted colleges and universities for 143066
exceptional circumstances. No adjustments for exceptional 143067
circumstances may be made without the recommendation of the 143068
Chancellor and the approval of the Controlling Board. 143069

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 143070
INSTRUCTION 143071

The standard provisions of the state share of instruction 143072
calculation as described in the preceding sections of temporary 143073
law shall apply to any reductions made to appropriation item 143074
235501, State Share of Instruction, before the Chancellor of the 143075

Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor of the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to the Chancellor of the Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Chancellor.

Section 371.20.60. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2012 AND 2013

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$400,039,672 in fiscal year 2012 and \$403,657,477 in fiscal year 2013 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share

of Instruction, \$115,139,824 in fiscal year 2012 and \$116,181,104 143106
in fiscal year 2013 shall be distributed to state-supported 143107
university branch campuses. 143108

(3) Of the foregoing appropriation item 235501, State Share 143109
of Instruction, \$1,220,350,535 in fiscal year 2012 and 143110
\$1,231,386,916 in fiscal year 2013 shall be distributed to 143111
state-supported university main campuses. 143112

(B) Of the amounts earmarked in division (A) of this section, 143113
\$60,996,059 in each fiscal year shall be distributed to eligible 143114
colleges and universities based on each campus's share of the 143115
appropriation item 235418, Access Challenge, in fiscal year 2009. 143116

(C) Of the amount earmarked in division (A)(1) of this 143117
section, \$10,323,056 in each fiscal year shall be distributed 143118
among state-supported community colleges, state community 143119
colleges, and technical colleges in an amount equal to the amount 143120
each institution received in fiscal year 2009 from the 143121
supplemental tuition subsidy earmarked under Section 375.30.25 of 143122
H.B. 119 of the 127th General Assembly. 143123

(D) The state share of instruction payments to the 143124
institutions shall be in substantially equal monthly amounts 143125
during the fiscal year, unless otherwise determined by the 143126
Director of Budget and Management pursuant to section 126.09 of 143127
the Revised Code. Payments during the last six months of the 143128
fiscal year shall be distributed after approval of the Controlling 143129
Board upon the request of the Chancellor of the Board of Regents. 143130

Section 371.20.65. TRANSFER OF INSTRUCTIONAL SUBSIDIES 143131
BETWEEN UNIVERSITIES 143132

Notwithstanding any provision of law to the contrary, in 143133
consultation with the Chancellor of the Board of Regents, a 143134
state-supported university may request to transfer state share of 143135

instruction subsidy allocations of the foregoing appropriation 143136
item 235501, State Share of Instruction, between a university main 143137
campus and any university branch campus for which the university 143138
main campus is affiliated to best accomplish institutional goals 143139
and objectives. At the request of the Chancellor of the Board of 143140
Regents, the Director of Budget and Management may transfer the 143141
requested amounts of state share of instruction appropriation 143142
allocations between affiliated university branch campuses and 143143
university main campuses. 143144

Section 371.20.70. RESTRICTION ON FEE INCREASES 143145

The boards of trustees of state-assisted institutions of 143146
higher education shall restrain increases in in-state 143147
undergraduate instructional and general fees. Each state 143148
university, university branch, and the Northeast Ohio Medical 143149
University shall not increase its in-state undergraduate 143150
instructional and general fees more than 3.5 per cent over what 143151
the institution charged for the preceding academic year. 143152

Each community college, state community college, and 143153
technical college shall not increase its in-state undergraduate 143154
instructional and general fees by more than \$200 more than the 143155
institution charged for the preceding academic year. 143156

These limitations shall not apply to increases required to 143157
comply with institutional covenants related to their obligations 143158
or to meet unfunded legal mandates or legally binding obligations 143159
incurred or commitments made prior to the effective date of this 143160
section with respect to which the institution had identified such 143161
fee increases as the source of funds. Any increase required by 143162
such covenants and any such mandates, obligations, or commitments 143163
shall be reported by the Chancellor of the Board of Regents to the 143164
Controlling Board. These limitations may also be modified by the 143165
Chancellor of the Board of Regents, with the approval of the 143166

Controlling Board, to respond to exceptional circumstances as 143167
identified by the Chancellor of the Board of Regents. 143168

Section 371.20.80. HIGHER EDUCATION - BOARD OF TRUSTEES 143169

(A) Funds appropriated for instructional subsidies at 143170
colleges and universities may be used to provide such branch or 143171
other off-campus undergraduate courses of study and such master's 143172
degree courses of study as may be approved by the Chancellor of 143173
the Board of Regents. 143174

(B) In providing instructional and other services to 143175
students, boards of trustees of state-assisted institutions of 143176
higher education shall supplement state subsidies with income from 143177
charges to students. Except as otherwise provided in this act, 143178
each board shall establish the fees to be charged to all students, 143179
including an instructional fee for educational and associated 143180
operational support of the institution and a general fee for 143181
noninstructional services, including locally financed student 143182
services facilities used for the benefit of enrolled students. The 143183
instructional fee and the general fee shall encompass all charges 143184
for services assessed uniformly to all enrolled students. Each 143185
board may also establish special purpose fees, service charges, 143186
and fines as required; such special purpose fees and service 143187
charges shall be for services or benefits furnished individual 143188
students or specific categories of students and shall not be 143189
applied uniformly to all enrolled students. A tuition surcharge 143190
shall be paid by all students who are not residents of Ohio. 143191

The board of trustees of a state-assisted institution of 143192
higher education shall not authorize a waiver or nonpayment of 143193
instructional fees or general fees for any particular student or 143194
any class of students other than waivers specifically authorized 143195
by law or approved by the Chancellor. This prohibition is not 143196
intended to limit the authority of boards of trustees to provide 143197

for payments to students for services rendered the institution, 143198
nor to prohibit the budgeting of income for staff benefits or for 143199
student assistance in the form of payment of such instructional 143200
and general fees. 143201

Each state-assisted institution of higher education in its 143202
statement of charges to students shall separately identify the 143203
instructional fee, the general fee, the tuition charge, and the 143204
tuition surcharge. Fee charges to students for instruction shall 143205
not be considered to be a price of service but shall be considered 143206
to be an integral part of the state government financing program 143207
in support of higher educational opportunity for students. 143208

(C) The boards of trustees of state-assisted institutions of 143209
higher education shall ensure that faculty members devote a proper 143210
and judicious part of their work week to the actual instruction of 143211
students. Total class credit hours of production per academic term 143212
per full-time faculty member is expected to meet the standards set 143213
forth in the budget data submitted by the Chancellor of the Board 143214
of Regents. 143215

(D) The authority of government vested by law in the boards 143216
of trustees of state-assisted institutions of higher education 143217
shall in fact be exercised by those boards. Boards of trustees may 143218
consult extensively with appropriate student and faculty groups. 143219
Administrative decisions about the utilization of available 143220
resources, about organizational structure, about disciplinary 143221
procedure, about the operation and staffing of all auxiliary 143222
facilities, and about administrative personnel shall be the 143223
exclusive prerogative of boards of trustees. Any delegation of 143224
authority by a board of trustees in other areas of responsibility 143225
shall be accompanied by appropriate standards of guidance 143226
concerning expected objectives in the exercise of such delegated 143227
authority and shall be accompanied by periodic review of the 143228
exercise of this delegated authority to the end that the public 143229

interest, in contrast to any institutional or special interest, 143230
shall be served. 143231

Section 371.20.90. STUDENT SUPPORT SERVICES 143232

The foregoing appropriation item 235502, Student Support 143233
Services, shall be distributed by the Chancellor of the Board of 143234
Regents to Ohio's state-assisted colleges and universities that 143235
incur disproportionate costs in the provision of support services 143236
to disabled students. 143237

Section 371.30.10. WAR ORPHANS SCHOLARSHIPS 143238

The foregoing appropriation item 235504, War Orphans 143239
Scholarships, shall be used to reimburse state-assisted 143240
institutions of higher education for waivers of instructional fees 143241
and general fees provided by them, to provide grants to 143242
institutions that have received a certificate of authorization 143243
from the Chancellor of the Board of Regents under Chapter 1713. of 143244
the Revised Code, in accordance with the provisions of section 143245
5910.04 of the Revised Code, and to fund additional scholarship 143246
benefits provided by section 5910.032 of the Revised Code. 143247

An amount equal to the unexpended, unencumbered portion of 143248
the foregoing appropriation item 235504, War Orphans Scholarships, 143249
at the end of fiscal year 2012 is hereby reappropriated to the 143250
Board of Regents for the same purpose for fiscal year 2013. 143251

Section 371.30.20. OHIOLINK 143252

The foregoing appropriation item 235507, OhioLINK, shall be 143253
used by the Chancellor of the Board of Regents to support 143254
OhioLINK, a consortium organized under division (U) of section 143255
3333.04 of the Revised Code to serve as the state's electronic 143256
library information and retrieval system, which provides access 143257
statewide to an extensive set of electronic databases and 143258

resources and the library holdings of Ohio's public and 143259
participating private nonprofit colleges and universities, and the 143260
State Library of Ohio. 143261

Section 371.30.30. AIR FORCE INSTITUTE OF TECHNOLOGY 143262

The foregoing appropriation item 235508, Air Force Institute 143263
of Technology, shall be used by the director of the Air Force 143264
Institute to: (A) strengthen the research and educational linkages 143265
between the Wright Patterson Air Force Base and institutions of 143266
higher education in Ohio; and (B) support the Dayton Area Graduate 143267
Studies Institute, an engineering graduate consortium of Wright 143268
State University, the University of Dayton, and the Air Force 143269
Institute of Technology, with the participation of the University 143270
of Cincinnati and The Ohio State University. 143271

Section 371.30.40. OHIO SUPERCOMPUTER CENTER 143272

The foregoing appropriation item 235510, Ohio Supercomputer 143273
Center, shall be used by the Chancellor of the Board of Regents to 143274
support the operation of the Ohio Supercomputer Center, a 143275
consortium organized under division (U) of section 3333.04 of the 143276
Revised Code, located at The Ohio State University. The Ohio 143277
Supercomputer Center is a statewide resource available to Ohio 143278
research universities both public and private. It is also intended 143279
that the center be made accessible to private industry as 143280
appropriate. 143281

Funds shall be used, in part, to support the Ohio 143282
Supercomputer Center's Computational Science Initiative, which 143283
includes its industrial outreach program, Blue Collar Computing, 143284
and its School of Computational Science. These collaborations 143285
between the Ohio Supercomputer Center and Ohio's colleges and 143286
universities shall be aimed at making Ohio a leader in using 143287
computer modeling to promote economic development. 143288

Section 371.30.50. COOPERATIVE EXTENSION SERVICE 143289

The foregoing appropriation item 235511, Cooperative 143290
Extension Service, shall be disbursed through the Chancellor of 143291
the Board of Regents to The Ohio State University in monthly 143292
payments, unless otherwise determined by the Director of Budget 143293
and Management under section 126.09 of the Revised Code. 143294

Section 371.30.60. CENTRAL STATE SUPPLEMENT 143295

The Chancellor of the Board of Regents shall, in consultation 143296
with Central State University, develop a plan whereby the 143297
foregoing appropriation item 235514, Central State Supplement, 143298
shall be used in a manner consistent with the goals of increasing 143299
enrollment, improving course completion, and increasing the number 143300
of degrees conferred. The Chancellor shall submit a summary of the 143301
plan to the Speaker of the House of Representatives, the President 143302
of the Senate, and the Governor by December 31, 2011. 143303

The foregoing appropriation item 235514, Central State 143304
Supplement, shall be disbursed by the Chancellor of the Board of 143305
Regents to Central State University. The first two disbursements 143306
in fiscal year 2012 shall be made on a quarterly basis. Beginning 143307
January 1, 2012, the funds shall be disbursed to Central State 143308
University in accordance with the plan developed by the Chancellor 143309
under this section. 143310

The Chancellor shall monitor the implementation of the plan 143311
and the use of funds. Central State University shall provide any 143312
information requested by the Chancellor related to the 143313
implementation of the plan. If the Chancellor determines that 143314
Central State University's use of supplemental funds is not in 143315
accordance with the plan or if the plan is not having the desired 143316
effect, the Chancellor may notify Central State University that 143317
the plan is suspended. Upon receiving such notice, Central State 143318

University shall avoid all unnecessary expenditures under the 143319
plan. The Chancellor shall notify the Controlling Board of the 143320
suspension of the plan and within sixty days prepare a new plan 143321
for the use of any remaining funds. 143322

Section 371.30.70. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 143323
MEDICINE 143324

The foregoing appropriation item 235515, Case Western Reserve 143325
University School of Medicine, shall be disbursed to Case Western 143326
Reserve University through the Chancellor of the Board of Regents 143327
in accordance with agreements entered into under section 3333.10 143328
of the Revised Code, provided that the state support per full-time 143329
medical student shall not exceed that provided to full-time 143330
medical students at state universities. 143331

Section 371.30.80. FAMILY PRACTICE 143332

The Chancellor of the Ohio Board of Regents shall develop 143333
plans consistent with existing criteria and guidelines as may be 143334
required for the distribution of appropriation item 235519, Family 143335
Practice. 143336

Section 371.30.90. SHAWNEE STATE SUPPLEMENT 143337

The Chancellor of the Board of Regents shall, in consultation 143338
with Shawnee State University, develop a plan whereby the 143339
foregoing appropriation item 235520, Shawnee State Supplement, 143340
shall be used in a manner consistent with the goals of improving 143341
course completion, increasing the number of degrees conferred, and 143342
furthering the university's mission of service to the Appalachian 143343
region. The Chancellor shall submit a summary of the plan to the 143344
Speaker of the House of Representatives, the President of the 143345
Senate, and the Governor by December 31, 2011. 143346

The foregoing appropriation item 235520, Shawnee State 143347

Supplement, shall be disbursed by the Chancellor of the Board of Regents to Shawnee State University. The first two disbursements in fiscal year 2012 shall be made on a quarterly basis. Beginning January 1, 2012, the funds shall be disbursed to Shawnee State University in accordance with the plan developed by the Chancellor under this section.

The Chancellor shall monitor the implementation of the plan and the use of funds. Shawnee State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Shawnee State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Shawnee State University that the plan is suspended. Upon receiving such notice, Shawnee State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds.

Section 371.40.10. POLICE AND FIRE PROTECTION

The foregoing appropriation item 235524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein.

Section 371.40.20. GERIATRIC MEDICINE

The Chancellor of the Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235525,

Geriatric Medicine. 143378

Section 371.40.30. PRIMARY CARE RESIDENCIES 143379

The Chancellor of the Board of Regents shall develop plans 143380
consistent with existing criteria and guidelines as may be 143381
required for the distribution of appropriation item 235526, 143382
Primary Care Residencies. 143383

The foregoing appropriation item 235526, Primary Care 143384
Residencies, shall be distributed in each fiscal year of the 143385
biennium, based on whether or not the institution has submitted 143386
and gained approval for a plan. If the institution does not have 143387
an approved plan, it shall receive five per cent less funding per 143388
student than it would have received from its annual allocation. 143389
The remaining funding shall be distributed among those 143390
institutions that meet or exceed their targets. 143391

Section 371.40.40. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 143392
CENTER 143393

The foregoing appropriation item 235535, Ohio Agricultural 143394
Research and Development Center, shall be disbursed through the 143395
Chancellor of the Board of Regents to The Ohio State University in 143396
monthly payments, unless otherwise determined by the Director of 143397
Budget and Management under section 126.09 of the Revised Code. 143398
The Ohio Agricultural Research and Development Center shall not be 143399
required to remit payment to The Ohio State University during the 143400
biennium ending June 30, 2013, for cost reallocation assessments. 143401
The cost reallocation assessments include, but are not limited to, 143402
any assessment on state appropriations to the Center. 143403

The Ohio Agricultural Research and Development Center, an 143404
entity of the College of Food, Agricultural, and Environmental 143405
Sciences of The Ohio State University, shall further its mission 143406
of enhancing Ohio's economic development and job creation by 143407

continuing to internally allocate on a competitive basis 143408
appropriated funding of programs based on demonstrated 143409
performance. Academic units, faculty, and faculty-driven programs 143410
shall be evaluated and rewarded consistent with agreed-upon 143411
performance expectations as called for in the College's 143412
Expectations and Criteria for Performance Assessment. 143413

Section 371.40.50. STATE UNIVERSITY CLINICAL TEACHING 143414

The foregoing appropriation items 235536, The Ohio State 143415
University Clinical Teaching; 235537, University of Cincinnati 143416
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 143417
235539, Wright State University Clinical Teaching; 235540, Ohio 143418
University Clinical Teaching; and 235541, Northeast Ohio Medical 143419
University Clinical Teaching, shall be distributed through the 143420
Chancellor of the Board of Regents. 143421

Section 371.40.60. CAPITAL COMPONENT 143422

The foregoing appropriation item 235552, Capital Component, 143423
shall be used by the Chancellor of the Board of Regents to 143424
implement the capital funding policy for state-assisted colleges 143425
and universities established in Am. H.B. 748 of the 121st General 143426
Assembly. Appropriations from this item shall be distributed to 143427
all campuses for which the estimated campus debt service 143428
attributable to new qualifying capital projects is less than the 143429
campus's formula-determined capital component allocation. Campus 143430
allocations shall be determined by subtracting the estimated 143431
campus debt service attributable to new qualifying capital 143432
projects from the campus's formula-determined capital component 143433
allocation. Moneys distributed from this appropriation item shall 143434
be restricted to capital-related purposes. 143435

Any campus for which the estimated campus debt service 143436
attributable to qualifying capital projects is greater than the 143437

campus's formula-determined capital component allocation shall 143438
have the difference subtracted from its State Share of Instruction 143439
allocation in each fiscal year. Appropriation equal to the sum of 143440
all such amounts except that of the Ohio Agricultural Research and 143441
Development Center shall be transferred from appropriation item 143442
235501, State Share of Instruction, to appropriation item 235552, 143443
Capital Component. Appropriation equal to any estimated Ohio 143444
Agricultural Research and Development Center debt service 143445
attributable to qualifying capital projects that is greater than 143446
the Center's formula-determined capital component allocation shall 143447
be transferred from appropriation item 235535, Ohio Agricultural 143448
Research and Development Center, to appropriation item 235552, 143449
Capital Component. 143450

Section 371.40.70. LIBRARY DEPOSITORIES 143451

The foregoing appropriation item, 235555, Library 143452
Depositories, shall be distributed to the state's five regional 143453
depository libraries for the cost-effective storage of and access 143454
to lesser-used materials in university library collections. The 143455
depositories shall be administrated by the Chancellor of the Board 143456
of Regents, or by OhioLINK at the discretion of the Chancellor. 143457

Section 371.40.80. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 143458

The foregoing appropriation item 235556, Ohio Academic 143459
Resources Network, shall be used by the Chancellor of the Board of 143460
Regents to support the operations of the Ohio Academic Resources 143461
Network, a consortium organized under division (U) of section 143462
3333.04 of the Revised Code, which shall include support for 143463
Ohio's colleges and universities in maintaining and enhancing 143464
network connections, using new network technologies to improve 143465
research, education, and economic development programs, and 143466
sharing information technology services. To the extent network 143467

capacity is available, OARnet shall support allocating bandwidth 143468
to eligible programs directly supporting Ohio's economic 143469
development. 143470

Section 371.40.90. LONG-TERM CARE RESEARCH 143471

The foregoing appropriation item 235558, Long-term Care 143472
Research, shall be disbursed to Miami University for long-term 143473
care research. 143474

Section 371.50.10. OHIO COLLEGE OPPORTUNITY GRANT 143475

(A) Except as provided in division (C) of this section: 143476

Of the foregoing appropriation item 235563, Ohio College 143477
Opportunity Grant, \$37,000,000 in each fiscal year shall be used 143478
by the Chancellor of the Board of Regents to award need-based 143479
financial aid to students enrolled in eligible four-year public 143480
institutions of higher education, excluding early college high 143481
school and post-secondary enrollment option participants. 143482

Of the foregoing appropriation item 235563, Ohio College 143483
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 143484
by the Chancellor of the Board of Regents to award need-based 143485
financial aid to students enrolled in eligible private nonprofit 143486
institutions of higher education, excluding early college high 143487
school and post-secondary enrollment option participants. 143488

The remainder of the foregoing appropriation item 235563, 143489
Ohio College Opportunity Grant, shall be used by the Chancellor of 143490
the Board of Regents to award needs-based financial aid to 143491
students enrolled in eligible private for-profit career colleges 143492
and schools. 143493

An amount equal to the unexpended, unencumbered portion of 143494
the foregoing appropriation item 235563, Ohio College Opportunity 143495
Grant, at the end of fiscal year 2012 is hereby reappropriated to 143496

the Board of Regents for the same purpose for fiscal year 2013. 143497

(B)(1) As used in this section: 143498

(a) "Eligible institution" means any institution described in 143499
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 143500
Code. 143501

(b) The three "sectors" of institutions of higher education 143502
consist of the following: 143503

(i) State colleges and universities, community colleges, 143504
state community colleges, university branches, and technical 143505
colleges; 143506

(ii) Eligible private nonprofit institutions of higher 143507
education; 143508

(iii) Eligible private for-profit career colleges and 143509
schools. 143510

(2) If the Chancellor determines that the amounts 143511
appropriated for support of the Ohio College Opportunity Grant 143512
program are inadequate to provide grants to all eligible students 143513
as calculated under division (D) of section 3333.122 of the 143514
Revised Code, the Chancellor may create a distribution formula for 143515
fiscal year 2012 and fiscal year 2013 based on the formula used in 143516
fiscal year 2011, or may follow methods established in division 143517
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 143518
Chancellor shall notify the Controlling Board of the distribution 143519
method. Any formula calculated under this division shall be 143520
complete and established to coincide with the start of the 143521
2011-2012 academic year. 143522

(C) Prior to determining the amount of funds available to 143523
award under this section and section 3333.122 of the Revised Code, 143524
the Chancellor shall use the foregoing appropriation item 235563, 143525
Ohio College Opportunity Grant, to pay for renewals or partial 143526

renewals of scholarships students receive under the Ohio Academic 143527
Scholarship Program under sections 3333.21 and 3333.22 of the 143528
Revised Code. In paying for scholarships under this division, the 143529
Chancellor shall deduct funds from the allocations made under 143530
division (A) of this section. Deductions shall be proportionate to 143531
the amounts allocated to each sector from the total amounts 143532
appropriated for each sector under the foregoing appropriation 143533
item 235563, Ohio College Opportunity Grant, and the foregoing 143534
appropriation item 235667, Ohio College Opportunity Grant - 143535
Proprietary. 143536

In each fiscal year, the Chancellor shall not distribute or 143537
obligate or commit to be distributed an amount greater than what 143538
is appropriated under the foregoing appropriation item 235563, 143539
Ohio College Opportunity Grant. 143540

(D) The Chancellor shall establish, and post on the Ohio 143541
Board of Regents' web site, award tables based on any formulas 143542
created under division (B) of this section. The Chancellor shall 143543
notify students and institutions of any reductions in awards under 143544
this section. 143545

On or before August 31, 2011, the Chancellor of the Board of 143546
Regents shall submit award tables to the Controlling Board for the 143547
2011-2012 academic year and allocations of Ohio College 143548
Opportunity Grant awards not already specified in section 3333.122 143549
of the Revised Code. 143550

(E) Notwithstanding section 3333.122 of the Revised Code, no 143551
student shall be eligible to receive an Ohio College Opportunity 143552
Grant for more than ten semesters, fifteen quarters, or the 143553
equivalent of five academic years, less the number of semesters or 143554
quarters in which the student received an Ohio Instructional 143555
Grant. 143556

Section 371.50.20. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 143557

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

Section 371.50.30. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor of the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 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). 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.

Section 371.50.40. PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2013, to secure bonds or notes of a state-assisted institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section shall be effective only after approval by the Chancellor of the Board of Regents, unless approved in a previous biennium.

Section 371.50.50. HIGHER EDUCATION GENERAL OBLIGATION DEBT 143588
SERVICE 143589

The foregoing appropriation item 235909, Higher Education 143590
General Obligation Debt Service, shall be used to pay all debt 143591
service and related financing costs at the times they are required 143592
to be made during the period from July 1, 2011, through June 30, 143593
2013, for obligations issued under sections 151.01 and 151.04 of 143594
the Revised Code. 143595

Section 371.50.60. SALES AND SERVICES 143596

The Chancellor of the Board of Regents is authorized to 143597
charge and accept payment for the provision of goods and services. 143598
Such charges shall be reasonably related to the cost of producing 143599
the goods and services. Except as otherwise provided by law, no 143600
charges may be levied for goods or services that are produced as 143601
part of the routine responsibilities or duties of the Chancellor. 143602
All revenues received by the Chancellor of the Board of Regents 143603
shall be deposited into Fund 4560, and may be used by the 143604
Chancellor of the Board of Regents to pay for the costs of 143605
producing the goods and services. 143606

Section 371.50.61. CO-OP INTERNSHIP PROGRAM 143607

Of the foregoing appropriation item 235649, Co-op Internship 143608
Program, \$75,000 in each fiscal year shall be used by the 143609
Chancellor of the Board of Regents to support the operations of 143610
Ohio University's Voinovich School. 143611

Of the foregoing appropriation item 235649, Co-op Internship 143612
Program, \$75,000 in each fiscal year, shall be used by the 143613
Chancellor of the Board of Regents to support the operations of 143614
The Ohio State University's John Glenn School of Public Affairs. 143615

Of the foregoing appropriation item 235649, Co-op Internship 143616

Program, \$75,000 in each fiscal year shall be used to support the 143617
Bliss Institute of Applied Politics at the University of Akron. 143618

Of the foregoing appropriation item 235649, Co-op Internship 143619
Program, \$75,000 in each fiscal year shall be used to support the 143620
Center for Public Management and Regional Affairs at Miami 143621
University. 143622

Of the foregoing appropriation item 235649, Co-op Internship 143623
Program, \$75,000 in each fiscal year shall be used to support the 143624
Washington Center Internship Program. 143625

Of the foregoing appropriation item 235649, Co-op Internship 143626
Program, \$75,000 in each fiscal year shall be used to support the 143627
Maxine Goodman Levin College of Urban Affairs at Cleveland State 143628
University. 143629

Of the foregoing appropriation item 235649, Co-op Internship 143630
Program, \$75,000 in each fiscal year shall be used to support the 143631
University of Cincinnati Internship Program. 143632

Section 371.50.63. OHIO COLLEGE OPPORTUNITY GRANT - 143633
PROPRIETARY 143634

The foregoing appropriation item 235667, Ohio College 143635
Opportunity Grant - Proprietary, shall be used by the Chancellor 143636
of the Board of Regents to award needs-based financial aid to 143637
students enrolled in eligible private for-profit career colleges 143638
and schools, pursuant to section 3333.122 of the Revised Code and 143639
section 371.50.10 of this act. 143640

An amount equal to the unexpended, unencumbered portion of 143641
the foregoing appropriation item 235667, Ohio College Opportunity 143642
Grant - Proprietary, at the end of fiscal year 2012 is hereby 143643
reappropriated to the Board of Regents for the same purpose for 143644
fiscal year 2013. 143645

In each fiscal year, the Chancellor shall not distribute or 143646

obligate or commit to be distributed an amount greater than what 143647
is appropriated under the foregoing appropriation item 235667, 143648
Ohio College Opportunity Grant - Proprietary. 143649

Section 371.50.65. AIR FORCE INSTITUTE OF TECHNOLOGY - 143650
DEFENSE/AEROSPACE GRADUATE STUDIES INSTITUTE 143651

The foregoing appropriation item 235668, Air Force Institute 143652
of Technology - Defense/Aerospace Graduate Studies Institute, 143653
shall be used by the Defense/Aerospace Graduate Studies Institute 143654
to strengthen regional job training, equip Ohio's workforce with 143655
needed skills, and strengthen the research and educational 143656
linkages among Department of Defense facilities in Ohio, 143657
institutions of higher education in Ohio, and available industry 143658
jobs in Ohio. These funds shall be matched by private industry 143659
partners or the Department of Defense in the aggregate amount of 143660
\$2,500,000 over the FY 2012 - FY 2013 biennium. 143661

Section 371.50.70. HIGHER EDUCATIONAL FACILITY COMMISSION 143662
ADMINISTRATION 143663

The foregoing appropriation item 235602, Higher Educational 143664
Facility Commission Administration, shall be used by the 143665
Chancellor of the Board of Regents for operating expenses related 143666
to the Chancellor of the Board of Regents' support of the 143667
activities of the Ohio Higher Educational Facility Commission. 143668
Upon the request of the Chancellor, the Director of Budget and 143669
Management shall transfer up to \$29,100 cash in fiscal year 2012 143670
and up to \$29,100 cash in fiscal year 2013 from the HEFC Operating 143671
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 143672
4E80). 143673

Section 371.50.80. NURSING LOAN PROGRAM 143674

The foregoing appropriation item 235606, Nursing Loan 143675

Program, shall be used to administer the nurse education 143676
assistance program. Up to \$167,580 in each fiscal year may be used 143677
for operating expenses associated with the program. Any additional 143678
funds needed for the administration of the program are subject to 143679
Controlling Board approval. 143680

Section 371.50.90. VETERANS PREFERENCES 143681

The Chancellor of the Board of Regents shall work with the 143682
Department of Veterans Services to develop specific veterans 143683
preference guidelines for higher education institutions. These 143684
guidelines shall ensure that the institutions' hiring practices 143685
are in accordance with the intent of Ohio's veterans preference 143686
laws. 143687

Section 371.60.10. STATE NEED-BASED FINANCIAL AID 143688
RECONCILIATION 143689

By the first day of August in each fiscal year, or as soon as 143690
possible thereafter, the Chancellor of the Board of Regents shall 143691
certify to the Director of Budget and Management the amount 143692
necessary to pay any outstanding prior year obligations to higher 143693
education institutions for the state's need-based financial aid 143694
programs. The amounts certified are hereby appropriated to 143695
appropriation item 235618, State Need-based Financial Aid 143696
Reconciliation, from revenues received in the State Need-based 143697
Financial Aid Reconciliation Fund (Fund 5Y50). 143698

Section 371.60.20. (A) As used in this section: 143699

(1) "Board of trustees" includes the managing authority of a 143700
university branch district. 143701

(2) "State institution of higher education" has the same 143702
meaning as in section 3345.011 of the Revised Code. 143703

(B) The board of trustees of any state institution of higher 143704

education, notwithstanding any rule of the institution to the 143705
contrary, may adopt a policy providing for mandatory furloughs of 143706
employees, including faculty, to achieve spending reductions 143707
necessitated by institutional budget deficits. 143708

Section 371.60.40. EFFICIENCY ADVISORY COMMITTEE 143709

The Chancellor of the Board of Regents shall establish an 143710
efficiency advisory committee for the purpose of generating 143711
optimal efficiency plans for campuses, identifying shared services 143712
opportunities, and sharing best practices. The efficiency advisory 143713
committee shall also attempt to reduce the cost of textbooks and 143714
other education resource materials. The committee shall meet at 143715
the call of the Chancellor or the Chancellor's designee, but at 143716
least quarterly. Each state institution of higher education shall 143717
designate an employee to serve as its efficiency officer 143718
responsible for the evaluation and improvement of operational 143719
efficiencies on campus. Each efficiency officer shall serve on the 143720
efficiency advisory committee. 143721

Section 371.60.50. TEXTBOOK AFFORDABILITY 143722

Each state institution of higher education shall submit to 143723
the Chancellor of the Board of Regents by December 31, 2011, a 143724
plan to reduce the cost to students of textbooks and other 143725
education resource materials. 143726

Section 371.60.60. TUITION TRUST AUTHORITY APPROPRIATION LINE 143727
ITEM TRANSFER 143728

On July 1, 2011, or as soon as possible thereafter, the 143729
Director of Budget and Management, upon request by the Chancellor 143730
of the Board of Regents, shall cancel any existing encumbrances 143731
against appropriation item 095602, Variable Savings Plans, and 143732
re-establish them against appropriation item 235663, Variable 143733

Savings Plans. The re-established encumbrance amounts are hereby 143734
appropriated. 143735

On July 1, 2011, or as soon as possible thereafter, the 143736
Director of Budget and Management, upon request by the Chancellor 143737
of the Board of Regents, shall cancel any existing encumbrances 143738
against appropriation item 095601, Guaranteed Savings Plan, and 143739
re-establish them against appropriation item 235664, Guaranteed 143740
Savings Plan. The re-established encumbrance amounts are hereby 143741
appropriated. 143742

Section 371.60.70. (A) Notwithstanding anything to the 143743
contrary in sections 3333.81 to 3333.88 of the Revised Code, the 143744
distance learning clearinghouse required to be established under 143745
those sections shall be located at the Ohio Resource Center for 143746
Mathematics, Science, and Reading administered by the College of 143747
Education and Human Ecology at The Ohio State University. The 143748
College shall provide access to its online repository of 143749
educational content to offer courses from multiple providers at 143750
competitive prices for Ohio students in grades kindergarten to 143751
twelve. 143752

(B) The College shall review the content of each course 143753
offered to assess the course's alignment with the academic 143754
standards adopted under division (A) of section 3301.079 of the 143755
Revised Code and shall publish its determination about the degree 143756
of alignment. 143757

(C) The College shall indicate, for each course offered, the 143758
academic credit that a student may reasonably expect to earn upon 143759
successful completion of the course. However, in accordance with 143760
section 3333.85 of the Revised Code, the school district or school 143761
in which the student is enrolled retains full authority to 143762
determine the credit awarded to the student. 143763

(D) As prescribed by section 3333.84 of the Revised Code, the 143764

fee charged for a course shall be set by the course provider. The 143765
College may retain a percentage of the fee to offset the cost of 143766
maintaining the course repository. 143767

(E) The College may establish policies to protect the 143768
proprietary interest in or intellectual property of the 143769
educational content and courses that are housed in the course 143770
repository. The College may require end users to agree to the 143771
terms of any such policies prior to accessing the repository. 143772

Section 371.60.80. (A) The Ohio Digital Learning Task Force 143773
is hereby established to develop a strategy for the expansion of 143774
digital learning that enables students to customize their 143775
education, produces cost savings, and meets the needs of Ohio's 143776
economy. The Task Force shall consist of the following members: 143777

(1) The Chancellor of the Ohio Board of Regents or the 143778
Chancellor's designee; 143779

(2) The Superintendent of Public Instruction or the 143780
Superintendent's designee; 143781

(3) The Director of the Governor's Office of 21st Century 143782
Education or the Director's designee; 143783

(4) Up to six members appointed by the Governor, who shall be 143784
representatives of school districts or community schools, 143785
established under Chapter 3314. of the Revised Code, that are 143786
high-performing of their type and have demonstrated the ability to 143787
incorporate technology into the classroom successfully; 143788

(5) A member appointed by the President of the Senate; 143789

(6) A member appointed by the Speaker of the House of 143790
Representatives. 143791

(B) Members of the Task Force shall be appointed not later 143792
than sixty days after the effective date of this section. 143793
Vacancies on the Task Force shall be filled in the same manner as 143794

the original appointments. Members shall serve without 143795
compensation. 143796

(C) The Governor shall designate the chairperson of the Task 143797
Force. All meetings of the Task Force shall be held at the call of 143798
the chairperson. 143799

(D) The Task Force shall do all of the following: 143800

(1) Request information from textbook publishers about the 143801
development of digital textbooks and other new digital content 143802
distribution methods for use by primary, secondary, and 143803
post-secondary schools and institutions and examine that 143804
information; 143805

(2) Examine potential cost savings and efficiency of 143806
utilizing digital textbooks and other new digital content 143807
distribution methods in primary, secondary, and post-secondary 143808
schools and institutions; 143809

(3) Examine potential academic benefits of utilizing digital 143810
textbooks and other new digital content distribution methods, 143811
including, but not limited to, the ability to individualize 143812
content to specific student learning styles, accessibility for 143813
individuals with disabilities, and the integration of formative 143814
and other online assessments; 143815

(4) Examine digital content pilot programs and initiatives 143816
currently operating at primary, secondary, and post-secondary 143817
schools and institutions in Ohio, including, but not limited to, 143818
those financed in part with federal funds; 143819

(5) Examine any state-level initiatives to provide or 143820
facilitate use of digital content in primary, secondary, and 143821
post-secondary schools and institutions in Ohio. 143822

(E) The Task Force shall make recommendations regarding all 143823
of the following: 143824

(1) The creation of high quality digital content and instruction in grades kindergarten to twelve for free access by public and nonpublic schools and students receiving home instruction;	143825 143826 143827 143828
(2) High quality professional development for teachers and principals providing online instruction or blended learning programs;	143829 143830 143831
(3) Funding strategies that create incentives for high performance, innovation, and options in course providers and delivery;	143832 143833 143834
(4) Student assessment and accountability;	143835
(5) Infrastructure to support digital learning;	143836
(6) Mobile learning and mobile learning applications;	143837
(7) The clearinghouse established under section 3333.82 of the Revised Code;	143838 143839
(8) Ways to align the resources and digital learning initiatives of state agencies and offices;	143840 143841
(9) Methods for removing redundancy and inefficiency in, and for providing coordination, of all digital learning programs, including the provision of free online instruction to public and nonpublic schools on a statewide basis;	143842 143843 143844 143845
(10) Methods of addressing future changes in technology and learning.	143846 143847
(E) Not later than March 1, 2012, the Task Force shall issue a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon issuance of its report, the Task Force shall cease to exist.	143848 143849 143850 143851 143852
Section 371.60.90. Not later than six months after the	143853

effective date of this section, the Chancellor of the Ohio Board of Regents shall do both of the following:

(A) Take steps to facilitate full implementation of any digital textbook and digital content pilot programs currently planned at any state institutions of higher education in Ohio;

(B) Take steps to ensure that those pilot programs examine the potential cost savings and efficiencies of digital content and the potential academic benefits, including, but not limited to, the ability to individualize content to specific student learning styles, accessibility for individuals with disabilities, and the integration of formative and other online assessments.

Section 371.70.10. On July 1, 2011, or as soon as possible thereafter, the Chancellor of the Board of Regents shall pay to The Ohio State University an amount equal to the cash balance in the OSU Highway/Transportation Research Fund (Fund 6490). The amount of the payment is hereby appropriated from Fund 6490. Upon completion of the payment, Fund 6490 is hereby abolished and the Chancellor of the Board of Regents shall cancel any existing encumbrances against appropriation item 235607, The Ohio State University Highway/Transportation Research.

Section 371.70.20. An amount equal to the unexpended, unencumbered, previously released balance of capital appropriation item C38816, Penta Renovations, at the end of fiscal year 2010 is hereby reappropriated and released to the same appropriation item for fiscal year 2012, to be used to support the campus renovation program at Owens Community College. This amount represents the amount of fiscal year 2010 capital encumbrances that were inadvertently canceled and does not represent a new capital appropriation.

	Section 373.10.	DRC DEPARTMENT OF REHABILITATION AND			143883
		CORRECTION			143884
		General Revenue Fund			143885
GRF	501321	Institutional	\$ 909,547,156	\$ 866,592,589	143886
		Operations			
GRF	501403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255	143887
GRF	501405	Halfway House	\$ 43,637,069	\$ 43,622,104	143888
GRF	501406	Lease Rental Payments	\$ 42,863,100	\$ 104,301,500	143889
GRF	501407	Community	\$ 25,859,382	\$ 25,839,390	143890
		Nonresidential			
		Programs			
GRF	501408	Community Misdemeanor	\$ 14,906,800	\$ 14,906,800	143891
		Programs			
GRF	501501	Community Residential	\$ 62,692,785	\$ 62,477,785	143892
		Programs - CBCF			
GRF	502321	Mental Health Services	\$ 58,525,816	\$ 51,778,513	143893
GRF	503321	Parole and Community	\$ 68,197,272	\$ 63,783,848	143894
		Operations			
GRF	504321	Administrative	\$ 21,996,504	\$ 20,085,474	143895
		Operations			
GRF	505321	Institution Medical	\$ 209,231,014	\$ 195,241,961	143896
		Services			
GRF	506321	Institution Education	\$ 20,237,576	\$ 18,086,492	143897
		Services			
GRF	507321	Institution Recovery	\$ 5,786,109	\$ 5,375,737	143898
		Services			
TOTAL GRF		General Revenue Fund	\$ 1,492,079,838	\$ 1,480,691,448	143899
		General Services Fund Group			143900
1480	501602	Services and	\$ 3,579,250	\$ 3,584,263	143901
		Agricultural			
2000	501607	Ohio Penal Industries	\$ 38,000,000	\$ 38,000,000	143902
4830	501605	Property Receipts	\$ 182,723	\$ 182,086	143903

4B00	501601	Sewer Treatment Services	\$	2,145,630	\$	2,157,682	143904
4D40	501603	Prisoner Programs	\$	14,900,000	\$	14,900,000	143905
4L40	501604	Transitional Control	\$	1,168,843	\$	1,213,120	143906
4S50	501608	Education Services	\$	2,376,041	\$	2,359,775	143907
5710	501606	Training Academy Receipts	\$	125,000	\$	125,000	143908
5930	501618	Laboratory Services	\$	6,665,137	\$	6,664,729	143909
5AF0	501609	State and Non-Federal Awards	\$	1,440,000	\$	1,440,000	143910
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	143911
5L60	501611	Information Technology Services	\$	600,000	\$	600,000	143912
TOTAL GSF	General Services Fund		\$	73,182,624	\$	73,226,655	143913
Group							
Federal Special Revenue Fund Group							143914
3230	501619	Federal Grants	\$	9,013,558	\$	9,180,703	143915
TOTAL FED	Federal Special Revenue						143916
Fund Group			\$	9,013,558	\$	9,180,703	143917
TOTAL ALL BUDGET FUND GROUPS			\$	1,574,276,020	\$	1,563,098,806	143918
TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL							143919
SENTENCING REFORMS							143920
For the purposes of implementing criminal sentencing reforms,							143921
and notwithstanding any other provision of law to the contrary,							143922
the Director of Budget and Management, at the request of the							143923
Director of Rehabilitation and Correction, may transfer up to							143924
\$14,000,000 in appropriations, in each of fiscal years 2012 and							143925
2013, from appropriation item 501321, Institutional Operations, to							143926
any combination of appropriation items 501405, Halfway House;							143927
501407, Community Residential Programs; 501408, Community							143928
Misdemeanor Programs; and 501501, Community Residential Programs -							143929

CBCF.						143930	
	OHIO BUILDING AUTHORITY LEASE PAYMENTS					143931	
	The foregoing appropriation item 501406, Lease Rental					143932	
	Payments, shall be used to meet all payments at the times they are					143933	
	required to be made during the period from July 1, 2011, through					143934	
	June 30, 2013, by the Department of Rehabilitation and Correction					143935	
	to the Ohio Building Authority under the primary leases and					143936	
	agreements for those buildings made under Chapter 152. of the					143937	
	Revised Code. These appropriations are the source of funds pledged					143938	
	for bond service charges or obligations issued pursuant to Chapter					143939	
	152. of the Revised Code.					143940	
	OSU MEDICAL CHARGES					143941	
	Notwithstanding section 341.192 of the Revised Code, at the					143942	
	request of the Department of Rehabilitation and Correction, The					143943	
	Ohio State University Medical Center, including the James Cancer					143944	
	Hospital and Solove Research Institute and the Richard M. Ross					143945	
	Heart Hospital, shall provide necessary care to persons who are					143946	
	confined in state adult correctional facilities. The provision of					143947	
	necessary care shall be billed to the Department at a rate not to					143948	
	exceed the authorized reimbursement rate for the same service					143949	
	established by the Department of Job and Family Services under the					143950	
	Medical Assistance Program.					143951	
	Section 375.10. RSC REHABILITATION SERVICES COMMISSION					143952	
	General Revenue Fund					143953	
GRF	415402	Independent Living	\$	252,000	\$	252,000	143954
		Council					
GRF	415406	Assistive Technology	\$	26,618	\$	26,618	143955
GRF	415431	Office for People	\$	126,567	\$	126,567	143956
		with Brain Injury					
GRF	415506	Services for People	\$	12,777,884	\$	12,777,884	143957

		with Disabilities				
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000 143958
TOTAL GRF		General Revenue Fund	\$	13,211,069	\$	13,211,069 143959
		General Services Fund Group				143960
4670	415609	Business Enterprise	\$	1,308,431	\$	1,303,090 143961
		Operating Expenses				
TOTAL GSF		General Services				143962
Fund Group			\$	1,308,431	\$	1,303,090 143963
		Federal Special Revenue Fund Group				143964
3170	415620	Disability	\$	97,579,095	\$	97,579,095 143965
		Determination				
3790	415616	Federal - Vocational	\$	103,160,426	\$	103,150,102 143966
		Rehabilitation				
3L10	415601	Social Security	\$	3,370,000	\$	3,370,000 143967
		Personal Care				
		Assistance				
3L10	415605	Social Security	\$	772,000	\$	772,000 143968
		Community Centers for				
		the Deaf				
3L10	415608	Social Security	\$	1,521,406	\$	1,520,184 143969
		Special				
		Programs/Assistance				
3L40	415612	Federal Independent	\$	652,222	\$	652,222 143970
		Living Centers or				
		Services				
3L40	415615	Federal - Supported	\$	929,755	\$	929,755 143971
		Employment				
3L40	415617	Independent	\$	2,137,338	\$	2,137,338 143972
		Living/Vocational				
		Rehabilitation				
		Programs				
TOTAL FED		Federal Special				143973

Revenue Fund Group	\$	210,122,242	\$	210,110,696	143974
State Special Revenue Fund Group					143975
4680 415618 Third Party Funding	\$	10,802,589	\$	10,802,589	143976
4L10 415619 Services for Rehabilitation	\$	3,700,000	\$	3,700,000	143977
4W50 415606 Program Management Expenses	\$	11,636,730	\$	11,587,201	143978
TOTAL SSR State Special					143979
Revenue Fund Group	\$	26,139,319	\$	26,089,790	143980
TOTAL ALL BUDGET FUND GROUPS	\$	250,781,061	\$	250,714,645	143981
INDEPENDENT LIVING COUNCIL					143982
The foregoing appropriation item 415402, Independent Living					143983
Council, shall be used to fund the operations of the State					143984
Independent Living Council and to support state independent living					143985
centers and independent living services under Title VII of the					143986
Independent Living Services and Centers for Independent Living of					143987
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29					143988
U.S.C. 796d.					143989
Of the foregoing appropriation item 415402, Independent					143990
Living Council, \$67,662 in each fiscal year shall be used as state					143991
matching funds for vocational rehabilitation innovation and					143992
expansion activities.					143993
ASSISTIVE TECHNOLOGY					143994
The total amount of the foregoing appropriation item 415406,					143995
Assistive Technology, shall be provided to Assistive Technology of					143996
Ohio to provide grants and assistive technology services for					143997
people with disabilities in the State of Ohio.					143998
OFFICE FOR PEOPLE WITH BRAIN INJURY					143999
The foregoing appropriation item 415431, Office for People					144000
with Brain Injury, shall be used to plan and coordinate					144001
head-injury-related services provided by state agencies and other					144002

government or private entities, to assess the needs for such 144003
services, and to set priorities in this area. 144004

Of the foregoing appropriation item 415431, Office for People 144005
with Brain Injury, \$44,067 in each fiscal year shall be used as 144006
state matching funds to provide vocational rehabilitation services 144007
to eligible consumers. 144008

VOCATIONAL REHABILITATION SERVICES 144009

The foregoing appropriation item 415506, Services for People 144010
with Disabilities, shall be used as state matching funds to 144011
provide vocational rehabilitation services to eligible consumers. 144012

At the request of the Chancellor of the Board of Regents, the 144013
Director of Budget and Management may transfer any unexpended, 144014
unencumbered appropriation in fiscal year 2012 or fiscal year 2013 144015
from appropriation item 235502, Student Support Services, to 144016
appropriation item 415506, Services for People with Disabilities. 144017
Any appropriation so transferred shall be used by the Ohio 144018
Rehabilitation Services Commission to obtain additional federal 144019
matching funds to serve disabled students. 144020

SERVICES FOR THE DEAF 144021

The foregoing appropriation item 415508, Services for the 144022
Deaf, shall be used to provide grants to community centers for the 144023
deaf. 144024

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 144025

The foregoing appropriation item 415617, Independent 144026
Living/Vocational Rehabilitation Programs, shall be used to 144027
support vocational rehabilitation programs. 144028

SOCIAL SECURITY REIMBURSEMENT FUNDS 144029

Reimbursement funds received from the Social Security 144030
Administration, United States Department of Health and Human 144031
Services, for the costs of providing services and training to 144032

return disability recipients to gainful employment shall be 144033
 expended from the Social Security Reimbursement Fund (Fund 3L10), 144034
 to the extent funds are available, as follows: 144035

(A) Appropriation item 415601, Social Security Personal Care 144036
 Assistance, to provide personal care services in accordance with 144037
 section 3304.41 of the Revised Code; 144038

(B) Appropriation item 415605, Social Security Community 144039
 Centers for the Deaf, to provide grants to community centers for 144040
 the deaf in Ohio for services to individuals with hearing 144041
 impairments; and 144042

(C) Appropriation item 415608, Social Security Special 144043
 Programs/Assistance, to provide vocational rehabilitation services 144044
 to individuals with severe disabilities who are Social Security 144045
 beneficiaries, to enable them to achieve competitive employment. 144046
 This appropriation item shall also be used to pay a portion of 144047
 indirect costs of the Personal Care Assistance Program and the 144048
 Independent Living Programs as mandated by federal OMB Circular 144049
 A-87. 144050

PROGRAM MANAGEMENT EXPENSES 144051

The foregoing appropriation item 415606, Program Management 144052
 Expenses, shall be used to support the administrative functions of 144053
 the commission related to the provision of vocational 144054
 rehabilitation, disability determination services, and ancillary 144055
 programs. 144056

Section 377.10. RCB RESPIRATORY CARE BOARD 144057

General Services Fund Group				144058
4K90 872609 Operating Expenses	\$	528,624	\$ 523,013	144059
TOTAL GSF General Services				144060
Fund Group	\$	528,624	\$ 523,013	144061
TOTAL ALL BUDGET FUND GROUPS	\$	528,624	\$ 523,013	144062

Section 379.10. RDF REVENUE DISTRIBUTION FUNDS				144064
Volunteer Firefighters' Dependents Fund				144065
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000 \$ 300,000	144066
TOTAL 085 Volunteer Firefighters' Dependents Fund				144067
				144068
Agency Fund Group				144069
4P80	001698	Cash Management Improvement Fund	\$ 3,100,000 \$ 3,100,000	144070
5JG0	110633	Gross Casino Revenue County Fund	\$ 5,778,617 \$ 138,882,294	144071
5JH0	110634	Gross Casino Revenue County Student Fund	\$ 3,852,412 \$ 92,588,196	144072
5JJ0	110636	Gross Casino Revenue Host City Fund	\$ 566,531 \$ 13,615,911	144073
5JK0	875610	Ohio State Racing Commission Fund	\$ 339,919 \$ 8,169,547	144074
5JL0	038629	Problem Casino Gambling and Addictions Fund	\$ 226,612 \$ 5,446,364	144075
5JN0	055654	Ohio Law Enforcement Training Fund	\$ 226,612 \$ 5,446,364	144076
6080	001699	Investment Earnings	\$ 50,000,000 \$ 150,000,000	144077
7062	110962	Resort Area Excise Tax	\$ 1,000,000 \$ 1,000,000	144078
7063	110963	Permissive Tax Distribution	\$ 1,904,500,000 \$ 1,980,700,000	144079
7067	110967	School District Income Tax	\$ 317,000,000 \$ 330,000,000	144080
TOTAL AGY Agency Fund Group				144081
Holding Account Redistribution				144082

R045 110617	International Fuel	\$	40,000,000	\$	40,000,000	144083
	Tax Distribution					
TOTAL 090	Holding Account					144084
	Redistribution Fund					
	Revenue Distribution Fund Group	\$	40,000,000	\$	40,000,000	144085
7049 038900	Indigent Drivers	\$	2,200,000	\$	2,200,000	144086
	Alcohol Treatment					
7050 762900	International	\$	30,000,000	\$	30,000,000	144087
	Registration Plan					
	Distribution					
7051 762901	Auto Registration	\$	539,000,000	\$	539,000,000	144088
	Distribution					
7054 110954	Local Government	\$	16,000,000	\$	11,000,000	144089
	Property Tax					
	Replacement - Utility					
7060 110960	Gasoline Excise Tax	\$	393,000,000	\$	395,000,000	144090
	Fund					
7065 110965	Public Library Fund	\$	354,000,000	\$	345,000,000	144091
7066 800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	144092
	Permits					
7068 110968	State and Local	\$	193,000,000	\$	196,000,000	144093
	Government Highway					
	Distribution					
7069 110969	Local Government Fund	\$	577,000,000	\$	348,000,000	144094
7081 110981	Local Government	\$	291,000,000	\$	181,000,000	144095
	Property Tax					
	Replacement-Business					
7082 110982	Horse Racing Tax	\$	100,000	\$	100,000	144096
7083 700900	Ohio Fairs Fund	\$	1,400,000	\$	1,400,000	144097
TOTAL RDF	Revenue Distribution					144098
	Fund Group	\$	2,410,800,000	\$	2,062,800,000	144099
TOTAL ALL BUDGET FUND GROUPS		\$	4,737,690,703	\$	4,832,048,676	144100
	ADDITIONAL APPROPRIATIONS					144101

Appropriation items in this section shall be used for the 144102
purpose of administering and distributing the designated revenue 144103
distribution funds according to the Revised Code. If it is 144104
determined that additional appropriations are necessary for this 144105
purpose, such amounts are hereby appropriated. 144106

GENERAL REVENUE FUND TRANSFERS 144107

Notwithstanding any provision of law to the contrary, in 144108
fiscal year 2012 and fiscal year 2013, the Director of Budget and 144109
Management may transfer from the General Revenue Fund to the Local 144110
Government Tangible Property Tax Replacement Fund (Fund 7081) in 144111
the Revenue Distribution Fund Group, those amounts necessary to 144112
reimburse local taxing units under section 5751.22 of the Revised 144113
Code. Also, in fiscal year 2012 and fiscal year 2013, the Director 144114
of Budget and Management may make temporary transfers from the 144115
General Revenue Fund to ensure sufficient balances in the Local 144116
Government Tangible Property Tax Replacement Fund (Fund 7081) and 144117
to replenish the General Revenue Fund for such transfers. 144118

Section 381.10. SAN BOARD OF SANITARIAN REGISTRATION 144119

General Services Fund Group				144120
4K90 893609 Operating Expenses	\$	141,839	\$ 126,850	144121
TOTAL GSF General Services				144122
Fund Group	\$	141,839	\$ 126,850	144123
TOTAL ALL BUDGET FUND GROUPS	\$	141,839	\$ 126,850	144124

Section 383.10. OSB OHIO STATE SCHOOL FOR THE BLIND 144126

General Revenue Fund				144127
GRF 226100 Personal Services	\$	6,593,546	\$ 6,593,546	144128
GRF 226200 Maintenance	\$	619,528	\$ 619,528	144129
GRF 226300 Equipment	\$	65,505	\$ 65,505	144130
TOTAL GRF General Revenue Fund	\$	7,278,579	\$ 7,278,579	144131
General Services Fund Group				144132

4H80 226602	Education Reform	\$	60,086	\$	60,086	144133
	Grants					
TOTAL GSF	General Services					144134
Fund Group		\$	60,086	\$	60,086	144135
Federal Special Revenue	Fund Group					144136
3100 226626	Coordinating Unit	\$	2,527,104	\$	2,527,104	144137
3DT0 226621	Ohio Transition	\$	1,800,000	\$	1,800,000	144138
	Collaborative					
3P50 226643	Medicaid Professional	\$	50,000	\$	50,000	144139
	Services					
	Reimbursement					
TOTAL FED	Federal Special					144140
Revenue Fund Group		\$	4,377,104	\$	4,377,104	144141
State Special Revenue	Fund Group					144142
4M50 226601	Work Study and	\$	698,521	\$	698,521	144143
	Technology Investment					
TOTAL SSR	State Special Revenue					144144
Fund Group		\$	698,521	\$	698,521	144145
TOTAL ALL BUDGET FUND GROUPS		\$	12,414,290	\$	12,414,290	144146
Section 385.10.	OSD OHIO SCHOOL FOR THE DEAF					144148
General Revenue	Fund					144149
GRF 221100	Personal Services	\$	7,842,339	\$	7,842,339	144150
GRF 221200	Maintenance	\$	814,532	\$	814,532	144151
GRF 221300	Equipment	\$	70,786	\$	70,786	144152
TOTAL GRF	General Revenue Fund	\$	8,727,657	\$	8,727,657	144153
General Services	Fund Group					144154
4M10 221602	Education Reform	\$	74,903	\$	74,903	144155
	Grants					
TOTAL GSF	General Services					144156
Fund Group		\$	74,903	\$	74,903	144157
Federal Special Revenue	Fund Group					144158

3110	221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	144159
3R00	221684	Medicaid Professional Services Reimbursement	\$	35,000	\$	35,000	144160
3Y10	221686	Early Childhood Grant	\$	300,000	\$	300,000	144161
TOTAL FED Federal Special							144162
Revenue Fund Group			\$	2,795,135	\$	2,795,135	144163
State Special Revenue Fund Group							144164
4M00	221601	Educational Program Expenses	\$	190,000	\$	190,000	144165
5H60	221609	Even Start Fees and Gifts	\$	126,750	\$	126,750	144166
TOTAL SSR State Special Revenue							144167
Fund Group			\$	316,750	\$	316,750	144168
TOTAL ALL BUDGET FUND GROUPS			\$	11,914,445	\$	11,914,445	144169
 Section 387.10. SFC SCHOOL FACILITIES COMMISSION							144171
General Revenue Fund							144172
GRF	230908	Common Schools General Obligation Debt Service	\$	150,604,900	\$	341,919,400	144173
TOTAL GRF General Revenue Fund							144174
State Special Revenue Fund Group							144175
5E30	230644	Operating Expenses	\$	8,950,000	\$	8,550,000	144176
TOTAL SSR State Special Revenue							144177
Fund Group			\$	8,950,000	\$	8,550,000	144178
TOTAL ALL BUDGET FUND GROUPS			\$	159,554,900	\$	350,469,400	144179
 Section 387.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT							144181
SERVICE							144182
The foregoing appropriation item 230908, Common Schools							144183
General Obligation Debt Service, shall be used to pay all debt							144184

service and related financing costs at the times they are required 144185
to be made during the period from July 1, 2011, through June 30, 144186
2013, for obligations issued under sections 151.01 and 151.03 of 144187
the Revised Code. 144188

OPERATING EXPENSES 144189

The foregoing appropriation item 230644, Operating Expenses, 144190
shall be used by the Ohio School Facilities Commission to carry 144191
out its responsibilities under this section and Chapter 3318. of 144192
the Revised Code. 144193

In both fiscal years 2012 and 2013, the Executive Director of 144194
the Ohio School Facilities Commission shall certify on a quarterly 144195
basis to the Director of Budget and Management the amount of cash 144196
from interest earnings to be transferred from the School Building 144197
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 144198
7021), and the Educational Facilities Trust Fund (Fund N087) to 144199
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 144200
transferred from the School Building Assistance Fund (Fund 7032) 144201
may not exceed investment earnings credited to the fund, less any 144202
amount required to be paid for federal arbitrage rebate purposes. 144203

If the Executive Director of the Ohio School Facilities 144204
Commission determines that transferring cash from interest 144205
earnings is insufficient to support operations and carry out its 144206
responsibilities under this section and Chapter 3318. of the 144207
Revised Code, the Commission may, with the approval of the 144208
Controlling Board, transfer cash not generated from interest from 144209
the Public School Building Fund (Fund 7021) and the Educational 144210
Trust Fund (Fund N087) to the Ohio School Facilities Commission 144211
Fund (Fund 5E30). 144212

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 144213

At the request of the Executive Director of the Ohio School 144214
Facilities Commission, the Director of Budget and Management may 144215

cancel encumbrances for school district projects from a previous 144216
biennium if the district has not raised its local share of project 144217
costs within thirteen months of receiving Controlling Board 144218
approval under section 3318.05 or 3318.41 of the Revised Code. The 144219
Executive Director of the Ohio School Facilities Commission shall 144220
certify the amounts of the canceled encumbrances to the Director 144221
of Budget and Management on a quarterly basis. The amounts of the 144222
canceled encumbrances are hereby appropriated. 144223

Section 387.30. AMENDMENT TO PROJECT AGREEMENT FOR 144224
MAINTENANCE LEVY 144225

The Ohio School Facilities Commission shall amend the project 144226
agreement between the Commission and a school district that is 144227
participating in the Accelerated Urban School Building Assistance 144228
Program on the effective date of this section, if the Commission 144229
determines that it is necessary to do so in order to comply with 144230
division (B)(3)(c) of section 3318.38 of the Revised Code. 144231

Section 387.40. CANTON CITY SCHOOL DISTRICT PROJECT 144232

(A) The Ohio School Facilities Commission may commit up to 144233
thirty-five million dollars to the Canton City School District for 144234
construction of a facility described in this section, in lieu of a 144235
high school that would otherwise be authorized under Chapter 3318. 144236
of the Revised Code. The Commission shall not commit funds under 144237
this section unless all of the following conditions are met: 144238

(1) The District has entered into a cooperative agreement 144239
with a state-assisted technical college; 144240

(2) The District has received an irrevocable commitment of 144241
additional funding from nonpublic sources; and 144242

(3) The facility is intended to serve both secondary and 144243
postsecondary instructional purposes. 144244

(B) The Commission shall enter into an agreement with the District for the construction of the facility authorized under this section that is separate from and in addition to the agreement required for the District's participation in the Classroom Facilities Assistance Program under section 3318.08 of the Revised Code. Notwithstanding that section and sections 3318.03, 3318.04, and 3318.083 of the Revised Code, the additional agreement shall provide, but not be limited to, the following:

(1) The Commission shall not have any oversight responsibilities over the construction of the facility.

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission.

(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.

(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.

All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.

The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.

Section 387.50. Notwithstanding any other provision of law to the contrary, the Ohio School Facilities Commission may determine the amount of funding available for disbursement in a given fiscal

year for any project approved under sections 3318.01 to 3318.20 of 144275
the Revised Code in order to keep aggregate state capital spending 144276
within approved limits and may take actions including, but not 144277
limited to, determining the schedule for design or bidding of 144278
approved projects, to ensure appropriate and supportable cash 144279
flow. 144280

Section 387.60. Notwithstanding division (B) of section 144281
3318.40 of the Revised Code, the Ohio School Facilities Commission 144282
may provide assistance to at least one joint vocational school 144283
district each fiscal year for the acquisition of classroom 144284
facilities in accordance with sections 3318.40 to 3318.45 of the 144285
Revised Code. 144286

Section 387.70. (A) As used in this section, "equity list" 144287
means the school district percentile rankings calculated under 144288
section 3318.011 of the Revised Code. 144289

(B) Not later than thirty days after the effective date of 144290
this section, the Department of Education shall create an 144291
alternate equity list for fiscal year 2011, for use in funding 144292
projects for fiscal year 2012, by recalculating each school 144293
district's percentile ranking under section 3318.011 of the 144294
Revised Code and shall certify the alternate equity list to the 144295
Ohio School Facilities Commission. For this purpose, the 144296
Department shall recalculate each school district's percentile 144297
ranking using the district's "average taxable value" as that term 144298
is defined in the version of section 3318.011 of the Revised Code, 144299
as it results from the amendments to that section enacted by this 144300
act. 144301

(C) The Commission shall use the alternate equity list 144302
certified under division (B) of this section to determine the 144303
priority for assistance under sections 3318.01 to 3318.20 of the 144304

Revised Code for fiscal year 2012 for each school district that 144305
has not previously been offered funding under those sections. 144306
However, no district that already has been offered assistance 144307
under those sections for fiscal year 2011 prior to the 144308
Commission's receipt of the alternate equity list shall be denied 144309
the opportunity for assistance under those sections for that 144310
fiscal year. 144311

(D) Notwithstanding any provision of Chapter 3318. of the 144312
Revised Code to the contrary, for each school district that 144313
receives the Commission's conditional approval of the district's 144314
project under sections 3318.01 to 3318.20 of the Revised Code for 144315
fiscal year 2012, the district's portion of the basic project cost 144316
shall be the lesser of the following: 144317

(1) The amount required under section 3318.032 of the Revised 144318
Code calculated using the percentile in which the district ranks 144319
on the alternate equity list certified under division (B) of this 144320
section; 144321

(2) The amount required under section 3318.032 of the Revised 144322
Code calculated using the percentile in which the district ranks 144323
on the original equity list for fiscal year 2011. 144324

Section 389.10. SOS SECRETARY OF STATE 144325

General Revenue Fund 144326

GRF 050321	Operating Expenses	\$	2,144,030	\$	2,144,030	144327
GRF 050407	Pollworkers Training	\$	234,196	\$	234,196	144328
TOTAL GRF	General Revenue Fund	\$	2,378,226	\$	2,378,226	144329

General Services Fund Group 144330

4120 050609	Notary Commission	\$	475,000	\$	475,000	144331
4130 050601	Information Systems	\$	49,000	\$	49,000	144332
4140 050602	Citizen Education	\$	25,000	\$	25,000	144333

Fund

4S80 050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	144334
5FG0 050620	BOE Reimbursement and Education	\$	100,000	\$	100,000	144335
TOTAL General Services Fund Group		\$	656,200	\$	656,200	144336
Federal Special Revenue Fund Group						144337
3AH0 050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000	144338
3AS0 050616	Help America Vote Act (HAVA)	\$	3,000,000	\$	3,000,000	144339
TOTAL FED Federal Special Revenue Fund Group		\$	3,800,000	\$	3,800,000	144340 144341
State Special Revenue Fund Group						144342
5990 050603	Business Services Operating Expenses	\$	14,385,400	\$	14,385,400	144343
TOTAL SSR State Special Revenue Fund Group		\$	14,385,400	\$	14,385,400	144344 144345
Holding Account Redistribution Fund Group						144346
R001 050605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	144347
R002 050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	144348
TOTAL 090 Holding Account Redistribution Fund Group		\$	115,000	\$	115,000	144349 144350
TOTAL ALL BUDGET FUND GROUPS		\$	21,334,826	\$	21,334,826	144351
POLLWORKER TRAINING						144352
The foregoing appropriation item 050407, Pollworkers Training, shall be used to reimburse county boards of elections for pollworker training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2012, an amount equal to the unexpended, unencumbered portion of appropriation item 050407,						144353 144354 144355 144356 144357

Pollworkers Training, is hereby reappropriated in fiscal year 2013 144358
for the same purpose. 144359

BOARD OF VOTING MACHINE EXAMINERS 144360

The foregoing appropriation item 050610, Board of Voting 144361
Machine Examiners, shall be used to pay for the services and 144362
expenses of the members of the Board of Voting Machine Examiners, 144363
and for other expenses that are authorized to be paid from the 144364
Board of Voting Machine Examiners Fund, which is created in 144365
section 3506.05 of the Revised Code. Moneys not used shall be 144366
returned to the person or entity submitting equipment for 144367
examination. If it is determined that additional appropriations 144368
are necessary, such amounts are hereby appropriated. 144369

HAVA FUNDS 144370

An amount equal to the unexpended, unencumbered portion of 144371
appropriation item 050616, Help America Vote Act (HAVA) Voting 144372
Machines, at the end of fiscal year 2012 is reappropriated for the 144373
same purpose in fiscal year 2013. 144374

An amount equal to the unexpended, unencumbered portion of 144375
appropriation item 050614, Election Reform/Health and Human 144376
Services, at the end of fiscal year 2012 is reappropriated for the 144377
same purpose in fiscal year 2013. 144378

The Director of Budget and Management shall credit the 144379
ongoing interest earnings from the Election Reform/Health and 144380
Human Services Fund (Fund 3AH0), the Help America Vote Act (HAVA) 144381
Voting Machines Fund (Fund 3AS0), and the Election Data Collection 144382
Grant Fund (Fund 3AC0) to the respective funds and distribute 144383
these earnings in accordance with the terms of the grant under 144384
which the money is received. 144385

HOLDING ACCOUNT REDISTRIBUTION GROUP 144386

The foregoing appropriation items 050605, Uniform Commercial 144387

Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 144388
 be used to hold revenues until they are directed to the 144389
 appropriate accounts or until they are refunded. If it is 144390
 determined that additional appropriations are necessary, such 144391
 amounts are hereby appropriated. 144392

ABOLITION OF THE TECHNOLOGY IMPROVEMENTS FUND 144393

On July 1, 2011, or as soon as possible thereafter, the 144394
 Director of Budget and Management shall transfer the cash balance 144395
 in the Technology Improvements Fund (Fund 5N90) to the Business 144396
 Services Operating Expenses Fund (Fund 5990). The Director shall 144397
 cancel any existing encumbrances against appropriation item 144398
 050607, Technology Improvements, and re-establish them against 144399
 appropriation item 050603, Business Services Operating Expenses. 144400
 The re-established encumbered amounts are hereby appropriated. 144401
 Upon completion of the transfer, Fund 5N90 is abolished. 144402

Section 391.10. SEN THE OHIO SENATE 144403

General Revenue Fund 144404

GRF 020321 Operating Expenses	\$	10,911,095	\$	10,911,095	144405
TOTAL GRF General Revenue Fund	\$	10,911,095	\$	10,911,095	144406

General Services Fund Group 144407

1020 020602 Senate Reimbursement	\$	852,001	\$	852,001	144408
4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497	144409
TOTAL GSF General Services					144410
Fund Group	\$	886,498	\$	886,498	144411
TOTAL ALL BUDGET FUND GROUPS	\$	11,797,593	\$	11,797,593	144412

OPERATING EXPENSES 144413

On July 1, 2011, or as soon as possible thereafter, the Clerk 144414
 of the Senate may certify to the Director of Budget and Management 144415
 the amount of the unexpended, unencumbered balance of the 144416
 foregoing appropriation item 020321, Operating Expenses, at the 144417

end of fiscal year 2011 to be reappropriated to fiscal year 2012. 144418
 The amount certified is hereby reappropriated to the same 144419
 appropriation item for fiscal year 2012. 144420

On July 1, 2012, or as soon as possible thereafter, the Clerk 144421
 of the Senate may certify to the Director of Budget and Management 144422
 the amount of the unexpended, unencumbered balance of the 144423
 foregoing appropriation item 020321, Operating Expenses, at the 144424
 end of fiscal year 2012 to be reappropriated to fiscal year 2013. 144425
 The amount certified is hereby reappropriated to the same 144426
 appropriation item for fiscal year 2013. 144427

Section 393.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 144428

General Revenue Fund 144429

GRF 866321 CSV Operations	\$	129,998	\$	126,664	144430
TOTAL GRF General Revenue Fund	\$	129,998	\$	126,664	144431

General Services Fund 144432

5GN0 866605 Serve Ohio Support	\$	67,500	\$	67,500	144433
TOTAL GSF General Services Fund	\$	67,500	\$	67,500	144434

Federal Special Revenue Fund Group 144435

3R70 866617 AmeriCorps Programs	\$	8,279,290	\$	8,272,110	144436
TOTAL FED Federal Special Revenue					144437

Fund Group	\$	8,279,290	\$	8,272,110	144438
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State Special Revenue Fund Group 144439

6240 866604 Volunteer Contracts	\$	49,130	\$	47,870	144440
and Services					

TOTAL SSR State Special Revenue					144441
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Fund Group	\$	49,130	\$	47,870	144442
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TOTAL ALL BUDGET FUND GROUPS	\$	8,525,918	\$	8,514,144	144443
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Section 395.10. CSF COMMISSIONERS OF THE SINKING FUND 144445

Debt Service Fund Group 144446

7070155905	Third Frontier Research and Development Bond Retirement Fund	\$ 29,323,300	\$ 63,640,300	144447
7072155902	Highway Capital Improvement Bond Retirement Fund	\$ 143,176,000	\$ 150,789,300	144448
7073155903	Natural Resources Bond Retirement Fund	\$ 5,375,300	\$ 25,209,100	144449
7074155904	Conservation Projects Bond Retirement Fund	\$ 24,556,800	\$ 29,297,300	144450
7076155906	Coal Research and Development Bond Retirement Fund	\$ 7,861,100	\$ 5,577,700	144451
7077155907	State Capital Improvement Bond Retirement Fund	\$ 113,306,600	\$ 215,571,100	144452
7078155908	Common Schools Bond Retirement Fund	\$ 150,604,900	\$ 341,919,400	144453
7079155909	Higher Education Bond Retirement Fund	\$ 108,262,500	\$ 201,555,000	144454
7080155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond Retirement Fund	\$ 5,497,700	\$ 10,112,100	144455
7090155912	Job Ready Site Development Bond Retirement Fund	\$ 9,859,200	\$ 15,680,500	144456
TOTAL DSF Debt Service Fund Group		\$ 597,823,400	\$ 1,059,351,800	144457
TOTAL ALL BUDGET FUND GROUPS		\$ 597,823,400	\$ 1,059,351,800	144458

ADDITIONAL APPROPRIATIONS

144459

Appropriation items in this section are for the purpose of 144460
 paying debt service and financing costs on bonds or notes of the 144461

state issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

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144463
144464

Section 397.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION

144465
144466

Tobacco Master Settlement Agreement Fund Group
5M90 945601 Operating Expenses \$ 436,500 \$ 426,800
TOTAL TMF Tobacco Master Settlement \$ 436,500 \$ 426,800
Agreement Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 436,500 \$ 426,800

144467
144468
144469
144470

Section 399.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY

144472
144473

General Services Fund Group
4K90 886609 Operating Expenses \$ 477,490 \$ 472,260
TOTAL GSF General Services Fund Group \$ 477,490 \$ 472,260
TOTAL ALL BUDGET FUND GROUPS \$ 477,490 \$ 472,260

144474
144475
144476
144477
144478

Section 401.10. BTA BOARD OF TAX APPEALS

144480

General Revenue Fund
GRF 116321 Operating Expenses \$ 1,600,000 \$ 1,700,000
TOTAL GRF General Revenue Fund \$ 1,600,000 \$ 1,700,000
TOTAL ALL BUDGET FUND GROUPS \$ 1,600,000 \$ 1,700,000

144481
144482
144483
144484

Section 403.10. TAX DEPARTMENT OF TAXATION

144486

General Revenue Fund
GRF 110321 Operating Expenses \$ 73,500,000 \$ 73,550,000
GRF 110404 Tobacco Settlement \$ 200,000 \$ 200,000
Enforcement
GRF 110412 Child Support \$ 15,804 \$ 15,804

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		Administration				
GRF 110901	Property Tax	\$	610,900,000	\$	616,000,000	144491
		Allocation - Taxation				
TOTAL GRF	General Revenue Fund	\$	684,615,804	\$	689,765,804	144492
	General Services Fund Group					144493
2280 110628	Tax Reform System	\$	13,638,008	\$	13,642,176	144494
		Implementation				
4330 110602	Tape File Account	\$	197,802	\$	197,878	144495
5AP0 110632	Discovery Project	\$	2,445,799	\$	2,445,657	144496
5BW0 110630	Tax Amnesty Promotion	\$	2,500,000	\$	0	144497
		and Administration				
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	144498
		Application				
5N50 110605	Municipal Income Tax	\$	339,798	\$	339,975	144499
		Administration				
5N60 110618	Kilowatt Hour Tax	\$	150,000	\$	150,000	144500
		Administration				
5V80 110623	Property Tax	\$	12,195,733	\$	12,099,303	144501
		Administration				
5W40 110625	Centralized Tax	\$	200,000	\$	200,000	144502
		Filing and Payment				
5W70 110627	Exempt Facility	\$	50,000	\$	50,000	144503
		Administration				
TOTAL GSF	General Services					144504
Fund Group		\$	31,967,140	\$	29,374,989	144505
	State Special Revenue Fund Group					144506
4350 110607	Local Tax	\$	19,028,339	\$	19,225,941	144507
		Administration				
4360 110608	Motor Vehicle Audit	\$	1,474,081	\$	1,474,353	144508
4370 110606	Litter/Natural	\$	20,000	\$	20,000	144509
		Resource Tax				
		Administration				

4380	110609	School District Income Tax	\$	5,859,041	\$	5,860,650	144510
4C60	110616	International Registration Plan	\$	689,296	\$	689,308	144511
4R60	110610	Tire Tax Administration	\$	245,462	\$	246,660	144512
5V70	110622	Motor Fuel Tax Administration	\$	5,384,254	\$	5,086,236	144513
6390	110614	Cigarette Tax Enforcement	\$	1,384,217	\$	1,384,314	144514
6420	110613	Ohio Political Party Distributions	\$	500,000	\$	500,000	144515
6880	110615	Local Excise Tax Administration	\$	782,630	\$	782,843	144516
TOTAL SSR State Special Revenue							144517
Fund Group			\$	35,367,320	\$	35,270,305	144518
Agency Fund Group							144519
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	144520
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	144521
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000	144522
Holding Account Redistribution Fund Group							144523
R010	110611	Tax Distributions	\$	50,000	\$	50,000	144524
R011	110612	Miscellaneous Income Tax Receipts	\$	50,000	\$	50,000	144525
TOTAL 090 Holding Account							144526
Redistribution Fund Group			\$	100,000	\$	100,000	144527
TOTAL ALL BUDGET FUND GROUPS			\$	2,319,850,264	\$	2,322,311,098	144528
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK							144529
The foregoing appropriation item 110901, Property Tax							144530
Allocation - Taxation, is hereby appropriated to pay for the							144531
state's costs incurred due to the Homestead Exemption, the							144532
Manufactured Home Property Tax Rollback, and the Property Tax							144533

Rollback. The Tax Commissioner shall distribute these funds 144534
directly to the appropriate local taxing districts, except for 144535
school districts, notwithstanding the provisions in sections 144536
321.24 and 323.156 of the Revised Code, which provide for payment 144537
of the Homestead Exemption, the Manufactured Home Property Tax 144538
Rollback, and Property Tax Rollback by the Tax Commissioner to the 144539
appropriate county treasurer and the subsequent redistribution of 144540
these funds to the appropriate local taxing districts by the 144541
county auditor. 144542

Upon receipt of these amounts, each local taxing district 144543
shall distribute the amount among the proper funds as if it had 144544
been paid as real property taxes. Payments for the costs of 144545
administration shall continue to be paid to the county treasurer 144546
and county auditor as provided for in sections 319.54, 321.26, and 144547
323.156 of the Revised Code. 144548

Any sums, in addition to the amounts specifically 144549
appropriated in appropriation item 110901, Property Tax Allocation 144550
- Taxation, for the Homestead Exemption, the Manufactured Home 144551
Property Tax Rollback, and the Property Tax Rollback payments, 144552
which are determined to be necessary for these purposes, are 144553
hereby appropriated. 144554

TAX AMNESTY PROMOTION AND ADMINISTRATION 144555

The foregoing appropriation item 110630, Tax Amnesty 144556
Promotion and Administration, shall be used to pay expenses 144557
incurred to promote and administer the tax amnesty program to be 144558
conducted from May 1, 2012, through June 15, 2012, by the 144559
Department of Taxation pursuant to Section 757.40 of this act. 144560

MUNICIPAL INCOME TAX 144561

The foregoing appropriation item 110995, Municipal Income 144562
Tax, shall be used to make payments to municipal corporations 144563
under section 5745.05 of the Revised Code. If it is determined 144564

that additional appropriations are necessary to make such	144565
payments, such amounts are hereby appropriated.	144566
 TAX REFUNDS	 144567
The foregoing appropriation item 110635, Tax Refunds, shall	144568
be used to pay refunds under section 5703.052 of the Revised Code.	144569
If it is determined that additional appropriations are necessary	144570
for this purpose, such amounts are hereby appropriated.	144571
 INTERNATIONAL REGISTRATION PLAN AUDIT	 144572
The foregoing appropriation item 110616, International	144573
Registration Plan, shall be used under section 5703.12 of the	144574
Revised Code for audits of persons with vehicles registered under	144575
the International Registration Plan.	144576
 TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	 144577
Of the foregoing appropriation item 110607, Local Tax	144578
Administration, the Tax Commissioner may disburse funds, if	144579
available, for the purposes of paying travel expenses incurred by	144580
members of Ohio's delegation to the Streamlined Sales Tax Project,	144581
as appointed under section 5740.02 of the Revised Code. Any travel	144582
expense reimbursement paid for by the Department of Taxation shall	144583
be done in accordance with applicable state laws and guidelines.	144584
 CENTRALIZED TAX FILING AND PAYMENT FUND	 144585
The Director of Budget and Management, under a plan submitted	144586
by the Tax Commissioner, or as otherwise determined by the	144587
Director of Budget and Management, shall set a schedule to	144588
transfer cash from the General Revenue Fund to the credit of the	144589
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers	144590
of cash shall not exceed \$400,000 in the biennium.	144591
 TOBACCO SETTLEMENT ENFORCEMENT	 144592
The foregoing appropriation item 110404, Tobacco Settlement	144593
Enforcement, shall be used by the Tax Commissioner to pay costs	144594

incurred in the enforcement of divisions (F) and (G) of section 144595
5743.03 of the Revised Code. 144596

Section 403.20. FUND TRANSFERS TO TAX AMNESTY PROGRAM 144597

Notwithstanding any provision of law to the contrary, not 144598
later than thirty days following the effective date of this 144599
section, the Director of Budget and Management shall transfer 144600
\$2,500,000 from the General Revenue Fund to the Tax Amnesty 144601
Promotion and Administration Fund (5BW0), which is hereby created 144602
in the state treasury. The funds shall be used by the Department 144603
of Taxation to pay expenses incurred in promoting and 144604
administering the tax amnesty program that is to be conducted from 144605
May 1, 2012, through June 15, 2012, pursuant to section 757.40 of 144606
this act. 144607

Section 405.10. DOT DEPARTMENT OF TRANSPORTATION 144608

General Revenue Fund 144609
GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 144610
- State
GRF 776465 Ohio Rail Development \$ 2,000,000 \$ 2,000,000 144611
Commission
GRF 777471 Airport Improvements \$ 750,000 \$ 750,000 144612
- State
TOTAL GRF General Revenue Fund \$ 10,050,000 \$ 10,050,000 144613
TOTAL ALL BUDGET FUND GROUPS \$ 10,050,000 \$ 10,050,000 144614

Section 407.10. TOS TREASURER OF STATE 144616

General Revenue Fund 144617
GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 144618
GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 144619
Fund
GRF 090402 Continuing Education \$ 377,702 \$ 377,702 144620

GRF 090524	Police and Fire	\$	7,900	\$	7,900	144621
	Disability Pension					
	Fund					
GRF 090534	Police and Fire Ad Hoc	\$	87,000	\$	87,000	144622
	Cost of Living					
GRF 090554	Police and Fire	\$	600,000	\$	600,000	144623
	Survivor Benefits					
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	144624
	Benefits					
TOTAL GRF General Revenue Fund		\$	29,318,459	\$	29,318,459	144625
General Services Fund Group						144626
4E90 090603	Securities Lending	\$	4,829,441	\$	4,829,441	144627
	Income					
5770 090605	Investment Pool	\$	550,000	\$	550,000	144628
	Reimbursement					
5C50 090602	County Treasurer	\$	170,057	\$	170,057	144629
	Education					
6050 090609	Treasurer of State	\$	135,000	\$	135,000	144630
	Administrative Fund					
TOTAL GSF General Services						144631
Fund Group		\$	5,684,498	\$	5,684,498	144632
Agency Fund Group						144633
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000	144634
TOTAL Agency Fund Group		\$	6,000,000	\$	6,000,000	144635
TOTAL ALL BUDGET FUND GROUPS		\$	41,002,957	\$	41,002,957	144636

Section 407.20. OFFICE OF THE SINKING FUND 144638

The foregoing appropriation item 090401, Office of the 144639
Sinking Fund, shall be used for costs incurred by or on behalf of 144640
the Commissioners of the Sinking Fund and the Ohio Public 144641
Facilities Commission with respect to State of Ohio general 144642
obligation bonds or notes, and the Treasurer of State with respect 144643

to State of Ohio general obligation and special obligation bonds 144644
or notes, including, but not limited to, printing, advertising, 144645
delivery, rating fees and the procurement of ratings, professional 144646
publications, membership in professional organizations, and other 144647
services referred to in division (D) of section 151.01 of the 144648
Revised Code. The General Revenue Fund shall be reimbursed for 144649
such costs relating to the issuance and administration of Highway 144650
Capital Improvement bonds or notes authorized under Ohio 144651
Constitution, Article VIII, Section 2m and Chapter 151. of the 144652
Revised Code. That reimbursement shall be made from appropriation 144653
item 155902, Highway Capital Improvement Bond Retirement Fund, by 144654
intrastate transfer voucher pursuant to a certification by the 144655
Office of the Sinking Fund of the actual amounts used. The amounts 144656
necessary to make such a reimbursement are hereby appropriated 144657
from the Highway Capital Improvement Bond Retirement Fund created 144658
in section 151.06 of the Revised Code. 144659

POLICE AND FIRE DEATH BENEFIT FUND 144660

The foregoing appropriation item 090575, Police and Fire 144661
Death Benefits, shall be disbursed quarterly by the Treasurer of 144662
State at the beginning of each quarter of each fiscal year to the 144663
Board of Trustees of the Ohio Police and Fire Pension Fund. The 144664
Treasurer of State shall certify such amounts quarterly to the 144665
Director of Budget and Management. By the twentieth day of June of 144666
each fiscal year, the Board of Trustees of the Ohio Police and 144667
Fire Pension Fund shall certify to the Treasurer of State the 144668
amount disbursed in the current fiscal year to make the payments 144669
required by section 742.63 of the Revised Code and shall return to 144670
the Treasurer of State moneys received from this appropriation 144671
item but not disbursed. 144672

TAX REFUNDS 144673

The foregoing appropriation item 090635, Tax Refunds, shall 144674
be used to pay refunds under section 5703.052 of the Revised Code. 144675

If the Director of Budget and Management determines that 144676
additional amounts are necessary for this purpose, such amounts 144677
are hereby appropriated. 144678

	Section 409.10.	VTO VETERANS' ORGANIZATIONS			144679
		General Revenue Fund			144680
		VAP AMERICAN EX-PRISONERS OF WAR			144681
GRF	743501	State Support	\$	28,910 \$	28,910 144682
		VAN ARMY AND NAVY UNION, USA, INC.			144683
GRF	746501	State Support	\$	63,539 \$	63,539 144684
		VKW KOREAN WAR VETERANS			144685
GRF	747501	State Support	\$	57,118 \$	57,118 144686
		VJW JEWISH WAR VETERANS			144687
GRF	748501	State Support	\$	34,321 \$	34,321 144688
		VCW CATHOLIC WAR VETERANS			144689
GRF	749501	State Support	\$	66,978 \$	66,978 144690
		VPH MILITARY ORDER OF THE PURPLE HEART			144691
GRF	750501	State Support	\$	65,116 \$	65,116 144692
		VVV VIETNAM VETERANS OF AMERICA			144693
GRF	751501	State Support	\$	214,776 \$	214,776 144694
		VAL AMERICAN LEGION OF OHIO			144695
GRF	752501	State Support	\$	349,189 \$	349,189 144696
		VII AMVETS			144697
GRF	753501	State Support	\$	332,547 \$	332,547 144698
		VAV DISABLED AMERICAN VETERANS			144699
GRF	754501	State Support	\$	249,836 \$	249,836 144700
		VMC MARINE CORPS LEAGUE			144701
GRF	756501	State Support	\$	133,947 \$	133,947 144702
		V37 37TH DIVISION VETERANS' ASSOCIATION			144703
GRF	757501	State Support	\$	6,868 \$	6,868 144704
		VFW VETERANS OF FOREIGN WARS			144705
GRF	758501	State Support	\$	284,841 \$	284,841 144706

TOTAL GRF General Revenue Fund	\$	1,887,986	\$	1,887,986	144707
TOTAL ALL BUDGET FUND GROUPS	\$	1,887,986	\$	1,887,986	144708
RELEASE OF FUNDS					144709
The Director of Budget and Management may release the					144710
foregoing appropriation items 743501, 746501, 747501, 748501,					144711
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					144712
and 758501, State Support.					144713
Section 411.10. DVS DEPARTMENT OF VETERANS SERVICES					144714
General Revenue Fund					144715
GRF 900321 Veterans' Homes	\$	27,369,946	\$	27,369,946	144716
GRF 900402 Hall of Fame	\$	107,075	\$	107,075	144717
GRF 900408 Department of	\$	1,901,823	\$	1,901,823	144718
Veterans Services					
GRF 900901 Persian Gulf,	\$	5,486,600	\$	10,112,100	144719
Afghanistan, and Iraq					
Compensation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	34,865,444	\$	39,490,944	144720
General Services Fund Group					144721
4840 900603 Veterans' Homes	\$	305,806	\$	312,458	144722
Services					
TOTAL GSF General Services Fund	\$	305,806	\$	312,458	144723
Group					
Federal Special Revenue Fund Group					144724
3680 900614 Veterans Training	\$	769,500	\$	754,377	144725
3740 900606 Troops to Teachers	\$	136,786	\$	133,461	144726
3BX0 900609 Medicare Services	\$	2,500,000	\$	2,490,169	144727
3L20 900601 Veterans' Homes	\$	23,455,379	\$	23,476,269	144728
Operations - Federal					
TOTAL FED Federal Special Revenue					144729

Fund Group	\$	26,861,665	\$	26,854,276	144730
State Special Revenue Fund Group					144731
4E20 900602 Veterans' Homes	\$	10,117,680	\$	10,319,078	144732
Operating					
6040 900604 Veterans' Homes	\$	347,598	\$	398,731	144733
Improvement					
TOTAL SSR State Special Revenue					144734
Fund Group	\$	10,465,278	\$	10,717,809	144735
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group					144736
7041 900615 Veteran Bonus Program	\$	1,605,410	\$	1,147,703	144737
- Administration					
7041 900641 Persian Gulf,	\$	25,425,000	\$	24,300,000	144738
Afghanistan, and Iraq					
Compensation					
TOTAL 041 Persian Gulf,					144739
Afghanistan, and Iraq					144740
Compensation Fund Group	\$	27,030,410	\$	25,447,703	144741
TOTAL ALL BUDGET FUND GROUPS	\$	99,528,603	\$	102,823,190	144742
PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL					144743
OBLIGATION DEBT SERVICE					144744
The foregoing appropriation item 900901, Persian Gulf,					144745
Afghanistan and Iraq Compensation Debt Service, shall be used to					144746
pay all debt service and related financing costs during the period					144747
from July 1, 2011, through June 30, 2013, on obligations issued					144748
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation					144749
purposes under sections 151.01 and 151.12 of the Revised Code.					144750
Section 413.10. DVM STATE VETERINARY MEDICAL BOARD					144751
General Services Fund Group					144752
4K90 888609 Operating Expenses	\$	322,375	\$	319,857	144753
5BU0 888602 Veterinary Student	\$	30,000	\$	30,000	144754

Loan Program				
TOTAL GSF General Services				144755
Fund Group	\$	352,375	\$ 349,857	144756
TOTAL ALL BUDGET FUND GROUPS	\$	352,375	\$ 349,857	144757
Section 415.10. DYS DEPARTMENT OF YOUTH SERVICES				144759
General Revenue Fund				144760
GRF 470401 RECLAIM Ohio	\$	168,716,967	\$ 162,362,228	144761
GRF 470412 Lease Rental Payments	\$	10,221,800	\$ 27,230,100	144762
GRF 470510 Youth Services	\$	16,702,728	\$ 16,702,728	144763
GRF 472321 Parole Operations	\$	10,830,019	\$ 10,583,118	144764
GRF 477321 Administrative	\$	12,222,051	\$ 11,855,389	144765
Operations				
TOTAL GRF General Revenue Fund	\$	218,693,565	\$ 228,733,563	144766
General Services Fund Group				144767
1750 470613 Education	\$	8,160,277	\$ 8,151,056	144768
Reimbursement				
4790 470609 Employee Food Service	\$	150,000	\$ 150,000	144769
4A20 470602 Child Support	\$	450,000	\$ 400,000	144770
4G60 470605 General Operational	\$	125,000	\$ 125,000	144771
Funds				
5BN0 470629 E-Rate Program	\$	535,000	\$ 535,000	144772
TOTAL GSF General Services				144773
Fund Group	\$	9,420,277	\$ 9,361,056	144774
Federal Special Revenue Fund Group				144775
3210 470601 Education	\$	1,774,469	\$ 1,517,840	144776
3210 470603 Juvenile Justice	\$	300,000	\$ 300,000	144777
Prevention				
3210 470606 Nutrition	\$	1,747,432	\$ 1,704,022	144778
3210 470610 Rehabilitation	\$	36,000	\$ 36,000	144779
Programs				
3210 470614 Title IV-E	\$	6,000,000	\$ 6,000,000	144780

		Reimbursements					
3BY0	470635	Federal Juvenile	\$	56,471	\$	2,000	144781
		Programs FFY 07					
3BZ0	470636	Federal Juvenile	\$	82,000	\$	1,618	144782
		Programs FFY 08					
3CP0	470638	Federal Juvenile	\$	500,000	\$	300,730	144783
		Programs FFY 09					
3CR0	470639	Federal Juvenile	\$	800,000	\$	479,900	144784
		Programs FFY 10					
3FB0	470641	Federal Juvenile	\$	135,000	\$	600,000	144785
		Programs FFY 11					
3FC0	470642	Federal Juvenile	\$	0	\$	135,000	144786
		Programs FFY 12					
3V50	470604	Juvenile	\$	2,010,000	\$	2,000,000	144787
		Justice/Delinquency					
		Prevention					
TOTAL FED		Federal Special Revenue					144788
Fund Group			\$	13,441,372	\$	13,077,110	144789
State Special Revenue		Fund Group					144790
1470	470612	Vocational Education	\$	762,126	\$	758,210	144791
TOTAL SSR		State Special Revenue					144792
Fund Group			\$	762,126	\$	758,210	144793
TOTAL ALL BUDGET FUND GROUPS			\$	242,317,340	\$	251,929,939	144794
		COMMUNITY PROGRAMS					144795
		For purposes of implementing juvenile sentencing reforms, and					144796
		notwithstanding any provision of law to the contrary, the					144797
		Department of Youth Services may use up to forty-five per cent of					144798
		the unexpended, unencumbered balance of the portion of					144799
		appropriation item 470401, RECLAIM Ohio, that is allocated to					144800
		juvenile correctional facilities in each fiscal year to expand					144801
		Targeted RECLAIM, the Behavioral Health Juvenile Justice					144802
		Initiative, and other evidence-based community programs.					144803

OHIO BUILDING AUTHORITY LEASE PAYMENTS	144804
The foregoing appropriation item 470412, Lease Rental	144805
Payments, shall be used to meet all payments at the times they are	144806
required to be made for the period from July 1, 2011, through June	144807
30, 2013, by the Department of Youth Services to the Ohio Building	144808
Authority under the leases and agreements for facilities made	144809
under Chapter 152. of the Revised Code. This appropriation is the	144810
source of funds pledged for bond service charges on related	144811
obligations issued pursuant to Chapter 152. of the Revised Code.	144812
EDUCATION REIMBURSEMENT	144813
The foregoing appropriation item 470613, Education	144814
Reimbursement, shall be used to fund the operating expenses of	144815
providing educational services to youth supervised by the	144816
Department of Youth Services. Operating expenses include, but are	144817
not limited to, teachers' salaries, maintenance costs, and	144818
educational equipment. This appropriation item may be used for	144819
capital expenses related to the education program.	144820
EMPLOYEE FOOD SERVICE AND EQUIPMENT	144821
Notwithstanding section 125.14 of the Revised Code, the	144822
foregoing appropriation item 470609, Employee Food Service, may be	144823
used to purchase any food operational items with funds received	144824
into the fund from reimbursements for state surplus property.	144825
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	144826
In collaboration with the county family and children first	144827
council, the juvenile court of that county that receives	144828
allocations from one or both of the foregoing appropriation items	144829
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer	144830
portions of those allocations to a flexible funding pool as	144831
authorized by the section of this act titled "FAMILY AND CHILDREN	144832
FIRST FLEXIBLE FUNDING POOL."	144833

Section 501.10. All items set forth in this section are 144834
hereby appropriated for fiscal year 2012 out of any moneys in the 144835
state treasury to the credit of the Administrative Building Fund 144836
(Fund 7026) that are not otherwise appropriated. 144837

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 144838

C87416	Statehouse Boiler Replacement	\$	900,000	144839
	Total Capitol Square Review and Advisory Board	\$	900,000	144840
	TOTAL Administrative Building Fund	\$	900,000	144841

Section 501.20. All items set forth in this section are 144843
hereby appropriated for fiscal year 2012 out of any moneys in the 144844
state treasury to the credit of the Parks and Recreation 144845
Improvement Fund (Fund 7035) that are not otherwise appropriated. 144846
The appropriations made in this act are in addition to any other 144847
appropriations or reappropriations made for the fiscal year 144848
2011-fiscal year 2012 biennium. 144849

DNR DEPARTMENT OF NATURAL RESOURCES 144850

C725E2	Local Parks Projects	\$	2,000,000	144851
	Total Department of Natural Resources	\$	2,000,000	144852
	TOTAL Parks and Recreation Improvement Fund	\$	2,000,000	144853

Of the foregoing appropriation item C725E2, Local Parks 144854
Projects, \$2,000,000 in fiscal year 2012 shall be used for Grand 144855
Lake St. Marys improvements. 144856

Section 501.30. The Treasurer of State is hereby authorized 144857
to issue and sell, in accordance with Section 2i of Article VIII, 144858
Ohio Constitution, and Chapter 154. of the Revised Code, 144859
particularly section 154.22 of the Revised Code, original 144860
obligations in an aggregate principal amount not to exceed 144861
\$2,000,000, in addition to the original issuance of obligations 144862
heretofore authorized by prior acts of the General Assembly. These 144863
authorized obligations shall be issued, subject to applicable 144864

constitutional and statutory limitations, to pay the costs of 144865
capital facilities for parks and recreation as defined in section 144866
154.01 of the Revised Code. 144867

Section 503.10. PERSONAL SERVICE EXPENSES 144868

Unless otherwise prohibited by law, any appropriation from 144869
which personal service expenses are paid shall bear the employer's 144870
share of public employees' retirement, workers' compensation, 144871
disabled workers' relief, and insurance programs; and the costs of 144872
centralized financial services, centralized payroll processing, 144873
and related reports and services; centralized human resources 144874
services, including affirmative action and equal employment 144875
opportunity programs; the Office of Collective Bargaining; the 144876
Employee Assistance Program; centralized information technology 144877
management services; administering the enterprise resource 144878
planning system; and administering the state employee merit system 144879
as required by section 124.07 of the Revised Code. These costs 144880
shall be determined in conformity with the appropriate sections of 144881
law and paid in accordance with procedures specified by the Office 144882
of Budget and Management. Expenditures from appropriation item 144883
070601, Public Audit Expense - Intra-State, may be exempted from 144884
the requirements of this section. 144885

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 144886
AGAINST THE STATE 144887

Except as otherwise provided in this section, an 144888
appropriation in this act or any other act may be used for the 144889
purpose of satisfying judgments, settlements, or administrative 144890
awards ordered or approved by the Court of Claims or by any other 144891
court of competent jurisdiction in connection with civil actions 144892
against the state. This authorization does not apply to 144893
appropriations to be applied to or used for payment of guarantees 144894

by or on behalf of the state, or for payments under lease 144895
agreements relating to, or debt service on, bonds, notes, or other 144896
obligations of the state. Notwithstanding any other statute to the 144897
contrary, this authorization includes appropriations from funds 144898
into which proceeds of direct obligations of the state are 144899
deposited only to the extent that the judgment, settlement, or 144900
administrative award is for, or represents, capital costs for 144901
which the appropriation may otherwise be used and is consistent 144902
with the purpose for which any related obligations were issued or 144903
entered into. Nothing contained in this section is intended to 144904
subject the state to suit in any forum in which it is not 144905
otherwise subject to suit, and is not intended to waive or 144906
compromise any defense or right available to the state in any suit 144907
against it. 144908

Section 503.30. CAPITAL PROJECT SETTLEMENTS 144909

This section specifies an additional and supplemental 144910
procedure to provide for payments of judgments and settlements if 144911
the Director of Budget and Management determines, pursuant to 144912
division (C)(4) of section 2743.19 of the Revised Code, that 144913
sufficient unencumbered moneys do not exist in the fund to support 144914
a particular appropriation to pay the amount of a final judgment 144915
rendered against the state or a state agency, including the 144916
settlement of a claim approved by a court, in an action upon and 144917
arising out of a contractual obligation for the construction or 144918
improvement of a capital facility if the costs under the contract 144919
were payable in whole or in part from a state capital projects 144920
appropriation. In such a case, the Director may either proceed 144921
pursuant to division (C)(4) of section 2743.19 of the Revised Code 144922
or apply to the Controlling Board to increase an appropriation or 144923
create an appropriation out of any unencumbered moneys in the 144924
state treasury to the credit of the capital projects fund from 144925
which the initial state appropriation was made. The amount of an 144926

increase in appropriation or new appropriation approved by the 144927
Controlling Board is hereby appropriated from the applicable 144928
capital projects fund and made available for the payment of the 144929
judgment or settlement. 144930

If the Director does not make the application authorized by 144931
this section or the Controlling Board disapproves the application, 144932
and the Director does not make application under division (C)(4) 144933
of section 2743.19 of the Revised Code, the Director shall for the 144934
purpose of making that payment make a request to the General 144935
Assembly as provided for in division (C)(5) of that section. 144936

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 144937

In order to provide funds for the reissuance of voided 144938
warrants under section 126.37 of the Revised Code, there is hereby 144939
appropriated, out of moneys in the state treasury from the fund 144940
credited as provided in section 126.37 of the Revised Code, that 144941
amount sufficient to pay such warrants when approved by the Office 144942
of Budget and Management. 144943

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 144944
BALANCES OF OPERATING APPROPRIATIONS 144945

(A) An unexpended balance of an operating appropriation or 144946
reappropriation that a state agency lawfully encumbered prior to 144947
the close of a fiscal year is hereby reappropriated on the first 144948
day of July of the following fiscal year from the fund from which 144949
it was originally appropriated or reappropriated for the following 144950
period and shall remain available only for the purpose of 144951
discharging the encumbrance: 144952

(1) For an encumbrance for personal services, maintenance, 144953
equipment, or items for resale, other than an encumbrance for an 144954
item of special order manufacture not available on term contract 144955
or in the open market or for reclamation of land or oil and gas 144956

wells, for a period of not more than five months from the end of 144957
the fiscal year; 144958

(2) For an encumbrance for an item of special order 144959
manufacture not available on term contract or in the open market, 144960
for a period of not more than five months from the end of the 144961
fiscal year or, with the written approval of the Director of 144962
Budget and Management, for a period of not more than twelve months 144963
from the end of the fiscal year; 144964

(3) For an encumbrance for reclamation of land or oil and gas 144965
wells, for a period ending when the encumbered appropriation is 144966
expended or for a period of two years, whichever is less; 144967

(4) For an encumbrance for any other expense, for such period 144968
as the Director approves, provided such period does not exceed two 144969
years. 144970

(B) Any operating appropriations for which unexpended 144971
balances are reappropriated beyond a five-month period from the 144972
end of the fiscal year by division (A)(2) of this section shall be 144973
reported to the Controlling Board by the Director of Budget and 144974
Management by the thirty-first day of December of each year. The 144975
report on each such item shall include the item, the cost of the 144976
item, and the name of the vendor. The report shall be updated on a 144977
quarterly basis for encumbrances remaining open. 144978

(C) Upon the expiration of the reappropriation period set out 144979
in division (A) of this section, a reappropriation made by this 144980
section lapses, and the Director of Budget and Management shall 144981
cancel the encumbrance of the unexpended reappropriation not later 144982
than the end of the weekend following the expiration of the 144983
reappropriation period. 144984

(D) Notwithstanding division (C) of this section, with the 144985
approval of the Director of Budget and Management, an unexpended 144986
balance of an encumbrance that was reappropriated on the first day 144987

of July by this section for a period specified in division (A)(3) 144988
or (4) of this section and that remains encumbered at the close of 144989
the fiscal biennium is hereby reappropriated on the first day of 144990
July of the following fiscal biennium from the fund from which it 144991
was originally appropriated or reappropriated for the applicable 144992
period specified in division (A)(3) or (4) of this section and 144993
shall remain available only for the purpose of discharging the 144994
encumbrance. 144995

(E) The Director of Budget and Management may correct 144996
accounting errors committed by the staff of the Office of Budget 144997
and Management, such as re-establishing encumbrances or 144998
appropriations cancelled in error, during the cancellation of 144999
operating encumbrances in November and of nonoperating 145000
encumbrances in December. 145001

(F) If the Controlling Board approved a purchase, that 145002
approval remains in effect so long as the appropriation used to 145003
make that purchase remains encumbered. 145004

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 145005
RE-ESTABLISHMENT OF ENCUMBRANCES 145006

Any cash transferred by the Director of Budget and Management 145007
under section 126.15 of the Revised Code is hereby appropriated. 145008
Any amounts necessary to re-establish appropriations or 145009
encumbrances under section 126.15 of the Revised Code are hereby 145010
appropriated. 145011

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 145012

There are hereby appropriated out of any moneys in the state 145013
treasury to the credit of the General Revenue Fund, which are not 145014
otherwise appropriated, funds sufficient to make any payment 145015
required by division (B)(2) of section 5747.03 of the Revised 145016
Code. 145017

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES	145018
APPROVED BY THE CONTROLLING BOARD	145019
Any money that the Controlling Board approves for expenditure	145020
or any increase in appropriation that the Controlling Board	145021
approves under sections 127.14, 131.35, and 131.39 of the Revised	145022
Code or any other provision of law is hereby appropriated for the	145023
period ending June 30, 2013.	145024
Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S	145025
RESIDENCE	145026
If the Governor's Residence Fund (Fund 4H20) receives payment	145027
for use of the residence pursuant to section 107.40 of the Revised	145028
Code, the amounts so received are hereby appropriated to	145029
appropriation item 100604, Governor's Residence Gift.	145030
Section 503.93. PENSION SHIFT REPLACEMENT	145031
The Director of Budget and Management may authorize	145032
additional expenditures from various General Revenue Fund and	145033
non-General Revenue Fund appropriation items in order to fully	145034
fund the employer's share of public retirement system	145035
contributions for state employees who are paid directly by warrant	145036
of the Director of Budget and Management. Any additional	145037
expenditures authorized by the Director of Budget and Management	145038
under this paragraph are hereby appropriated.	145039
Section 503.95. EMERGENCY CAPITAL APPROPRIATIONS AND	145040
AUTHORIZATION TO ISSUE OBLIGATIONS	145041
Notwithstanding any provision of law to the contrary, the	145042
Director of Budget and Management may establish a process for, and	145043
receive from state agencies or institutions, applications for	145044
funding emergency or critical capital facilities needs that may be	145045

paid from the funds identified in this section. Upon review of any 145046
such application, if determined necessary to address emergency or 145047
critical capital needs identified in an application, the director 145048
may request Controlling Board approval to establish additional 145049
capital appropriations, from the following funds in an aggregate 145050
amount not to exceed \$50,000,000 for the FY 2011 - FY 2012 capital 145051
biennium: the Administrative Building Fund (Fund 7026), the Adult 145052
Correctional Building Fund (Fund 7027), the Juvenile Correctional 145053
Building Fund (Fund 7028), the Ohio Cultural Facilities Fund (Fund 145054
7030), the Ohio Parks and Natural Resources Fund (Fund 7031), the 145055
Mental Health Facilities Improvement Fund (Fund 7033), the Parks 145056
and Recreation Improvement Fund (Fund 7035), and any other capital 145057
fund from which emergency capital facilities funding is deemed 145058
necessary by the Director as a result of any natural disaster 145059
occurring between July 1, 2010, and September 30, 2010, that 145060
resulted in damages to a facility of a state-assisted institution 145061
of higher education. Reference is made to Section 221.20.30 of Am. 145062
Sub. H.B. 562 (as to Fund 7026), Section 223.11 of Am. Sub. H.B. 145063
562 (as to Fund 7027), Section 225.11 of Am. Sub. H.B. 562 (as to 145064
Fund 7028), Section 227.11 of Am. Sub. H.B. 562 (as to Fund 7030), 145065
Section 229.11 of Am. Sub. H.B. 562 (as to Fund 7031), Section 145066
231.40.10 of Am. Sub. H.B. 562 (as to Fund 7033), Section 145067
233.60.30 of Am. Sub. H.B. 562 (as to Fund 7034), and Section 145068
235.12 of Am. Sub. H.B. 562 (as to Fund 7035), each of which 145069
authorizes the issuance and sale of original obligations, pursuant 145070
to the applicable constitutional and statutory authority indicated 145071
therein, in a principal amount indicated therein. In addition to 145072
those amounts previously authorized for each of those purposes, 145073
the Ohio Public Facilities Commission or the Treasurer of State, 145074
as applicable, are each hereby authorized to issue and sell 145075
additional original obligations, pursuant to the applicable 145076
constitutional and statutory authority, in an aggregate principal 145077
amount equal to any additional capital appropriations approved by 145078

the Controlling Board under the authority of this section for that 145079
purpose, plus amounts necessary to cover the costs of issuance of 145080
those additional original obligations. Sections 518.10 and 518.20 145081
of Am. Sub. H.B. 153 of the 129th General Assembly apply to the 145082
debt service on any additional obligations issued and sold under 145083
this paragraph. 145084

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 145085

Unless the agency and nuclear electric utility mutually agree 145086
to a higher amount by contract, the maximum amounts that may be 145087
assessed against nuclear electric utilities under division (B)(2) 145088
of section 4937.05 of the Revised Code and deposited into the 145089
specified funds are as follows: 145090

<u>Fund</u>	<u>User</u>	<u>FY 2012</u>	<u>FY 2013</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 131,785	\$ 131,785	145092
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 930,525	\$ 930,576	145093
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 279,838	\$ 279,966	145094
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,415,945	\$ 1,415,945	145095

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 145096
INTEREST EARNED 145097

Notwithstanding any provision of law to the contrary, the 145098
Director of Budget and Management, through June 30, 2013, may 145099
transfer interest earned by any state fund to the General Revenue 145100
Fund. This section does not apply to funds whose source of revenue 145101
is restricted or protected by the Ohio Constitution, federal tax 145102

law, or the "Cash Management Improvement Act of 1990," 104 Stat. 145103
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 145104

Section 512.30. CASH TRANSFERS TO THE GENERAL REVENUE FUND 145105
FROM NON-GRF FUNDS 145106

Notwithstanding any provision of law to the contrary, the 145107
Director of Budget and Management may transfer up to \$60,000,000 145108
in each fiscal year in cash from non-General Revenue Funds that 145109
are not constitutionally restricted to the General Revenue Fund in 145110
order to ensure that available General Revenue Fund receipts and 145111
balances are sufficient to support General Revenue Fund 145112
appropriations in each fiscal year. The Director shall not make 145113
transfers from any non-General Revenue Fund if more than thirty 145114
per cent of the total fund value consists of cash from donations. 145115

Section 512.40. FISCAL YEAR 2011 GENERAL REVENUE FUND ENDING 145116
BALANCE 145117

Notwithstanding divisions (B) and (C) of section 131.44 of 145118
the Revised Code, the Director of Budget and Management shall 145119
determine the surplus General Revenue Fund revenue that existed on 145120
June 30, 2011, in excess of the amount required under division 145121
(A)(3) of section 131.44 of the Revised Code, and transfer from 145122
the General Revenue Fund, to the extent of the amount so 145123
determined, the following: 145124

(A) To the Disaster Services Fund (Fund 5E20), a cash amount 145125
up to \$25,000,000; 145126

(B) To the Controlling Board Emergency Purposes Fund (Fund 145127
5KM0), a cash amount of up to \$20,000,000. 145128

Section 512.60. NATURAL RESOURCES PUBLICATIONS 145129

On July 1, 2011, or as soon as possible thereafter, the 145130
Director of Budget and Management, at the request of the Director 145131

of Natural Resources, shall transfer the remaining cash balance in 145132
the Natural Resources Publications and Promotional Materials Fund 145133
(Fund 5080) to the Departmental Projects Fund (Fund 1550) and the 145134
Geological Mapping Fund (Fund 5110) in such amounts as determined 145135
by the Director of Budget and Management after consultation with 145136
the Director of Natural Resources. The Director of Budget and 145137
Management shall cancel all existing encumbrances against 145138
appropriation item 725684, Natural Resources Publications, and 145139
reestablish them against appropriation item 725601, Departmental 145140
Projects, and appropriation item 725646, Ohio Geological Mapping. 145141
Upon completion of the transfer, the Natural Resources 145142
Publications and Promotional Materials Fund is hereby abolished. 145143
Beginning July 1, 2011, all moneys from the sale of books, 145144
bulletins, maps, or other publications and promotional materials 145145
shall be credited to the Departmental Projects Fund (Fund 1550) or 145146
the Geological Mapping Fund (Fund 5110) as determined by the 145147
Director of Natural Resources. 145148

Section 512.70. On July 1, 2011, or as soon as possible 145149
thereafter, the Director of Budget and Management shall transfer 145150
the cash balance in the Penalty Enforcement Fund (Fund 5K70) to 145151
the Labor Operating Fund (Fund 5560). The Director shall cancel 145152
any existing encumbrances against appropriation item 800621, 145153
Penalty Enforcement, and re-establish them against appropriation 145154
item 800615, Industrial Compliance. The re-established encumbrance 145155
amounts are hereby appropriated. Upon completion of the transfer, 145156
Fund 5K70 is abolished. 145157

Section 512.80. ABOLISHMENT OF PASSPORT FUND 145158

On July 1, 2011, or as soon as possible thereafter, the 145159
Director of Budget and Management shall transfer the cash balance 145160
in the PASSPORT Fund (Fund 4U90) to the Nursing Home Franchise 145161
Permit Fee Fund (Fund 5R20). Upon completion of the transfer, Fund 145162

4U90 is abolished. The Director shall cancel any existing 145163
encumbrances against appropriation item 490602, PASSPORT Fund, and 145164
reestablish them against appropriation item 600613, Nursing 145165
Facility Bed Assessments. The reestablished encumbrance amounts 145166
are hereby appropriated. 145167

Section 512.90. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 145168

There is established in the Highway Operating Fund (Fund 145169
7002) in the Department of Transportation a Diesel Emissions 145170
Reduction Grant Program. The Director of Environmental Protection 145171
shall administer the program and shall solicit, evaluate, score, 145172
and select projects submitted by public and private entities that 145173
are eligible for the federal Congestion Mitigation and Air Quality 145174
(CMAQ) Program. The Director of Transportation shall process 145175
Federal Highway Administration-approved projects as recommended by 145176
the Director of Environmental Protection. 145177

In addition to the allowable expenditures set forth in 145178
section 122.861 of the Revised Code, Diesel Emissions Reduction 145179
Grant Program funds also may be used to fund projects involving 145180
the purchase or use of hybrid and alternative fuel vehicles that 145181
are allowed under guidance developed by the Federal Highway 145182
Administration for the CMAQ Program. 145183

Public entities eligible to receive funds under section 145184
122.861 of the Revised Code and CMAQ shall be reimbursed from the 145185
Department of Transportation's Diesel Emissions Reduction Grant 145186
Program. 145187

Private entities eligible to receive funds under section 145188
122.861 of the Revised Code and CMAQ shall be reimbursed through 145189
transfers of cash from the Department of Transportation's Diesel 145190
Emissions Reduction Grant Program to the Diesel Emissions 145191
Reduction Fund (Fund 3FH0), which is hereby created and to be used 145192
by the Environmental Protection Agency. 145193

Appropriation item 715693, Diesel Emissions Reduction Grants, 145194
is established with an appropriation of \$10,000,000 in FY 2012 and 145195
\$10,000,000 in FY 2013. Total expenditures between both the 145196
Environmental Protection Agency and the Department of 145197
Transportation shall not exceed the amounts appropriated in this 145198
section. 145199

On or before June 30, 2012, any unencumbered balance of the 145200
foregoing appropriation item 715693, Diesel Emissions Reduction 145201
Grants, for fiscal year 2012 is appropriated for the same purposes 145202
in fiscal year 2013. 145203

Any cash transfers or allocations under this section 145204
represent CMAQ program moneys within the Department of 145205
Transportation for use by the Diesel Emissions Reduction Grant 145206
Program by the Environmental Protection Agency. These allocations 145207
shall not reduce the amount of such moneys designated for 145208
metropolitan planning organizations. 145209

The Director of Environmental Protection, in consultation 145210
with the Directors of Development and Transportation, shall 145211
develop guidance for the distribution of funds and for the 145212
administration of the Diesel Emissions Reduction Grant Program. 145213
The guidance shall include a method of prioritization for 145214
projects, acceptable technologies, and procedures for awarding 145215
grants. 145216

Section 515.20. (A) On the effective date of the amendment of 145217
the statutes creating the Division of Oil and Gas Resources 145218
Management in the Department of Natural Resources by this act, the 145219
functions, assets, and liabilities of the Division of Mineral 145220
Resources Management in the Department of Natural Resources with 145221
respect to oil and gas are transferred to the Division of Oil and 145222
Gas Resources Management. The Division of Oil and Gas Resources 145223
Management is successor to, assumes the obligations and authority 145224

of, and otherwise continues the Division of Mineral Resources Management with respect to oil and gas. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Division of Mineral Resources Management with respect to oil and gas is impaired or lost by reason of the transfer and shall be recognized, administered, performed, or enforced by the Division of Oil and Gas Resources Management.

(B) Business commenced but not completed by the Division of Mineral Resources Management or by the Chief of the Division of Mineral Resources Management with respect to oil and gas shall be completed by the Division of Oil and Gas Resources Management or the Chief of the Division of Oil and Gas Resources Management in the same manner, and with the same effect, as if completed by the Division of Mineral Resources Management or by the Chief of the Division of Mineral Resources Management.

(C) All of the Division of Mineral Resources Management's rules, orders, and determinations with respect to oil and gas continue in effect as rules, orders, and determinations of the Division of Oil and Gas Resources Management until modified or rescinded by the Division of Oil and Gas Resources Management. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the Division of Mineral Resources Management's rules with respect to oil and gas to reflect their transfer to the Division of Oil and Gas Resources Management.

(D) The Director of Budget and Management shall determine the amount of unexpended balances in the appropriation accounts that pertain to the Division of Mineral Resources Management with respect to oil and gas and shall recommend to the Controlling Board their transfer to the appropriation accounts that pertain to the Division of Oil and Gas Resources Management. The Chief of the

Division of Mineral Resources Management shall provide full and 145256
timely information to the Controlling Board to facilitate the 145257
transfer. 145258

(E) Whenever the Division of Mineral Resources Management or 145259
the Chief of the Division of Mineral Resources Management is 145260
referred to in a statute, contract, or other instrument with 145261
respect to oil and gas, the reference is deemed to refer to the 145262
Division of Oil and Gas Resources Management or to the Chief of 145263
the Division of Oil and Gas Resources Management, whichever is 145264
appropriate in context. 145265

(F) No pending action or proceeding being prosecuted or 145266
defended in court or before an agency with respect to oil and gas 145267
by the Division of Mineral Resources Management or the Chief of 145268
the Division of Mineral Resources Management is affected by the 145269
transfer and shall be prosecuted or defended in the name of the 145270
Division of Oil and Gas Resources Management or the Chief of the 145271
Division of Oil and Gas Resources Management, whichever is 145272
appropriate. Upon application to the court or agency, the Division 145273
of Oil and Gas Resources Management or the Chief of the Division 145274
of Oil and Gas Resources Management shall be substituted as a 145275
party. 145276

Section 515.23. On the effective date of the amendments to 145277
section 1517.03 of the Revised Code by this act, the terms of 145278
office of members appointed to the Ohio Natural Areas Council 145279
under section 1517.03 of the Revised Code prior to its amendment 145280
by this act are terminated. 145281

Section 515.30. (A) On the effective date of the amendment of 145282
the statutes governing the Ohio Coal Development Office by this 145283
act, the Ohio Coal Development Office and all of its functions, 145284
together with its assets and liabilities, are transferred from 145285

within the Ohio Air Quality Development Authority to within the 145286
Department of Development. The Ohio Coal Development Office in the 145287
Department of Development assumes the obligations of and otherwise 145288
constitutes the continuation of the Ohio Coal Development Office 145289
in the Ohio Air Quality Development Authority. 145290

(B) Any business commenced but not completed by the Ohio Coal 145291
Development Office in the Ohio Air Quality Development Authority 145292
or the Director of that office on the effective date of the 145293
amendment of the statutes governing that Office by this act shall 145294
be completed by the Ohio Coal Development Office in the Department 145295
of Development or the Director of that Office in the same manner, 145296
and with the same effect, as if completed by the Ohio Coal 145297
Development Office in the Ohio Air Quality Development Authority 145298
or the Director of that Office. Any validation, cure, right, 145299
privilege, remedy, obligation, or liability is not lost or 145300
impaired by reason of the transfer required by this section and 145301
shall be administered by the Ohio Coal Development Office in the 145302
Department of Development. 145303

(C) All of the rules, orders, and determinations of the Ohio 145304
Coal Development Office in the Ohio Air Quality Development 145305
Authority or of the Ohio Air Quality Development Authority in 145306
relation to that Office continue in effect as rules, orders, and 145307
determinations of the Ohio Coal Development Office in the 145308
Department of Development until modified or rescinded by that 145309
Office or by the Department of Development in relation to that 145310
Office. If necessary to ensure the integrity of the numbering of 145311
the Administrative Code, the Director of the Legislative Service 145312
Commission shall renumber rules of the Ohio Air Quality 145313
Development Authority in relation to the Ohio Coal Development 145314
Office in the Ohio Air Quality Development Authority to reflect 145315
the transfer to the Department of Development. 145316

(D) Subject to the lay-off provisions of sections 124.321 to 145317
124.328 of the Revised Code, all of the employees of the Ohio Coal 145318
Development Office in the Ohio Air Quality Development Authority 145319
are transferred to the Ohio Coal Development Office in the 145320
Department of Development and retain their positions and all the 145321
benefits accruing thereto. 145322

(E) Whenever the Ohio Coal Development Office in the Ohio Air 145323
Quality Development Office or the Authority in relation to that 145324
Office is referred to in any law, contract, or other document, the 145325
reference shall be deemed to refer to the Ohio Coal Development 145326
Office in the Department of Development or the Director of 145327
Development in relation to that Office, whichever is appropriate 145328
in context. 145329

(F) Any action or proceeding pending on the effective date of 145330
the amendment of the statutes governing the Ohio Coal Development 145331
Office by this act is not affected by the transfer of that Office 145332
and shall be prosecuted or defended in the name of the Department 145333
of Development or the Ohio Coal Development Office in that 145334
Department. In all such actions and proceedings, the Department of 145335
Development or the Ohio Coal Development Office in that 145336
Department, upon application to the court, shall be substituted as 145337
a party. 145338

Section 515.40. (A) On the effective date of this section, 145339
the building and facility operations and management functions of 145340
the Ohio Building Authority (OBA) under Chapter 152. of the 145341
Revised Code, and the related functions, assets, and liabilities, 145342
including, but not limited to, funds, accounts, records, 145343
regardless of form or medium, leases, agreements, and contracts of 145344
the OBA are transferred to the Department of Administrative 145345
Services. Notwithstanding Chapters 123., 124., 125., 126., and 145346
153. of the Revised Code, the Department is thereupon and 145347

thereafter successor to, assumes the powers and obligations of, 145348
and otherwise constitutes the continuation of the building and 145349
facilities operations and management functions of the OBA as 145350
provided in the applicable sections of Chapter 152. of the Revised 145351
Code or in any agreements relating to building and facility 145352
operation and management functions to which the Ohio Building 145353
Authority is a party, including the invoicing and collection of 145354
rent from local government tenants in state office buildings. All 145355
statutory references to OBA with regard to building and facility 145356
operations and management functions are deemed to be references to 145357
the Department of Administrative Services. 145358

(B) Any business relating to its building and facility 145359
operations and management functions commenced but not completed by 145360
the OBA by the date of transfer shall be completed by the 145361
Department of Administrative Services, in the same manner, and 145362
with the same effect, as if completed by the OBA. No validation, 145363
cure, right, privilege, remedy, obligation, or liability is lost 145364
or impaired by reason of the transfer and shall be administered by 145365
the Department of Administrative Services. All of the OBA's rules, 145366
orders, and determinations related to building and facility 145367
operations and management functions continue in effect as rules, 145368
orders, and determinations of the Department of Administrative 145369
Services, until modified or rescinded by the Department of 145370
Administrative Services. If necessary to ensure the integrity of 145371
the Administrative Code rule numbering system, the Director of the 145372
Legislative Service Commission shall renumber the OBA's rules 145373
related to the OBA's building and facility operations and 145374
management functions to reflect their transfer to the Department 145375
of Administrative Services. 145376

(C) Employees of the OBA designated as building and facility 145377
operations and management staff may be transferred to the 145378
Department of Administrative Services as the Department determines 145379

to be necessary for successful implementation of this section, to 145380
the extent possible, with no loss of service credit. 145381

(D) No judicial or administrative action or proceeding to 145382
which the OBA is a party that is pending on the effective date of 145383
this section or such later date as may be established by an 145384
authorized officer of the OBA and the Director of Administrative 145385
Services, and related to its building and facility operations and 145386
management functions, is affected by the transfer of functions. 145387
Any such action or proceeding shall be prosecuted or defended in 145388
the name of the Director of Administrative Services. On 145389
application to the court or agency, the Director of Administrative 145390
Services shall be substituted for the OBA or an authorized officer 145391
of the OBA as a party to the action or proceeding. 145392

(E) On and after the effective date of this section, 145393
notwithstanding any provision of the law to the contrary, if 145394
requested by the Director of Administrative Services, the Director 145395
of Budget and Management shall make the budget changes made 145396
necessary by the transfer, if any, including administrative 145397
reorganization, program transfers, the creation of new funds, and 145398
the consolidation of funds as authorized by this section. The 145399
Director of Budget and Management may, if necessary, establish 145400
encumbrances or parts of encumbrances as needed in fiscal year 145401
2012 in the appropriate fund and appropriation item for the same 145402
purpose and for payment to the same vendor. The established 145403
encumbrances plus any additional amounts determined to be 145404
necessary for the Department of Administrative Services to perform 145405
the building and facility operation and management functions of 145406
the Ohio Building Authority are hereby appropriated. 145407

(F) Not later than thirty days after the transfer of the 145408
building and facility operation and management functions of the 145409
Ohio Building Authority to the Department of Administrative 145410
Services, an authorized officer of the Ohio Building Authority 145411

shall certify to the Director of Administrative Services the 145412
unexpended balance and location of any funds and accounts 145413
designated for building and facility operation and management 145414
functions and custody of such funds and accounts shall be 145415
transferred to the Department of Administrative Services. 145416

(G) Notwithstanding any other provisions of this section, the 145417
Ohio Building Authority may, subsequent to the effective date of 145418
this section, meet for the purpose of better accomplishing the 145419
transfer of the building and facility operation and management 145420
functions described in this section. At any such meeting, the Ohio 145421
Building Authority may take necessary or appropriate actions to 145422
effect an orderly transition relating to the transfer of such 145423
functions. 145424

(H) Not later than August 1, 2011, employees of the Ohio 145425
Building Authority designated as building and facility operation 145426
and management staff shall be eligible to participate in group 145427
health plans offered to state employees pursuant to sections 145428
124.81 or 124.82 of the Revised Code. 145429

Section 515.60. Effective July 1, 2011, the School Employees 145430
Health Care Board is abolished. All equipment, assets, and records 145431
of the Board are transferred to the Department of Administrative 145432
Services. The Department of Administrative Services shall 145433
designate the positions, if any, to be transferred to the 145434
Department of Administrative Services. 145435

The Department of Administrative Services and the Department 145436
of Education shall enter into an interagency agreement to transfer 145437
to the Department of Administrative Services any designated 145438
positions and all equipment, assets, and records of the Board by 145439
July 1, 2011, or as soon as possible thereafter. The interagency 145440
agreement may include provisions to transfer property and any 145441
other provisions necessary for the continued administration of 145442

Board activities under section 9.901 of the Revised Code. 145443

Any positions of the Board that the Department of 145444
Administrative Services designates for transfer, and any equipment 145445
assigned to those positions, are transferred to the Department of 145446
Administrative Services. Any employees of the Board in positions 145447
so transferred retain the rights specified in sections 124.321 to 145448
124.328 of the Revised Code, and any employee transferred to the 145449
Department of Administrative Services retains the employee's 145450
respective classification, but the Department of Administrative 145451
Services may reassign and reclassify the employee's position and 145452
compensation as the Department determines to be in the interest of 145453
office administration. 145454

Effective July 1, 2011, the Director of Budget and Management 145455
shall cancel any existing encumbrances against appropriation item 145456
200458, School Employees Health Care Board, and re-establish them 145457
against appropriation item 100403, Public Employees Health Care 145458
Program. The re-established encumbrance amounts are hereby 145459
appropriated. Any business commenced but not completed under 145460
appropriation item 200458, School Employees Health Care Board, by 145461
July 1, 2011, shall be completed under appropriation item 100403, 145462
Public Employees Health Care Program, in the same manner, and with 145463
the same effect, as if completed with regard to appropriation item 145464
200458, School Employees Health Care Board. All of the rules, 145465
orders, and determinations associated with the Board continue in 145466
effect as rules, orders, and determinations associated with the 145467
Department of Administrative Services until modified or rescinded 145468
by the Director of Administrative Services. If necessary to ensure 145469
the integrity of the Administrative Code rule numbering system, 145470
the Director of the Legislative Service Commission shall renumber 145471
the rules relating to the Board to reflect their transfer to the 145472
Department of Administrative Services. No validation, cure, right, 145473
privilege, remedy, obligation, or liability is lost or impaired by 145474

reason of the transfer and shall be administered with regard to 145475
appropriation item 100403, Public Employees Health Care Program. 145476
On and after July 1, 2011, if the School Employees Health Care 145477
Board is referred to in any statute, rule, contract, grant, or 145478
other document, the reference is deemed to refer to the Department 145479
of Administrative Services. 145480

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 145481

Certain appropriations are in this act for the purpose of 145482
paying debt service and financing costs on general obligation 145483
bonds or notes of the state issued pursuant to the Ohio 145484
Constitution and acts of the General Assembly. If it is determined 145485
that additional appropriations are necessary for this purpose, 145486
such amounts are hereby appropriated. 145487

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 145488
STATE 145489

Certain appropriations are in this act for the purpose of 145490
making lease rental payments pursuant to leases and agreements 145491
relating to bonds or notes issued by the Ohio Building Authority 145492
or the Treasurer of State, or previously by the Ohio Public 145493
Facilities Commission, pursuant to the Ohio Constitution and acts 145494
of the General Assembly. If it is determined that additional 145495
appropriations are necessary for this purpose, such amounts are 145496
hereby appropriated. 145497

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 145498
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 145499

The Office of Budget and Management shall process payments 145500
from general obligation and lease rental payment appropriation 145501
items during the period from July 1, 2011, through June 30, 2013, 145502
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 145503

2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 145504
Chapters 151. and 154. of the Revised Code. Payments shall be made 145505
upon certification by the Treasurer of State of the dates and the 145506
amounts due on those dates. 145507

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 145508
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 145509

The Office of Budget and Management shall process payments 145510
from lease rental payment appropriation items during the period 145511
from July 1, 2011, through June 30, 2013, pursuant to the lease 145512
agreements entered into relating to bonds or notes issued under 145513
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 145514
the Revised Code. Payments shall be made upon certification by the 145515
Ohio Building Authority of the dates and the amounts due on those 145516
dates. 145517

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 145518

There is hereby appropriated, from those funds designated by 145519
or pursuant to the applicable proceedings authorizing the issuance 145520
of state obligations, amounts computed at the time to represent 145521
the portion of investment income to be rebated or amounts in lieu 145522
of or in addition to any rebate amount to be paid to the federal 145523
government in order to maintain the exclusion from gross income 145524
for federal income tax purposes of interest on those state 145525
obligations under section 148(f) of the Internal Revenue Code. 145526

Rebate payments shall be approved and vouchered by the Office 145527
of Budget and Management. 145528

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 145529

Whenever the Director of Budget and Management determines 145530
that an appropriation made to a state agency from a fund of the 145531
state is insufficient to provide for the recovery of statewide 145532

indirect costs under section 126.12 of the Revised Code, the 145533
amount required for such purpose is hereby appropriated from the 145534
available receipts of such fund. 145535

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 145536
COST ALLOCATION PLAN 145537

The total transfers made from the General Revenue Fund by the 145538
Director of Budget and Management under this section shall not 145539
exceed the amounts transferred into the General Revenue Fund under 145540
section 126.12 of the Revised Code. 145541

The director of an agency may certify to the Director of 145542
Budget and Management the amount of expenses not allowed to be 145543
included in the Statewide Indirect Cost Allocation Plan under 145544
federal regulations, from any fund included in the Statewide 145545
Indirect Cost Allocation Plan, prepared as required by section 145546
126.12 of the Revised Code. 145547

Upon determining that no alternative source of funding is 145548
available to pay for such expenses, the Director of Budget and 145549
Management may transfer from the General Revenue Fund into the 145550
fund for which the certification is made, up to the amount of the 145551
certification. The director of the agency receiving such funds 145552
shall include, as part of the next budget submission prepared 145553
under section 126.02 of the Revised Code, a request for funding 145554
for such activities from an alternative source such that further 145555
federal disallowances would not be required. 145556

The director of an agency may certify to the Director of 145557
Budget and Management the amount of expenses paid in error from a 145558
fund included in the Statewide Indirect Cost Allocation Plan. The 145559
Director of Budget and Management may transfer cash from the fund 145560
from which the expenditure should have been made into the fund 145561
from which the expenses were erroneously paid, up to the amount of 145562
the certification. 145563

Section 521.30.10. OGRIP FUNDS TRANSFER TO THE GENERAL REVENUE FUND 145564
REVENUE FUND 145565

On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management may transfer cash in the amount of \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H60) to the General Revenue Fund. This amount represents residual funds from old federal grants for the state's OGRIP program that have been closed by the federal awarding agency.

Section 521.30.20. TRANSFER OF FEDERAL FUNDS 145572

On July 1, 2011, or as soon as possible thereafter, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in the DOE Monitoring and Oversight Fund (Fund 3N40). The Director of Budget and Management shall transfer the certified amount from Fund 3N40 to the Federally Supported Response Fund (Fund 3F30). Upon completion of the transfer, Fund 3N40 is abolished. The Director shall cancel any existing encumbrances against appropriation item 715657, DOE Monitoring and Oversight, and re-establish them against appropriation item 715632, Federally Supported Response. The re-established encumbrance amounts are hereby appropriated.

On July 1, 2011, or as soon as possible thereafter, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in the DOD Monitoring and Oversight Fund (Fund 3K40). The Director of Budget and Management shall transfer the certified amount from Fund 3K40 to the Federally Supported Response Fund (Fund 3F30). Upon completion of the transfer, Fund 3K40 is abolished. The Director shall cancel any existing encumbrances against appropriation item 715634, DOD Monitoring and Oversight, and re-establish them against appropriation item 715632, Federally Supported Response. The

re-established encumbrance amounts are hereby appropriated. 145594

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 145595

Notwithstanding any provision of law to the contrary, on or 145596
before the first day of September of each fiscal year, the 145597
Director of Budget and Management, in order to reduce the payment 145598
of adjustments to the federal government, as determined by the 145599
plan prepared under division (A) of section 126.12 of the Revised 145600
Code, may designate such funds as the Director considers necessary 145601
to retain their own interest earnings. 145602

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 145603

Pursuant to the plan for compliance with the Federal Cash 145604
Management Improvement Act required by section 131.36 of the 145605
Revised Code, the Director of Budget and Management may cancel and 145606
re-establish all or part of encumbrances in like amounts within 145607
the funds identified by the plan. The amounts necessary to 145608
re-establish all or part of encumbrances are hereby appropriated. 145609

Section 521.60. FISCAL STABILIZATION AND RECOVERY 145610

To ensure the level of accountability and transparency 145611
required by federal law, the Director of Budget and Management may 145612
issue guidelines to any agency applying for federal money made 145613
available to this state for fiscal stabilization and recovery 145614
purposes, and may prescribe the process by which agencies are to 145615
comply with any reporting requirements established by the federal 145616
government. 145617

Section 521.70. OVERSIGHT OF FEDERAL STIMULUS FUNDS 145618

(A) The Office of Internal Auditing within the Office of 145619
Budget and Management shall, in connection with its duties under 145620
sections 126.45 to 126.48 of the Revised Code, monitor and measure 145621

the effectiveness of funds allocated to the state as part of the 145622
federal American Recovery and Reinvestment Act of 2009. As such, 145623
the Office of Internal Auditing shall review how funds allocated 145624
to each state agency are spent. For purposes of this section, 145625
"state agency" has the same meaning as in division (A) of section 145626
126.45 of the Revised Code. 145627

In addition to the reports required under section 126.47 of 145628
the Revised Code, the Office of Internal Auditing shall submit a 145629
report of its findings to the President of the Senate, Minority 145630
Leader of the Senate, Speaker of the House of Representatives, 145631
Minority Leader of the House of Representatives, and the Chairs of 145632
the committees in the Senate and House of Representatives handling 145633
finance and appropriations. The report shall be submitted every 145634
six months at the following intervals: 145635

(1) For the six-month period ending December 31, 2011, not 145636
later than February 1, 2012; 145637

(2) For the six-month period ending June 30, 2012, not later 145638
than August 1, 2012; 145639

(3) For the six-month period ending December 31, 2012, not 145640
later than February 1, 2013; 145641

(4) For the six-month period ending June 30, 2013, not later 145642
than August 1, 2013. 145643

(B) When, as part of its compliance with the federal American 145644
Recovery and Reinvestment Act of 2009 requirements to monitor and 145645
measure the effectiveness of funds for which the state of Ohio is 145646
the prime recipient, and for which reporting authority has not 145647
been delegated to a sub-recipient, the Office of Budget and 145648
Management submits quarterly reports to the federal government, 145649
the Office of Budget and Management shall also submit those 145650
reports to the President of the Senate, Minority Leader of the 145651
Senate, Speaker of the House of Representatives, Minority Leader 145652

of the House of Representatives, and Chairs and ranking members of 145653
the committees in the Senate and House of Representatives handling 145654
finance and appropriations. The Office of Budget and Management 145655
shall continue to submit quarterly reports to the legislature for 145656
the duration of the period in which the state of Ohio is required 145657
to make reports to the federal government concerning Ohio's use of 145658
the federal American Recovery and Reinvestment Act of 2009 funds. 145659

Section 521.80. FEDERAL FUNDS FOR HISTORIC PRESERVATION LOAN 145660
GUARANTEE 145661

(A) As used in this section: 145662

(1) "Approved historic rehabilitation project" means a 145663
rehabilitation of a historic building that the Director of 145664
Development has approved for a rehabilitation tax credit under 145665
section 149.311 of the Revised Code. 145666

(2) "Federal funds" means federal money available to states 145667
under the American Recovery and Reinvestment Act of 2009 or any 145668
other source of federal money available to the states, that may 145669
lawfully be used for the purposes of this section. 145670

(3) "Owner" and "qualified rehabilitation expenditures" have 145671
the same meanings as in section 149.311 of the Revised Code. 145672

(B) There is hereby created in the state treasury the Ohio 145673
Historic Preservation Tax Credit Fund. The fund shall consist of 145674
money obtained by the Director of Development under division (C) 145675
of this section. Money in the fund shall be used to secure and pay 145676
guarantees of loans for approved historic rehabilitation projects 145677
as provided in this section. 145678

(C) The Director of Development may undertake to secure 145679
\$75,000,000 of federal funds for crediting to the Ohio Historic 145680
Preservation Tax Credit Fund. If the Director secures such funds, 145681
the Director, for the purpose of creating new jobs or preserving 145682

existing jobs and employment opportunities and improving the 145683
economic welfare of the people of this state, shall enter into 145684
loan guarantee contracts under section 166.06 of the Revised Code 145685
in connection with approved historic rehabilitation projects, 145686
except that the guarantees shall be secured solely by and be 145687
payable solely from the Ohio Historic Preservation Tax Credit 145688
Fund. Money deposited into the Ohio Historic Preservation Tax 145689
Credit Fund shall be prioritized by providing loan guarantees for 145690
approved historic rehabilitation projects from the first funding 145691
round of the Ohio Historic Preservation Tax Credit Program before 145692
being used to provide loan guarantees for approved historic 145693
rehabilitation projects approved in subsequent funding rounds. The 145694
amount of a loan guarantee provided under this section shall not 145695
exceed the amount of the credit to be awarded for the approved 145696
historic rehabilitation project. References to the loan guarantee 145697
fund in divisions (C) and (F) of section 166.06 of the Revised 145698
Code shall be construed as references to the Ohio Historic 145699
Preservation Tax Credit Fund for the purposes of loan guarantees 145700
authorized by this section, except that no transfer shall be made 145701
to the Ohio Historic Preservation Tax Credit Fund from the 145702
facilities establishment fund as may otherwise be required by that 145703
section. 145704

(D) Nothing in this section is a determination by the General 145705
Assembly that federal funds are currently available for the 145706
purposes of this section. Rather, this section evidences a 145707
determination by the General Assembly that public purposes will be 145708
advanced by the use of current or future federal funds for the 145709
purposes of this section. 145710

Section 605.10. That Section 5 of Am. Sub. H.B. 1 of the 145711
129th General Assembly be amended to read as follows: 145712

Sec. 5. The Director of Development, in consultation with the 145713

Director of Budget and Management, shall find within the 145714
Department of Development's total unexpended and unencumbered 145715
fiscal year 2011 General Revenue Fund appropriation an amount not 145716
to exceed \$1,000,000 in order to establish and operate the 145717
JobsOhio corporation established in Chapter 187. of the Revised 145718
Code. The Director of Development shall identify appropriation 145719
items within the General Revenue Fund that are to be reduced for 145720
this purpose, and any reduction in appropriations to these items 145721
pursuant to this section shall not collectively exceed \$1,000,000. 145722
The amounts identified by the Director are hereby appropriated in 145723
General Revenue Fund appropriation item 195527, JobsOhio, for 145724
transition and start-up costs of the JobsOhio corporation, 145725
including, but not limited to, the costs of the incorporation and 145726
formation of the corporation. Nothing in this section shall be 145727
construed as increasing or decreasing the Department of 145728
Development's total fiscal year 2011 General Revenue Fund 145729
appropriation. Any unexpended and unencumbered balance in 145730
appropriation item 195527, JobsOhio, remaining at the end of 145731
fiscal year 2011 is hereby reappropriated for fiscal year 2012. 145732

The Department of Development shall prepare and, not later 145733
than six months after the effective date of this section, submit 145734
to the Controlling Board a report detailing the use of the funds 145735
appropriated under this section. The Department of Development 145736
shall submit to the Controlling Board a report not later than 145737
every six months thereafter detailing the use of the funds 145738
appropriated under this section, until those funds have all been 145739
used. 145740

Section 605.11. That existing Section 5 of Am. Sub. H.B. 1 of 145741
the 129th General Assembly is hereby repealed. 145742

Section 610.10. That Section 205.10 of Am. Sub. H.B. 114 of 145743
the 129th General Assembly be amended to read as follows: 145744

	Sec. 205.10.	DPS DEPARTMENT OF PUBLIC SAFETY			145745
		State Highway Safety Fund Group			145746
4W40	762321	Operating Expense - BMV	\$ 80,003,146	\$ 82,403,240	145747
4W40	762410	Registrations Supplement	\$ 28,945,176	\$ 29,813,532	145748
5V10	762682	License Plate Contributions	\$ 2,100,000	\$ 2,100,000	145749
7036	761321	Operating Expense - Information and Education	\$ 7,124,366	\$ 7,338,097	145750
7036	761401	Lease Rental Payments	\$ 9,978,300	\$ 2,315,700	145751
7036	764033	Minor Capital Projects	\$ 1,250,000	\$ 1,250,000	145752
7036	764321	Operating Expense - Highway Patrol	\$ 260,744,934	\$ 258,365,903	145753
7036	764605	Motor Carrier Enforcement Expenses	\$ 2,860,000	\$ 2,860,000	145754
8300	761603	Salvage and Exchange - Administration	\$ 19,469	\$ 20,053	145755
8310	761610	Information and Education - Federal	\$ 422,084	\$ 434,746	145756
8310	764610	Patrol - Federal	\$ 2,209,936	\$ 2,276,234	145757
8310	764659	Transportation Enforcement - Federal	\$ 5,519,333	\$ 5,684,913	145758
8310	765610	EMS - Federal	\$ 532,007	\$ 532,007	145759
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$ 1,546,319	\$ 1,546,319	145760
8310	769631	Homeland Security - Federal	\$ 2,184,000	\$ 2,184,000	145761
8320	761612	Traffic Safety -	\$ 16,577,565	\$ 16,577,565	145762

		Federal				
8350	762616	Financial	\$	5,457,240	\$	5,549,068 145763
		Responsibility				
		Compliance				
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 145764
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000 145765
83C0	764630	Contraband,	\$	622,894	\$	622,894 145766
		Forfeiture, Other				
83F0	764657	Law Enforcement	\$	9,053,266	\$	9,053,266 145767
		Automated Data System				
83G0	764633	OMVI	\$	623,230	\$	641,927 145768
		Enforcement/Education				
83J0	764693	Highway Patrol	\$	2,100,000	\$	2,100,000 145769
		Justice Contraband				
83M0	765624	Operating Expense -	\$	2,632,106	\$	2,711,069 145770
		Trauma and EMS				
83N0	761611	Elementary School	\$	305,600	\$	305,600 145771
		Seat Belt Program				
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819 145772
83R0	762639	Local Immobilization	\$	450,000	\$	450,000 145773
		Reimbursement				
83T0	764694	Highway Patrol	\$	21,000	\$	21,000 145774
		Treasury Contraband				
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354 145775
8400	764617	Security and	\$	6,432,686	\$	6,432,686 145776
		Investigations				
8400	764626	State Fairgrounds	\$	849,883	\$	849,883 145777
		Police Force				
8400	769632	Homeland Security -	\$	737,791	\$	737,791 145778
		Operating				
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399 145779
		- Highway Patrol				
8460	761625	Motorcycle Safety	\$	3,185,013	\$	3,280,563 145780

		Education				
8490	762627	Automated Title	\$	17,316,755	\$	14,335,513 145781
		Processing Board				
TOTAL	HSF	State Highway Safety Fund	\$	490,110,733	\$	481,261,100 145782
Group						
General Services Fund Group						145783
4P60	768601	Justice Program	\$	998,104	\$	1,028,047 145784
		Services				
4S30	766661	Hilltop Utility	\$	540,800	\$	540,800 145785
		Reimbursement				
5ET0	768625	Drug Law Enforcement	\$	3,780,000	\$	3,893,400 145786
5Y10	764695	Highway Patrol	\$	170,000	\$	170,000 145787
		Continuing				
		Professional Training				
5Y10	767696	Investigative Unit	\$	15,000	\$	15,000 145788
		Continuing				
		Professional Training				
TOTAL	GSF	General Services Fund	\$	5,503,904	\$	5,647,247 145789
Group						
Federal Special Revenue Fund Group						145790
3290	763645	Federal Mitigation	\$	10,110,332	\$	10,413,642 145791
		Program				
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636 145792
		Relief				
3390	763647	Emergency Management	\$	75,664,821	\$	77,934,765 145793
		Assistance and				
		Training				
3CB0	768691	Federal Justice	\$	200,000	\$	50,000 145794
		Grants - FFY06				
3CC0	768609	Justice Assistance	\$	583,222	\$	310,000 145795
		Grants - FFY07				
3CD0	768610	Justice Assistance	\$	310,000	\$	150,000 145796

		Grants - FFY08				
3CE0	768611	Justice Assistance	\$	865,000	\$	1,200,000 145797
		Grants - FFY09				
3CV0	768697	Justice Assistance	\$	2,000	\$	0 145798
		Grants Supplement -				
		FFY08				
3DE0	768612	Federal Stimulus -	\$	1,015,000	\$	1,015,000 145799
		Justice Assistance				
		Grants				
3DH0	768613	Federal Stimulus -	\$	150,000	\$	150,000 145800
		Justice Programs				
3DU0	762628	BMV Grants	\$	1,525,000	\$	1,580,000 145801
3EU0	768614	Justice Assistance	\$	650,000	\$	920,000 145802
		Grants - FFY10				
3L50	768604	Justice Program	\$	11,400,000	\$	11,400,000 145803
3N50	763644	U.S. Department of	\$	31,672	\$	31,672 145804
		Energy Agreement				
TOTAL FED		Federal Special Revenue	\$	130,214,683	\$	132,862,715 145805
Fund Group						
State Special Revenue Fund Group						145806
4V30	763662	EMA Service and	\$	4,368,369	\$	4,499,420 145807
		Reimbursement				
5390	762614	Motor Vehicle Dealers	\$	180,000	\$	185,400 145808
		Board				
5B90	766632	Private Investigator	\$	1,562,637	\$	1,562,637 145809
		and Security Guard				
		Provider				
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000 145810
		Services - Operating				
5BK0	768689	Family Violence	\$	750,000	\$	750,000 145811
		Shelter Programs				
5CM0	767691	Federal Investigative	\$	300,000	\$	300,000 145812
		Seizure				

5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	145813
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	145814
5FL0	769634	Investigations	\$	899,300	\$	899,300	145815
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	145816
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945	145817
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	145818
8500	767628	Investigative Unit Salvage	\$	90,000	\$	92,700	145819
TOTAL SSR State Special Revenue Fund Group			\$	14,018,073	\$	14,157,224	145820
Liquor Control Fund Group							145821
7043	767321	Liquor Enforcement - Operating	\$	11,897,178 <u>11,000,000</u>	\$	11,897,178 <u>11,000,000</u>	145822
TOTAL LCF Liquor Control Fund Group			\$	11,897,178 <u>11,000,000</u>	\$	11,897,178 <u>11,000,000</u>	145823
Agency Fund Group							145824
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	145825
TOTAL AGY Agency Fund Group			\$	1,500,000	\$	1,500,000	145826
Holding Account Redistribution Fund Group							145827
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	145828
R052	762623	Security Deposits	\$	350,000	\$	350,000	145829
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,235,000	\$	2,235,000	145830
TOTAL ALL BUDGET FUND GROUPS			\$	655,479,571 <u>654,582,393</u>	\$	649,560,464 <u>648,663,286</u>	145831

MOTOR VEHICLE REGISTRATION 145832

The Registrar of Motor Vehicles may deposit revenues to meet 145833
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 145834
4W40) established in section 4501.25 of the Revised Code, obtained 145835
under sections 4503.02 and 4504.02 of the Revised Code, less all 145836
other available cash. Revenue deposited pursuant to this paragraph 145837
shall support, in part, appropriations for operating expenses and 145838
defray the cost of manufacturing and distributing license plates 145839
and license plate stickers and enforcing the law relative to the 145840
operation and registration of motor vehicles. Notwithstanding 145841
section 4501.03 of the Revised Code, the revenues shall be paid 145842
into Fund 4W40 before any revenues obtained pursuant to sections 145843
4503.02 and 4504.02 of the Revised Code are paid into any other 145844
fund. The deposit of revenues to meet the aforementioned cash 145845
needs shall be in approximately equal amounts on a monthly basis 145846
or as otherwise determined by the Director of Budget and 145847
Management pursuant to a plan submitted by the Registrar of Motor 145848
Vehicles. 145849

CAPITAL PROJECTS 145850

The Registrar of Motor Vehicles may transfer cash from the 145851
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 145852
Highway Safety Fund (Fund 7036) to meet its obligations for 145853
capital projects CIR-047, Department of Public Safety Office 145854
Building and CIR-049, Warehouse Facility. 145855

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 145856

The foregoing appropriation item 761401, Lease Rental 145857
Payments, shall be used for payments to the Ohio Building 145858
Authority for the period July 1, 2011, to June 30, 2013, under the 145859
primary leases and agreements for public safety related buildings 145860
financed by obligations issued under Chapter 152. of the Revised 145861
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 145862

Building Authority may, with approval of the Director of Budget and Management, lease capital facilities to the Department of Public Safety.

HILLTOP TRANSFER

The Director of Public Safety shall determine, per an agreement with the Director of Transportation, the share of each debt service payment made out of appropriation item 761401, Lease Rental Payments, that relates to the Department of Transportation's portion of the Hilltop Building Project, and shall certify to the Director of Budget and Management the amounts of this share. The Director of Budget and Management shall transfer the amounts of such shares from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND

On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer the unexpended and unencumbered cash balance in the Seat Belt Education Fund (Fund 8440) to the Trauma and Emergency Medical Services Fund (Fund 83M0). Upon completion of the transfer, Fund 8440 is abolished. The Director shall cancel any existing encumbrances against appropriation item 761613, Seat Belt Education Program, and reestablish them against appropriation item 765624, Operating Expense - Trauma and EMS. The reestablished encumbrance amounts are hereby appropriated.

CASH TRANSFERS BETWEEN FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, upon the written request of the Director of Public Safety, may approve the transfer of cash between the following six funds: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), the Emergency Management

Agency Service and Reimbursement Fund (Fund 4V30), the Justice 145894
Program Services Fund (Fund 4P60), and the State Bureau of Motor 145895
Vehicles Fund (Fund 4W40). 145896

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 145897

Notwithstanding any provision of law to the contrary, the 145898
Director of Budget and Management, upon the written request of the 145899
Director of Public Safety, may approve the transfer of cash from 145900
the Continuing Professional Training Fund (Fund 5Y10), the State 145901
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 145902
and the Highway Safety Salvage and Exchange Highway Patrol Fund 145903
(Fund 8410) to the Security, Investigations, and Policing Fund 145904
(Fund 8400). 145905

CASH TRANSFERS OF SEAT BELT FINE REVENUES 145906

Notwithstanding any provision of law to the contrary, the 145907
Controlling Board, upon request of the Director of Public Safety, 145908
may approve the transfer of cash between the following four funds 145909
that receive fine revenues from enforcement of the mandatory seat 145910
belt law: the Trauma and Emergency Medical Services Fund (Fund 145911
83M0), the Elementary School Program Fund (Fund 83N0), and the 145912
Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 145913

STATE DISASTER RELIEF 145914

The State Disaster Relief Fund (Fund 5330) may accept 145915
transfers of cash and appropriations from Controlling Board 145916
appropriation items for Ohio Emergency Management Agency disaster 145917
response costs and disaster program management costs, and may also 145918
be used for the following purposes: 145919

(A) To accept transfers of cash and appropriations from 145920
Controlling Board appropriation items for Ohio Emergency 145921
Management Agency public assistance and mitigation program match 145922
costs to reimburse eligible local governments and private 145923
nonprofit organizations for costs related to disasters; 145924

(B) To accept and transfer cash to reimburse the costs	145925
associated with Emergency Management Assistance Compact (EMAC)	145926
deployments;	145927
(C) To accept disaster related reimbursement from federal,	145928
state, and local governments. The Director of Budget and	145929
Management may transfer cash from reimbursements received by this	145930
fund to other funds of the state from which transfers were	145931
originally approved by the Controlling Board.	145932
(D) To accept transfers of cash and appropriations from	145933
Controlling Board appropriation items to fund the State Disaster	145934
Relief Program, for disasters that have been declared by the	145935
Governor, and the State Individual Assistance Program for	145936
disasters that have been declared by the Governor and the federal	145937
Small Business Administration. The Ohio Emergency Management	145938
Agency shall publish and make available application packets	145939
outlining procedures for the State Disaster Relief Program and the	145940
State Individual Assistance Program.	145941
JUSTICE ASSISTANCE GRANT FUND	145942
The federal payments made to the state for the Byrne Justice	145943
Assistance Grants Program under Title II of Division A of the	145944
American Recovery and Reinvestment Act of 2009 shall be deposited	145945
to the credit of the Justice Assistance Grant Fund (Fund 3DE0),	145946
which is hereby created in the state treasury. All investment	145947
earnings of the fund shall be credited to the fund.	145948
FEDERAL STIMULUS - JUSTICE PROGRAMS	145949
The federal payments made to the state for the Violence	145950
Against Women Formula Grant under Title II of Division A of the	145951
American Recovery and Reinvestment Act of 2009 shall be deposited	145952
to the credit of the Federal Stimulus - Justice Programs Fund	145953
(Fund 3DH0).	145954
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT	145955

AGENCY SERVICE AND REIMBURSEMENT FUND 145956

On July 1 of each fiscal year, or as soon as possible 145957
thereafter, the Director of Budget and Management shall transfer 145958
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 145959
the Emergency Management Agency Service and Reimbursement Fund 145960
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 145961
Search and Rescue Unit and other urban search and rescue programs 145962
around the state. 145963

FAMILY VIOLENCE PREVENTION FUND 145964

Notwithstanding any provision of law to the contrary, in each 145965
of fiscal years 2012 and 2013, the first \$750,000 received to the 145966
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 145967
appropriated to appropriation item 768689, Family Violence Shelter 145968
Programs, and the next \$400,000 received to the credit of Fund 145969
5BK0 in each of those fiscal years shall be appropriated to 145970
appropriation item 768687, Criminal Justice Services - Operating. 145971
Any moneys received to the credit of Fund 5BK0 in excess of the 145972
aforementioned appropriated amounts in each fiscal year shall, 145973
upon the approval of the Controlling Board, be used to provide 145974
grants to family violence shelters in Ohio. 145975

SARA TITLE III HAZMAT PLANNING 145976

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 145977
entitled to receive grant funds from the Emergency Response 145978
Commission to implement the Emergency Management Agency's 145979
responsibilities under Chapter 3750. of the Revised Code. 145980

COLLECTIVE BARGAINING INCREASES 145981

Notwithstanding division (D) of section 127.14 and division 145982
(B) of section 131.35 of the Revised Code, except for the General 145983
Revenue Fund, the Controlling Board may, upon the request of 145984
either the Director of Budget and Management, or the Department of 145985
Public Safety with the approval of the Director of Budget and 145986

Management, increase appropriations for any fund, as necessary for 145987
the Department of Public Safety, to assist in paying the costs of 145988
increases in employee compensation that have occurred pursuant to 145989
collective bargaining agreements under Chapter 4117. of the 145990
Revised Code and, for exempt employees, under section 124.152 of 145991
the Revised Code. 145992

CASH BALANCE FUND REVIEW 145993

Not later than the first day of April in each fiscal year of 145994
the biennium, the Director of Budget and Management shall review 145995
the cash balances for each fund, except the State Highway Safety 145996
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 145997
4W40), in the State Highway Safety Fund Group, and shall recommend 145998
to the Controlling Board an amount to be transferred to the credit 145999
of Fund 7036 or Fund 4W40, as appropriate. 146000

Section 610.11. That existing Section 205.10 of Am. Sub. H.B. 146001
114 of the 129th General Assembly is hereby repealed. 146002

Section 610.20. That Section 211 of Sub. H.B. 123 of the 146003
129th General Assembly be amended to read as follows: 146004

Sec. 211. WCC WORKERS' COMPENSATION COUNCIL 146005

~~5FV0 321600 Remuneration Expenses \$ 471,200 \$ 471,200~~ 146006

~~TOTAL 5FV0 Workers' Compensation \$ 471,200 \$ 471,200~~ 146007

~~Council Remuneration Fund~~

~~TOTAL ALL BUDGET FUND GROUPS \$ 471,200 \$ 471,200~~ 146008

~~WORKERS' COMPENSATION COUNCIL~~ 146009

~~The foregoing appropriation item 321600, Remuneration~~ 146010

~~Expenses, shall be used to pay the payroll and fringe benefit~~ 146011

~~costs for employees of the Workers' Compensation Council.~~ 146012

Upon the effective date of this section, or as soon as 146013

possible thereafter, the Workers' Compensation Council shall wind 146014

up its affairs. All of the records of the Council shall be 146015
transferred to the Legislative Service Commission, and all of its 146016
other assets and liabilities shall be transferred to the Bureau of 146017
Workers' Compensation. The Bureau of Workers' Compensation is 146018
thereupon and thereafter successor to, and assumes the obligations 146019
of, the Council. 146020

Any business commenced, but not completed by the Council or 146021
the Director of the Council on the effective date of this section 146022
shall be completed by the Administrator of Workers' Compensation 146023
in the same manner, and with the same effect, as if completed by 146024
the Council or the Director of the Council. No validation, cure, 146025
right, privilege, remedy, obligation, or liability is lost or 146026
impaired by reason of the transfer required by this section and 146027
shall be administered by the Administrator. 146028

All employees of the Council cease to hold their positions of 146029
employment on the effective date of this section, or as soon as 146030
possible thereafter. 146031

Once the Workers' Compensation Council is abolished, the 146032
Director of Budget and Management shall transfer the unexpended 146033
and unencumbered cash balance in the Workers' Compensation Council 146034
Remuneration Fund (Fund 5FV0) to the State Insurance Fund (Fund 146035
7023). Upon completion of the transfer, the Workers' Compensation 146036
Council Remuneration Fund is abolished. The Director shall cancel 146037
any existing encumbrances against appropriation item 321600, 146038
Remuneration Expenses, and reestablish them against appropriation 146039
item 855409, Administrative Expenses. The amounts of the 146040
reestablished encumbrances are hereby appropriated. 146041

Once the Workers' Compensation Council is abolished, the 146042
Treasurer of State shall transfer the unexpended and unencumbered 146043
cash balance in the Workers' Compensation Council Fund to the 146044
State Insurance Fund. Upon completion of the transfer, the fund is 146045
abolished. 146046

Wherever the Director or the Council is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Administrator or the Bureau of Workers' Compensation, whichever is appropriate. 146047
146048
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No action or proceeding pending on the effective date of this section is affected by the transfer, and any such action or proceeding shall be prosecuted or defended in the name of the Administrator or the Bureau. In all such actions and proceedings, the Administrator or the Bureau, upon application to the court, shall be substituted as a party. 146051
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Section 610.21. That existing Section 211 of Sub. H.B. 123 of the 129th General Assembly is hereby repealed. 146057
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Section 610.30. That Section 5 of Am. Sub. S.B. 2 of the 129th General Assembly be amended to read as follows: 146059
146060

Sec. 5. The enactment by this act of sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code ~~first and the amendment by this act of section 119.032 of the Revised Code~~ applies to a proposed rule, the original ~~and any revised~~ version of which is filed with the Joint Committee on Agency Rule Review on or after January 1, 2012, and to any rule that is ~~scheduled for~~ subjected to review under section 119.032 of the Revised Code on or after January 1, 2012. ~~If rule-making proceedings are commenced and completed before January 1, 2012, sections~~ The enactment of sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code and the amendment by this act of section 119.032 of the Revised Code do not apply to the proceedings, and ~~section 121.24 of the Revised Code applies to the proceedings instead. If rule making proceedings are commenced but not completed before January 1, 2012, section 121.24 of the Revised Code applies to the original version of the proposed rule if it is filed with the Joint~~ 146061
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~~Committee before that date, and sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code apply to any revised version of the a proposed rule that is filed pending on or after that date January 1, 2012.~~

~~Section Notwithstanding its repeal by this act, section 121.24 and sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code do not continues to apply to a proposed rule that is deemed the original version of a proposed rule by the carry over provisions in division (I)(2) of section 119.03 of the Revised Code. Whether section 121.24 or sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code applied to such a proposed rule before its carry over, the results of that application are carried over with the proposed rule pending on January 1, 2012, until the rule-making proceedings are completed.~~

Section 610.31. That existing Section 5 of Am. Sub. S.B. 2 of the 129th General Assembly is hereby repealed.

Section 620.10. That Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

Sec. 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code are hereby repealed, effective October 1, ~~2011~~ 2013.

Section 620.11. That existing Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly is hereby repealed.

Section 620.12. The seventh paragraph of Section 812.20 of Am. Sub. H.B. 1 of the 128th General Assembly, which refers to the taking effect of a repeal of sections 5112.40 to 5112.48 of the Revised Code, is repealed.

Section 620.13. The intent of Sections 620.10 to 620.12 of this act is to further delay the repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code from October 1, 2011, until October 1, 2013.

Section 620.20. That Section 753.60 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

Sec. 753.60. (A) The Governor is authorized to execute a Governor's Deed in the name of the state conveying to the Dayton Public School District/Dayton Board of Education, ("grantee"), and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres

Situated in Section 26, Township 2, Range 7 of the Miami River Survey, the City of Dayton, the County of Montgomery, the State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods tract conveyed to the State of Ohio as recorded in Deed Book U-2, Page 40, and being a 22.5673 acre portion of a 24.36 acre tract of land conveyed to the Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233, being an 4.6813 acre portion of a 21.25 acre tract of land conveyed to the State of Ohio as recorded in Deed Book 169, Page 583, and being an 8.6742 acre portion of a 33.5 acre tract as conveyed to the State of Ohio as recorded in Deed Book 169, Page 585, being an 7.2010 acre portion of a 10.544 acre tract of land as conveyed to the State of Ohio as recorded in Deed Book 138, Page 125 and being a portion of City of Dayton Lot Number 61376 and all of Lot Number 61377 of the revised and consecutive numbers of lots on the plat of the City of Dayton and more particularly bounded and described as follows:

Beginning at a capped 5/8" Iron Pin found stamped "Woolpert"

at the Southeast corner of a 2.881 acre tract being Parcel 2 of 146134
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, 146135
said point also being the northeast corner of an 8.338 acre tract 146136
of land conveyed to the Barry K. Humphries as recorded in 146137
Microfiche 01-0590A04 and the TRUE POINT OF BEGINNING; 146138

Thence with the east line of said 2.881 acre tract being 146139
Parcel 2 and the West line of a 24.36 acre tract of land conveyed 146140
to the Trustees of the Southern Ohio Lunatic Asylum as recorded in 146141
Deed Book N-3, Page 233, North 00°32' 15" East a distance of 146142
459.39 feet to a RR Spike set in the centerline of Wayne Avenue, 146143
passing a 5/8 inch iron pin set at the northeast corner of said 146144
2.881 acre tract and the south right of way of Wayne Avenue at 146145
429.39 feet; 146146

Thence with the centerline of Wayne Ave and the north lines 146147
of said 24.36 acre tract and said 21.25 acre tract, South 146148
89°18'28" East a distance of 790.80 feet to a RR spike set at the 146149
northwest comer of a 1.056 acre tract of land conveyed to the City 146150
of Dayton as recorded in M.F. No. 90-424 E09; 146151

Thence with the west line of said 1.056 acre tract and the 146152
east line of said 21.25 acre tract, South 01°17'05" West a 146153
distance of 230.89 feet to a 5/8 inch iron pin stamped "Riancho", 146154
passing a 5/8 inch iron set at the south right of way of Wayne 146155
Avenue at 30.00 feet; 146156

Thence with the south line of said 1.056 acre tract and the 146157
south line of a 1.056 acre tract of land conveyed to the City of 146158
Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East a 146159
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8 146160
inch iron pin found stamped "Riancho" at 200.00 feet; 146161

Thence with the east line of said 1.056 acre tract and the 146162
west line of said 33.5 acre tract as conveyed to the State of Ohio 146163
as recorded in Deed Book 169 Page 585, North 1°17'05" East a 146164

distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron 146165
pin set at the south right of way of Wayne Avenue at 199.79 feet; 146166

Thence with the centerline of Wayne Avenue and the north line 146167
of said 33.5 acre tract, South 89°18'28" East a distance of 270.78 146168
feet to a RR spike set at the Intersection of the centerlines of 146169
Watervliet Avenue and Wayne Avenue; 146170

Thence with the centerline of Watervliet Avenue and with the 146171
northerly line of said 33.5 acre tract, South 55°21'16" East a 146172
distance of 231.10 feet to a RR spike set; 146173

Thence with the east line of said 33.5 acre tract and the 146174
west line of a 13.00 acre tract conveyed to the Board of Education 146175
of the Dayton City School District as recorded in Deed Book 1522, 146176
Page 341, South 00°48' 28" West a distance of 709.51 feet to a 5/8 146177
inch iron pin set; 146178

Thence with a new division line, North 89°11'12" West, a 146179
distance of 468.08 feet to a 5/8 inch iron pin set, in the west 146180
line of said 33.5 acre tract and the east line of said 21.25 acre 146181
tract, to a 5/8 inch iron pin set; 146182

Thence with the west line of said 33.5 acre tract and the 146183
east line of said 21.25 acre tract, North 01°07'55" East a 146184
distance of 141.74 feet to a 5/8 inch iron pin set; 146185

Thence with a new division line, North 89°15'53" West, 146186
passing the west line of said 21.25 acre tract and the east line 146187
of said 24.36 acre tract conveyed to The Trustees of the Southern 146188
Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233 at a 146189
distance of 425.35 feet, for a total distance of 507.35 feet to a 146190
5/8 inch iron pin set; 146191

Thence with a new division line South 01°07'00" West passing 146192
the south line of 24.36 acre tract conveyed to The Trustees of the 146193
Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 146194
233 and the north line of said 10.544 acre tract at a distance of 146195

627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch iron pin set in the south line of said 10.544 acre tract; 146196
146197

Thence with the south line of said 10.544 acre tract and the north line a 20.3 acre tract conveyed to the State of Ohio Department of Public Works for the use of the Department of Public Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page 247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch iron pin set in the east line of a 11.579 acre tract of land conveyed to the Hospice of Dayton as recorded in Microfiche 94-0448C08; 146198
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Thence with the east line of said 11.579 acre tract of land, the east line of said 8.338 acre tract as conveyed to Barry K. Humphries as recorded in M.F. number 01-0590 A04, the west line of said 10.544 acre tract, and the west line of said 2.36 acre tract, North 03°24 '08" West a distance of 956.68 feet to a 5/8 inch iron pin set; 146206
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Thence with an easterly line of said 8.338 acre tract, the westerly line of said 24.36 acre tract, and the north line of said 2.36 acre tract, North 49°49'38" East a distance of 275.99 feet to a capped 5/8 inch Iron Pin found stamped "LJB"; 146212
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146214
146215

Thence with the east line of said 8.338 acre tract and the west line of a 24.36 acre tract, North 00°32'15" East a distance of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and the TRUE POINT OF BEGINNING, containing 45.3599 acres more or less. Subject to all easements, agreements and right of ways of record. 146216
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The basis of bearings for this description is the easterly line of Parcel 2, South 00°32'15 West, as recorded in the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A; 146222
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146224

All iron pins set in the above boundary description are 5/8" (O.D.) 30" long with a plastic cap stamped "LJB" 146225
146226

(B)(1) Consideration for conveyance of the real estate 146227
described in division (A) of this section is the transfer to the 146228
state at no cost of 8.9874 acres adjacent to the remaining Twin 146229
Valley Behavioral Healthcare/Dayton Campus, subject to the 146230
following conditions: 146231

(a) Within one hundred eighty days after conveyance of the 146232
real estate described in division (A) of this section, grantee at 146233
its own cost shall complete construction of a new western 146234
extension off of Mapleview Avenue to provide a new entrance 146235
roadway to the remaining Twin Valley Behavioral Healthcare/Dayton 146236
Campus and provide an easement to the state for full utilization 146237
of the roadway for the benefit of the remaining Twin Valley 146238
Behavioral Healthcare/Dayton Campus until the property described 146239
in division (B)(1) of this section is transferred to the state. 146240

(b) Within three hundred forty days after the occupancy of 146241
the New Belmont High School, grantee shall demolish and 146242
environmentally restore the 8.9874 acres being transferred to the 146243
state. 146244

(2) In lieu of the transfer of the 8.9874 acres, if the 146245
Director of Mental Health determines that the grantee has 146246
insufficiently performed its construction, demolition, and 146247
environmental restoration obligations specified in division (B)(1) 146248
of this section, the grantee, as consideration, shall pay a 146249
purchase price of \$1,175,000.00 to the state, which is the 146250
appraised value of the 45.3599 acres described in division (A) of 146251
the section less the cost of demolition, site, and utility work. 146252

(C) The real estate described in division (A) of this section 146253
shall be conveyed as an entire tract and not in parcels. 146254

(D) Upon transfer of the 8.9874 acres to the state or payment 146255
of the purchase price, the Auditor of State, with the assistance 146256
of the Attorney General, shall prepare a deed to the real estate 146257

described in division (A) of this section. The deed shall state 146258
the consideration and shall be executed by the Governor in the 146259
name of the state, countersigned by the Secretary of State, sealed 146260
with the Great Seal of the State, presented in the Office of the 146261
Auditor of State for recording, and delivered to the grantee. The 146262
grantee shall present the deed for recording in the Office of the 146263
Montgomery County Recorder. 146264

(E) The grantee shall pay all costs associated with 146265
conveyance of the real estate described in division (A) of this 146266
section, including recordation costs of the deed. 146267

(F) If the payment of \$1,175,000.00 is made in lieu of the 146268
transfer of the 8.9874 acres to the state, the proceeds of the 146269
conveyance of the real estate described in division (A) of this 146270
section shall be deposited into the state treasury to the credit 146271
of the Department of Mental Health Trust Fund created by section 146272
5119.18 of the Revised Code and the easement described in division 146273
(B)(1)(a) of this section shall become a permanent easement. 146274

(G) The grantee shall not, during any period that any bonds 146275
issued by the state to finance or refinance all or a portion of 146276
the real estate described in division (A) of this section are 146277
outstanding, use any portion of the real estate for a private 146278
business use without the prior written consent of the state. 146279

As used in this division: 146280

"Private business use" means use, directly or indirectly, in 146281
a trade or business carried on by any private person other than 146282
use as a member of, and on the same basis as, the general public. 146283
Any activity carried on by a private person who is not a natural 146284
person shall be presumed to be a trade or business. 146285

"Private person" means any natural person or any artificial 146286
person, including a corporation, partnership, limited liability 146287
company, trust, or other entity and including the United States or 146288

any agency or instrumentality of the United States, but excluding 146289
any state, territory, or possession of the United States, the 146290
District of Columbia, or any political subdivision thereof that is 146291
referred to as a "State or local governmental unit" in Treasury 146292
Regulation § 1.103-1(a) and any person that is acting solely and 146293
directly as an officer or employee of or on behalf of any such 146294
governmental unit. 146295

(H) This section expires ~~two years after its effective date~~ 146296
on October 16, 2013. 146297

Section 620.21. That existing Section 753.60 of Am. Sub. H.B. 146298
1 of the 128th General Assembly is hereby repealed. 146299

Section 620.30. That Section 105.20 of Sub. H.B. 462 of the 146300
128th General Assembly be amended to read as follows: 146301

Sec. 105.20. All items set forth in this section are hereby 146302
appropriated out of any moneys in the state treasury to the credit 146303
of the School Building Program Assistance Fund (Fund 7032) that 146304
are not otherwise appropriated: 146305

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 146306

C23002	School Building Program Assistance	\$ 523,091,925	146307
C23005	Exceptional Needs	\$ 3,009,397	146308
C23010	Vocation Facilities Assistance Program	\$ 12,203,057	146309
C23011	Corrective Action Grants	\$ 23,336,491	146310
C23012	School for the Blind/Deaf	\$ 12,321,269	146311
Total School Facilities Commission		\$ 573,962,139	146312
TOTAL School Building Program Assistance Fund		\$ 573,962,139	146313

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 146314

Notwithstanding sections 123.01 and 123.15 of the Revised 146315
Code and in addition to its powers under Chapter 3318. of the 146316

Revised Code, the Ohio School Facilities Commission shall 146317
administer the project appropriated in C23012, School for the 146318
Blind/Deaf, pursuant to the memorandum of understanding that the 146319
Ohio State School for the Blind, the Ohio School for the Deaf, and 146320
the Ohio School Facilities Commission signed on October 31, 2007. 146321
The project shall comply to the fullest extent possible with the 146322
specifications and policies set forth in the Ohio School 146323
Facilities Design Manual and shall not be considered a part of any 146324
program created under Chapter 3318. of the Revised Code. Upon 146325
issuance by the Commission of a certificate of completion of the 146326
project, the Commission's participation in the project shall end. 146327

The Executive Director of the Ohio School Facilities 146328
Commission shall comply with the procedures and guidelines 146329
established in Chapter 153. of the Revised Code. Upon the release 146330
of funds for the project by the Controlling Board or the Director 146331
of Budget and Management, the Commission may administer the 146332
project without the supervision, control, or approval of the 146333
Director of Administrative Services. Any references to the 146334
Director of Administrative Services in the Revised Code, with 146335
respect to the administration of the project, shall be read as if 146336
they referred to the Director of the Ohio School Facilities 146337
Commission. 146338

CORRECTIVE ACTION GRANTS 146339

The foregoing appropriation item C23011, Corrective Action 146340
Grants, for fiscal year 2011, may be used to provide funding to 146341
bring facilities up to Ohio School Design Manual standards for a 146342
project funded pursuant to sections 3318.01 to 3318.20 or 3318.40 146343
to 3318.45 of the Revised Code for the correction of work found 146344
during or after project close-out to be defective, or for the 146345
remediation of work found during or after project close-out to be 146346
omitted. Funding shall only be provided for work if the impacted 146347
school district notifies the Executive Director of the Ohio School 146348

Facilities Commission within five years of project close-out. The 146349
Commission may provide funding assistance necessary to take 146350
corrective measures after evaluating defective or omitted work. If 146351
the work to be corrected or remediated is part of a project not 146352
yet completed, the Commission may amend the project agreement to 146353
increase the project budget and use corrective action funding to 146354
provide the local share of the amendment. If the work to be 146355
corrected or remediated was part of a completed project and funds 146356
were retained or transferred pursuant to division (C) of section 146357
3318.12 of the Revised Code, the Commission may enter into a new 146358
agreement to address the necessary corrective action. The 146359
Commission shall assess responsibility for the defective or 146360
omitted work and seek cost recovery from responsible parties, if 146361
applicable. Any funds recovered shall be deposited into the School 146362
Building Program Assistance Fund (Fund 7032). 146363

The foregoing appropriation item C23011, Corrective Action 146364
Grants, for fiscal year 2012, may be used to provide funding to 146365
school districts under the Corrective Action Program in accordance 146366
with section 3318.49 of the Revised Code. 146367

Section 620.31. That existing Section 105.20 of Sub. H.B. 462 146368
of the 128th General Assembly is hereby repealed. 146369

Section 620.40. That Section 105.45.70 of Sub. H.B. 462 of 146370
the 128th General Assembly, as amended by Am. Sub. H.B. 114 of the 146371
129th General Assembly, be amended to read as follows: 146372

Reappropriations

Sec. 105.45.70. CCC CUYAHOGA COMMUNITY COLLEGE 146373

C37800	Basic Renovations	\$	4,406,772	146374
C37803	Technology Learning Center - Western	\$	43,096	146375
C37807	Cleveland Art Museum - Improvements	\$	3,100,000	146376
C37812	Building A Expansion Module - Western	\$	124,332	146377

C37816	College-Wide Wayfinding Signage System	\$	145,893	146378
C37817	College-Wide Asset Protection & Building	\$	631,205	146379
C37818	Healthcare Technology Building - Eastern	\$	13,464,866	146380
C37821	Hospitality Management Program	\$	2,452,728	146381
C37822	Theater Renovations	\$	2,243,769	146382
C37824	Rock and Roll Hall of Fame Archive	\$	18,000	146383
C37826	CW Roof Replacement	\$	190,735	146384
C37829	College of Podiatric Medicine	\$	250,000	146385
C37830	Auto Lab Improvements	\$	240	146386
C37831	Visiting Nurse Association	\$	150,000	146387
C37832	Western Reserve Hospice Center	\$	1,500	146388
C37833	Cleveland Zoological Society	\$	150,000	146389
C37834	Museum of Contemporary Art Cleveland	\$	450,000	146390
C37835	Western Reserve Historical Society	\$	2,800,000	146391
Total Cuyahoga Community College		\$	30,623,136	146392

On July 1, 2011, or as soon as possible thereafter, the 146393
Director of Budget and Management shall cancel ~~any~~ existing 146394
encumbrances against appropriation item C371A9, Western Reserve 146395
Historical Society, totaling \$2,800,000 and reestablish them 146396
against the foregoing appropriation item C37835, Western Reserve 146397
Historical Society. 146398

Section 620.41. That existing Section 105.45.70 of Sub. H.B. 146399
462 of the 128th General Assembly, as amended by Am. Sub. H.B. 114 146400
of the 129th General Assembly, is hereby repealed. 146401

Section 620.51. That Section 5 of Sub. S.B. 162 of the 128th 146402
General Assembly be amended to read as follows: 146403

Sec. 5. (A) There is hereby created the Select Committee on 146404
Telecommunications Regulatory Reform consisting of the following 146405
members: 146406

(1) The chairperson and ranking minority member of the 146407

committee in the Senate to which legislation pertaining to public 146408
utilities is referred; 146409

(2) The chairperson and ranking minority member of the 146410
committee in the House of Representatives to which legislation 146411
pertaining to public utilities is referred; 146412

(3) The chairperson of the Public Utilities Commission or an 146413
officer or employee of the Commission who shall serve as the 146414
chairperson's designee; 146415

(4) The Consumers' Counsel or an officer or employee of the 146416
Office of the Consumers' Counsel who shall serve as the designee 146417
of the Consumers' Counsel; 146418

(5) One member appointed by the Governor, who is a member of 146419
the Governor's staff; 146420

(6) One member appointed by the Governor who is a 146421
representative of the telecommunications industry. 146422

(B) The Governor shall make appointments to the Committee not 146423
later than ~~sixty days after the effective date of this section~~ 146424
November 12, 2010. Vacancies on the Committee shall be filled in 146425
the manner provided for original appointments. 146426

(C) The members who serve as chairpersons of the House and 146427
Senate committees to which public utility legislation is referred 146428
shall serve as co-chairpersons of the Select Committee on 146429
Telecommunications Regulatory Reform. The Committee shall meet at 146430
the call of the co-chairpersons who shall determine the time, 146431
meeting location, and agenda for each meeting of the Committee. 146432

(D) The Committee shall study the impacts of Sub. S.B. 162 as 146433
enacted by the 128th General Assembly. The Committee's study shall 146434
include, but shall not be limited to, a review of both the 146435
economic benefits of the act and the act's impact on jobs, 146436
telephone company rates, telephone company quality of service, 146437

lifeline program customers, rural markets, rural broadband 146438
deployment, and carrier access to private property. The 146439
~~Committee's study shall also include a report on the~~ 146440
~~Community voicemail Service Pilot Program created in S.B. 162 of~~ 146441
~~the 128th General Assembly.~~ The Public Utilities Commission shall 146442
cooperate with the Committee as it performs its duties and shall 146443
provide reports and any other information requested by the 146444
Committee. 146445

(E) The Committee may request assistance from the Legislative 146446
Service Commission. 146447

(F) Not later than ~~four years after the effective date of~~ 146448
~~this section~~ September 13, 2014, the Committee shall submit a 146449
written report of its findings and recommendations to the General 146450
Assembly and the Governor. Upon submission of its report, the 146451
Committee shall cease to exist. 146452

Section 620.52. That existing Section 5 of Sub. S.B. 162 of 146453
the 128th General Assembly is hereby repealed. 146454

Section 620.53. That Section 6 of Sub. S.B. 162 of the 128th 146455
General Assembly is hereby repealed. 146456

Section 630.10. That Section 5 of Sub. H.B. 125 of the 127th 146457
General Assembly, as most recently amended by Sub. H.B. 198 of the 146458
128th General Assembly, be amended to read as follows: 146459

Sec. 5. (A) As used in this section and Section 6 of Sub. 146460
H.B. 125 of the 127th General Assembly: 146461

(1) "Most favored nation clause" means a provision in a 146462
health care contract that does any of the following: 146463

(a) Prohibits, or grants a contracting entity an option to 146464
prohibit, the participating provider from contracting with another 146465

contracting entity to provide health care services at a lower price than the payment specified in the contract;

(b) Requires, or grants a contracting entity an option to require, the participating provider to accept a lower payment in the event the participating provider agrees to provide health care services to any other contracting entity at a lower price;

(c) Requires, or grants a contracting entity an option to require, termination or renegotiation of the existing health care contract in the event the participating provider agrees to provide health care services to any other contracting entity at a lower price;

(d) Requires the participating provider to disclose the participating provider's contractual reimbursement rates with other contracting entities.

(2) "Contracting entity," "health care contract," "health care services," "participating provider," and "provider" have the same meanings as in section 3963.01 of the Revised Code, as enacted by Sub. H.B. 125 of the 127th General Assembly.

~~(B) With respect to a contracting entity and a provider other than a hospital, no No health care contract that includes shall contain a most favored nation clause shall be entered into, and no health care contract at the instance of a contracting entity shall be amended or renewed to include a most favored nation clause, for a period of three years after the effective date of Sub. H.B. 125 of the 127th General Assembly.~~

~~(C) With respect to a contracting entity and a hospital, no health care contract that includes a most favored nation clause shall be entered into, and no health care contract at the instance of a contracting entity shall be amended or renewed to include a most favored nation clause, for a period of three years after the effective date of Sub. H.B. 125 of the 127th General Assembly,~~

~~subject to extension as provided in Section 6 of Sub. H.B. 125 of the 127th General Assembly.~~

~~(D) This section does not apply to and does not prohibit the continued use of a most favored nation clause in a health care contract that is between a contracting entity and a hospital and that is in existence on the effective date of Sub. H.B. 125 of the 127th General Assembly even if the health care contract is materially amended with respect to any provision of the health care contract other than the most favored nation clause during the two year period specified in this section or during any extended period of time as provided in Section 6 of Sub. H.B. 125 of the 127th General Assembly. This section applies to such contract if that contract is amended, or to any extension or renewal of that contract.~~

Section 630.11. That existing Section 5 of Sub. H.B. 125 of the 127th General Assembly, as most recently amended by Sub. H.B. 198 of the 128th General Assembly, is hereby repealed.

Section 630.12. That Section 5 of Sub. H.B. 2 of the 127th General Assembly is hereby repealed.

Section 640.10. That Section 6 of Am. Sub. S.B. 124 of the 128th General Assembly be amended to read as follows:

Sec. 6. A prosecuting attorney or treasurer of a county with a population greater than eight hundred thousand but less than nine hundred thousand may determine that the amount of money appropriated to the respective office from the county Delinquent Tax and Assessment Collection Fund under division (A) of section 321.261 of the Revised Code exceeds the amount required to be used by that office as prescribed by division (A)(1) of that section. If a prosecuting attorney or treasurer of a county with that

population makes such a determination, the prosecuting attorney or 146526
treasurer may expend up to fifty per cent of the excess so 146527
determined to pay the expenses of operating the respective office 146528
that otherwise would be payable from appropriations from the 146529
county general fund, notwithstanding section 321.261 of the 146530
Revised Code. 146531

This section expires December 31, ~~2011~~ 2012. 146532

Section 640.11. That existing Section 6 of Am. Sub. S.B. 124 146533
of the 128th General Assembly is hereby repealed. 146534

Section 690.10. That Section 153 of Am. Sub. H.B. 117 of the 146535
121st General Assembly, as most recently amended by Am. Sub. H.B. 146536
1 of the 128th General Assembly, be amended to read as follows: 146537

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 146538
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 146539
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 146540
repealed, effective October 16, ~~2011~~ 2013. 146541

(B) Any money remaining in the Legislative Budget Services 146542
Fund on October 16, ~~2011~~ 2013, the date that section 5112.19 of 146543
the Revised Code is repealed by division (A) of this section, 146544
shall be used solely for the purposes stated in then former 146545
section 5112.19 of the Revised Code. When all money in the 146546
Legislative Budget Services Fund has been spent after then former 146547
section 5112.19 of the Revised Code is repealed under division (A) 146548
of this section, the fund shall cease to exist. 146549

Section 690.11. That existing Section 153 of Am. Sub. H.B. 146550
117 of the 121st General Assembly, as most recently amended by Am. 146551
Sub. H.B. 1 of the 128th General Assembly, is hereby repealed. 146552

Section 701.10. The Department of Administrative Services 146553
shall post on the Department's Internet web site the form for the 146554
contract documents that a public authority contracting for 146555
services with a construction manager at risk or a design-build 146556
firm must use on and after the date of the posting and until the 146557
rules adopted under section 153.503 of the Revised Code are 146558
implemented. 146559

Section 701.13. (A) The Director of Administrative Services 146560
shall adopt rules in accordance with Chapter 119. of the Revised 146561
Code to establish guidelines for the provision of surety bonds by 146562
construction managers at risk, as required under section 9.333 of 146563
the Revised Code, and design-build firms, as required under 146564
section 153.70 of the Revised Code. 146565

(B) Except as provided in division (C) of this section, the 146566
amendment or enactment of sections 9.33, 9.331, 9.332, 9.333, 146567
9.334, 9.335, 123.011, 126.141, 153.01, 153.03, 153.07, 153.08, 146568
153.50, 153.501, 153.502, 153.503, 153.51, 153.52, 153.53, 153.54, 146569
153.55, 153.56, 153.581, 153.65, 153.66, 153.67, 153.69, 153.692, 146570
153.693, 153.694, 153.70, 153.71, 153.72, 153.73, 153.80, 3313.46, 146571
3353.04, 3354.16, 3357.16, 4113.61, 5540.03, and 6115.20 of the 146572
Revised Code and Section 701.10 of this act modifying the laws 146573
governing the permissible methods of construction delivery for the 146574
construction of public improvements shall apply only to public 146575
improvement projects commencing on or after the date the rules 146576
adopted under division (A) of this section become effective. 146577

(C) The provisions of the sections listed in division (B) of 146578
this section that are amended or enacted by this act that apply 146579
the provisions of section 7.16 of the Revised Code, as enacted by 146580
this act, are not subject to the delayed application provisions of 146581
that division. 146582

Section 701.20. Not later than July 1, 2012, the Department of Administrative Services shall submit a report to the General Assembly, in accordance with section 101.68 of the Revised Code, on the feasibility of all of the following regarding health care plans to cover persons employed by political subdivisions, public school districts, as defined in section 9.901 of the Revised Code, and state institutions of higher education, as defined in section 3345.011 of the Revised Code:

(A) Designing multiple health care plans that achieve an optimal combination of coverage, cost, choice, and stability, which plans include both state and regional preferred provider plans, set employee and employer premiums, and set employee plan copayments, deductibles, exclusions, limitations, formularies, and other responsibilities;

(B) Maintaining reserves, reinsurance, and other measures to insure the long-term stability and solvency of the health care plans;

(C) Providing appropriate health care information, wellness programs, and other preventive health care measures to health care plan beneficiaries;

(D) Coordinating contracts for services related to the health care plans;

(E) Voluntary and mandatory participation by political subdivisions, public school districts, and institutions of higher education;

(F) The potential impacts of any changes to the existing purchasing structure on existing health care pooling and consortiums;

(G) Removing barriers to competition and access to health care pooling.

No action shall be taken regarding health care coverage for 146613
employees of political subdivisions, public school districts, and 146614
state institutions of higher education without the enactment of 146615
law by the General Assembly. 146616

Section 701.30. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 146617

As used in this section, "appointing authority" has the same 146618
meaning as in section 124.01 of the Revised Code, and "exempt 146619
employee" has the same meaning as in section 124.152 of the 146620
Revised Code. 146621

Notwithstanding section 124.181 of the Revised Code, in cases 146622
where no vacancy exists, an appointing authority may, with the 146623
written consent of an exempt employee, assign duties of a higher 146624
classification to that exempt employee for a period of time not to 146625
exceed two years, and that exempt employee shall receive 146626
compensation at a rate commensurate with the duties of the higher 146627
classification. 146628

Section 701.40. (A) There is hereby created the Ohio Housing 146629
Study Committee with the purpose of formulating a comprehensive 146630
review of the policies and results of the Ohio Housing Finance 146631
Agency, its programs and its working relationships to ensure that 146632
all Agency programs are evaluated by an objective process to 146633
ensure all Ohioans receive optimal and measurable benefits 146634
afforded to them through the authority of the Agency. 146635

(B) The Committee shall do all of the following: 146636

(1) Perform a comprehensive review of Chapter 175. of the 146637
Revised Code to determine the relevance of the chapter and 146638
determine whether it should be formally reviewed or amended by the 146639
General Assembly, up to and including appropriate legislative 146640
oversight and accountability; 146641

(2) Review the Agency's relationships to ensure an equitable 146642

and level playing field regarding its single- and multi-family housing programs; 146643
146644

(3) Review the Agency's policy leadership and the measurable economic impact and other effects of its programs; 146645
146646

(4) Review the Agency's Qualified Allocation Plan development process and underlying policies to understand whether objective and measurable results are achieved to fulfill clearly articulated public policy goals; 146647
146648
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146650

(5) Create a quantitative report measuring the economic benefits of the Agency's single- and multi-family programming over the last ten years; 146651
146652
146653

(6) Evaluate the possible efficiencies of combining existing Ohio Department of Development housing-related programming with those of the Agency. 146654
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146656

The Chairperson of the Committee may include other relevant areas of study as necessary. 146657
146658

(C) The Committee shall commence on the effective date of this act and shall provide a report expressing its findings and financial, policy, or legislative recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before March 31, 2012. 146659
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(D) The Committee shall be comprised of the Auditor of State, or the Auditor's designee, the Director of Commerce, or the Director's designee, the Director of Development, or the Director's designee, and four members of the General Assembly. Two members shall be appointed by the Speaker of the House of Representatives and two members shall be appointed by the President of the Senate. 146664
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The Governor, Speaker of the House of Representatives, and the President of the Senate shall determine the chairperson of the 146671
146672

Committee. 146673

(E) The Committee shall meet on a reasonable basis at the 146674
discretion of the chairperson. 146675

(F) All reasonable expenses incurred by the Committee in 146676
carrying out its responsibilities shall be paid by Ohio Housing 146677
Finance Agency funds. In addition to reasonable expenses, the 146678
Committee shall have the discretion to allocate Agency funds to 146679
contract with the Auditor of State for services rendered in 146680
relation to the Committee carrying out its responsibilities, 146681
including financial- and performance-based audits and other 146682
services. The Auditor of State may contract with an independent 146683
auditor. 146684

The Committee may also contract with other independent 146685
entities for services rendered in relation to the Committee 146686
carrying out its responsibilities. Expenditures to pay for the 146687
services of the Auditor of State, independent auditor, or other 146688
services shall not exceed two hundred thousand dollars. 146689

No entity contracting with the Committee for services 146690
rendered shall have a financial or vested interest in the Ohio 146691
Housing Finance Agency, its affiliates, or its nonprofit partners. 146692

Section 701.50. (A) Except as otherwise provided in section 146693
154.24 or 154.25 of the Revised Code, as enacted by this act, with 146694
respect to the functions of the Ohio Public Facilities Commission, 146695
the Treasurer of State shall, on the effective date of this 146696
section and as provided for in this section, supersede and replace 146697
the Ohio Building Authority (referred to in this section as the 146698
"Authority") as the issuing authority in all matters relating to 146699
the issuance of obligations for the financing of capital 146700
facilities for housing branches and agencies of state government 146701
as provided for in section 154.24 of the Revised Code or for 146702
community or technical colleges as provided for in section 154.25 146703

of the Revised Code (together referred to in this section as 146704
"facilities for capital purposes"), as enacted by this act (all 146705
referred to in this section as "superseded matters"). 146706

(B)(1) With respect to superseded matters and facilities for 146707
capital purposes, the Treasurer of State shall: 146708

(a) Succeed to and have and perform all of the duties, 146709
powers, obligations, and functions of the Authority and its 146710
members and officers provided for by law or rule relating to the 146711
issuance of bonds, notes, or other obligations for the purpose of 146712
paying costs of facilities for capital purposes; 146713

(b) Succeed to and have and perform all of the duties, 146714
powers, obligations, and functions, and have all of the rights of, 146715
the Authority and its members and officers provided for in or 146716
pursuant to resolutions, rules, agreements, trust agreements, and 146717
supplemental trust agreements (all referred to collectively in 146718
this section as "basic instruments"), and bonds, notes, and other 146719
obligations (all referred to collectively in this section as 146720
"financing obligations"), previously authorized, entered into, or 146721
issued by the Authority for facilities for capital purposes, which 146722
financing obligations shall be, or shall be deemed to be, 146723
obligations issued by and of the Treasurer of State; and 146724

(c) Be bound by all agreements and covenants of the 146725
Authority, and basic instruments, relating to financing 146726
obligations. 146727

(2) The transfer of superseded matters to the Treasurer of 146728
State pursuant to this section does not affect the validity of any 146729
agreement or covenant, basic instrument, or financing obligation, 146730
or any related document, authorized, entered into, or issued by 146731
the Authority under Chapter 152. of the Revised Code or other 146732
laws, and nothing in this section shall be applied or considered 146733
as impairing the obligations or rights under them. 146734

(3) The Treasurer of State shall not issue any additional financing obligations pursuant to any basic instrument of the Authority, including financing obligations to refund financing obligations previously issued by the Authority.

(C) With respect to proceedings relating to superseded matters affected by this section:

(1) This section applies to any proceedings that are commenced after the effective date of this section, and to any proceedings that are pending, in progress, or completed on that date, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior basic instrument, notice, or other proceeding.

(2) Any proceedings of the Authority that are pending on the effective date of this section shall be pursued and completed by and in the name of the Treasurer of State, and any financing obligations that are sold, issued, and delivered pursuant to those proceedings shall be deemed to have been authorized, sold, issued, and delivered in conformity with this section.

(3) Notwithstanding divisions (C)(1) and (2) of this section, the Authority may, subsequent to the effective date of this section, meet for the purpose of better accomplishing the transfer of superseded matters. At any such meeting the Authority may take necessary or appropriate actions to effect an orderly transition relating to the issuance of financing obligations, such that all duties, powers, obligations, and functions of the Authority and its members and officers with respect to the superseded matters or under any leases and agreements between the Authority and a state agency for facilities for capital purposes shall terminate and be of no further force and effect as to the Authority.

(D) Notwithstanding any other provision of this section, this section shall not apply to the Authority's interests in or

responsibilities for the operation and maintenance, or any lease 146766
or agreement relating to the operation and maintenance of, the 146767
James A. Rhodes State Office Tower (30 East Broad Street, 146768
Columbus), the Vern Riffe Center for Government and the Arts (77 146769
South High Street, Columbus), the Frank J. Lausche State Office 146770
Building (615 West Superior Avenue, Cleveland), the Michael V. 146771
DiSalle Government Center (One Government Center, Toledo), the 146772
Oliver R. Ocasek Government Office Building (161 South High 146773
Street, Akron), and the State of Ohio Computer Center (1320 Arthur 146774
E. Adams Drive, Columbus). 146775

(E) The Authority and the Treasurer of State shall prepare 146776
any necessary amendments of or supplements to documents or basic 146777
instruments pertaining to the duties, powers, obligations, 146778
functions, and rights relating to superseded matters to which the 146779
Treasurer of State succeeds pursuant to this section. The 146780
authorization by the Authority in its basic instruments relating 146781
to superseded matters for its officers to act in any manner on 146782
behalf of the Authority shall, on and after the effective date of 146783
this section, be authorization for the Treasurer of State, or the 146784
Treasurer of State's staff or employees to whom the Treasurer of 146785
State may delegate the function, to act in the circumstances, 146786
without necessity for amendment of or supplement to any such 146787
documents or basic instruments. 146788

(F) No pending judicial or administrative action or 146789
proceeding in which the Authority, or its members or officers as 146790
such, are a party that pertains to superseded matters shall be 146791
affected by their transfer, but shall be prosecuted or defended in 146792
the name of the Treasurer of State and in any such action or 146793
proceeding the Treasurer of State, upon application to the court, 146794
shall be substituted as a party. 146795

(G) In connection with the duties, powers, obligations, 146796
functions, and rights relating to superseded matters and provided 146797

for in this section, on the effective date of this section: 146798

(1) Copies of all basic instruments, documents, books, 146799
papers, and records of the Authority shall be transferred to the 146800
Treasurer of State upon request, without necessity for assignment, 146801
conveyance, or other action by the Authority. 146802

(2) All appropriations previously made to or for the 146803
Authority for the purposes of the performance of the duties, 146804
powers, obligations, functions, and exercise of rights relating to 146805
superseded matters, to the extent of remaining unexpended or 146806
unencumbered balances, are hereby transferred to and made 146807
available for use and expenditure by the Treasurer of State for 146808
performing the same duties, powers, obligations, and functions and 146809
exercising the same rights for which originally appropriated, and 146810
payments for administrative expenses previously incurred in 146811
connection with them shall be made from the applicable 146812
administrative service fund on vouchers approved by the Treasurer 146813
of State. 146814

(3) All leases and agreements between the Authority and a 146815
state agency for facilities for capital purposes made under 146816
Chapter 152. of the Revised Code shall, and shall be considered 146817
to, continue to bind that state agency. Nothing in this act shall 146818
be considered as impairing the obligations of any state agency 146819
under those leases and agreements. 146820

(4) Any lease, grant, or conveyance made to the Authority 146821
pursuant to section 152.06 of the Revised Code shall be, and shall 146822
be deemed to be, made to the Ohio Public Facilities Commission 146823
pursuant to section 154.16 of the Revised Code, and the Ohio 146824
Public Facilities Commission shall succeed to and have and perform 146825
all of the duties, powers, obligations, and functions, and have 146826
all of the rights, of the Authority and its members and officers 146827
provided for in or pursuant to that lease, grant, or conveyance. 146828

(H) Whenever the Authority, or any of its members or officers, is referred to in any contract or other document relating to those outstanding financing obligations, the reference shall be considered to be, as applicable, to the Ohio Public Facilities Commission or its appropriate officers or to the Treasurer of State or the appropriate staff of the Treasurer of State.

Section 701.60. Within thirty days after the effective date of this section, the Department of Administrative Services shall begin developing recommendations for a state government reorganization plan focused on increased efficiencies in the operation of state government and a reduced number of state agencies. The Department shall present its recommendations to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate not later than June 30, 2013.

Section 701.63. Notwithstanding sections 124.14, 124.141, and 124.15 of the Revised Code, until January 1, 2014, the Director of Administrative Services may implement the provisions of sections 124.14, 124.141, and 124.15 of the Revised Code that otherwise would require the adoption of rules without adopting rules.

Section 715.10. (A) The Ohio Soil and Water Conservation Commission that is created in section 1515.02 of the Revised Code shall establish a Conservation Program Delivery Task Force to provide recommendations to the Director of Natural Resources regarding how soil and water conservation districts established under section 1515.03 of the Revised Code may advance effective and efficient operations while continuing to provide local program leadership. The Task Force shall examine methods for improving

services and removing impediments to organizational management and 146859
explore opportunities for sharing services across all levels of 146860
government. 146861

(B) The chairperson of the Commission in consultation with 146862
the Director shall appoint no more than nine members to the Task 146863
Force. The Task Force shall include members of the boards of 146864
supervisors of soil and water conservation districts and other 146865
individuals who represent diverse geographic areas of the state 146866
and may include members from the Ohio Federation of Soil and Water 146867
Conservation Districts, the Natural Resources Conservation Service 146868
in the United States Department of Agriculture, the County 146869
Commissioners' Association of Ohio, the Ohio Municipal League, and 146870
the Ohio Township Association. The Task Force may consult with 146871
those organizations and agencies. 146872

(C) The chairperson of the Commission or another member of 146873
the Commission who is designated by the chairperson shall serve as 146874
chairperson of the Task Force. 146875

(D) Members appointed to the Task Force shall serve without 146876
compensation and shall not be reimbursed for expenses. The 146877
Division of Soil and Water Resources shall provide technical and 146878
administrative support as needed by the Task Force. 146879

(E) The Task Force shall hold its first meeting no later than 146880
September 1, 2011, and shall submit a final report of 146881
recommendations to the Director and the Commission no later than 146882
December 31, 2011. Upon submission of the final report, the Task 146883
Force shall cease to exist. 146884

Section 733.10. (A) The Department of Education shall conduct 146885
and publicize a second Educational Choice Scholarship application 146886
period for the 2011-2012 school year to award for that year 146887
scholarships newly authorized by sections 3310.02 and 3310.03 of 146888

the Revised Code, as amended by this act. The second application 146889
period shall commence on the effective date of this section and 146890
shall end at the close of business on the first business day that 146891
is at least forty-five days after the effective date of this 146892
section. 146893

(B) Not later than ten days after the effective date of this 146894
section, the Department shall do both of the following: 146895

(1) Mail, to each person who applied for a scholarship during 146896
the first application period for the 2011-2012 school year but did 146897
not receive a scholarship, a notice announcing the second 146898
application period, the opportunity to re-apply, and the 146899
application deadline; 146900

(2) Post prominently on its web site a list of school 146901
district-operated buildings that meet both of the following 146902
criteria: 146903

(a) For at least two of the three school years from 2007-2008 146904
through 2009-2010, ranked in the lowest ten per cent of school 146905
district buildings according to performance index score reported 146906
under section 3302.03 of the Revised Code; 146907

(b) Were not declared to be excellent or effective under that 146908
section for the 2009-2010 school year. 146909

Notwithstanding division (B)(1)(a) of section 3310.03 of the 146910
Revised Code, eligibility for scholarships for the 2011-2012 146911
school year under division (B) of section 3310.03 of the Revised 146912
Code shall be based on a school building's performance index score 146913
rank among all other school district buildings for the requisite 146914
school years, as described in division (B)(2)(a) of this section, 146915
and shall not be based on a building's performance index score 146916
rank among all public school buildings for the requisite school 146917
years, as otherwise required under division (B)(1)(a) of section 146918

3310.03 of the Revised Code. 146919

(C) The Department shall award scholarships for the 2011-2012 146920
school year from applications submitted during the second 146921
application period according to the order of priority listed in 146922
division (B) of section 3310.02 of the Revised Code, as amended by 146923
this act. The Department shall base its award determinations on 146924
the applicant students' status during the 2010-2011 school year. 146925

(D) Notwithstanding any provision of sections 3310.01 to 146926
3310.17 of the Revised Code, any rule of the State Board of 146927
Education, or any policy of the Department to the contrary, the 146928
Department shall not deny a scholarship to a student for whom an 146929
application is submitted during the second application period 146930
solely because the student already has been admitted to a 146931
chartered nonpublic school for the 2011-2012 school year, if both 146932
of the following apply: 146933

(1) A timely application was submitted on the student's 146934
behalf during the first application period for the 2011-2012 146935
school year and the student was denied a scholarship solely 146936
because the number of applications exceeded the number of 146937
available scholarships. 146938

(2) The student either: 146939

(a) Was enrolled, through the final day of scheduled classes 146940
for the 2010-2011 school year, in the district school or community 146941
school indicated on the student's first application for the 146942
2011-2012 school year; 146943

(b) Is eligible to enroll in kindergarten for the 2011-2012 146944
school year and was not enrolled in kindergarten in a nonpublic 146945
school in the 2010-2011 school year. 146946

(E)(1) For purposes of determining eligibility under division 146947
(B) of section 3310.03 of the Revised Code for scholarships 146948
awarded for the 2012-2013 school year, the Department shall post 146949

prominently on its web site a list of school district buildings 146950
that meet both of the following criteria: 146951

(a) For at least two of the three school years from 2008-2009 146952
through 2010-2011, ranked in the lowest ten per cent of public 146953
school buildings according to performance index score; 146954

(b) Were not declared to be excellent or effective under 146955
section 3302.03 of the Revised Code for the 2010-2011 school year. 146956

(2) For purposes of determining eligibility under division 146957
(B) of section 3310.03 of the Revised Code for scholarships 146958
awarded for the 2013-2014 school year, the Department shall post 146959
prominently on its web site a list of school district buildings 146960
that meet both of the following criteria: 146961

(a) For at least two of the three school years from 2009-2010 146962
through 2011-2012, ranked in the lowest ten per cent of public 146963
school buildings according to performance index score; 146964

(b) Were not declared to be excellent or effective under 146965
section 3302.03 of the Revised Code for the 2011-2012 school year. 146966

(3) For purposes of determining eligibility under division 146967
(B) of section 3310.03 of the Revised Code for scholarships 146968
awarded for the 2014-2015 school year, the Department shall post 146969
prominently on its web site a list of school district buildings 146970
that meet both of the following criteria: 146971

(a) For at least two of the three school years from 2010-2011 146972
through 2012-2013, ranked in the lowest ten per cent of public 146973
school buildings according to performance index score; 146974

(b) Were not declared to be excellent or effective under 146975
section 3302.03 of the Revised Code for the 2012-2013 school year. 146976

(F) As used in this section, "enrolled" has the same meaning 146977
as in division (E) of section 3317.03 of the Revised Code. 146978

Section 733.20. (A)(1) Notwithstanding section 3305.03 of the Revised Code or any other provision of Chapter 3305. of the Revised Code, an alternative retirement plan established by a public institution of higher education prior to July 1, 2000, that is a qualified trust under section 401(a) of the Internal Revenue Code is hereby designated a provider for purposes of Chapter 3305. of the Revised Code.

(2) Other than the contributions required under division (D) of section 3305.06 of the Revised Code and interest on those contributions at a rate determined by the State Teachers Retirement Board, a public institution of higher education is not required to pay any contributions or interest due the State Teachers Retirement System for an employee who prior to July 1, 2000, made an election to participate in an alternative retirement plan designated under this section, from the date of the election as long as participation by the employee continues.

(B) Notwithstanding division (C) of section 3305.05 of the Revised Code, a public institution of higher education that failed to timely file with the State Teachers Retirement System a copy of an election of an employee described in division (A)(2) of this section may file the election not later than ninety days after the effective date of this section. The system shall accept the filing as though made in compliance with section 3305.05 of the Revised Code.

Section 733.30. Notwithstanding the dates prescribed by division (D) of section 3311.054 of the Revised Code, not later than July 1, 2012, the governing board of an educational service center established under that section shall redistrict the educational service center's territory into a number of subdistricts equal to the number of board members designated under division (B)(1) of that section, based on the results of the 2010

decennial census. At the regular municipal election held in 147010
November 2013, all elected governing board members shall again be 147011
elected from the subdistricts created under this section. 147012

If a governing board fails to redistrict the territory of its 147013
educational service center in accordance with this section, the 147014
superintendent of public instruction shall redistrict the service 147015
center not later than August 1, 2012. 147016

Section 733.40. The amendment by this act of section 133.06 147017
of the Revised Code applies to any proceedings commenced after the 147018
effective date of that section and, so far as the provisions of 147019
that section support the actions taken, also apply to any 147020
proceedings that on the effective date of that section are 147021
pending, in progress, or completed, and to any elections 147022
authorized, conducted, or certified and securities authorized or 147023
issued pursuant to those proceedings, notwithstanding any law, 147024
resolution, ordinance, order, advertisement, notice, or other 147025
proceeding in effect before that effective date. Any proceedings 147026
pending or in progress on, or completed by, that effective date, 147027
elections authorized, conducted, or certified, and securities 147028
sold, issued, and delivered, or validated, pursuant to those 147029
proceedings, are ratified with respect to, and shall be deemed to 147030
have been taken, authorized, conducted, certified, sold, issued, 147031
delivered, or validated in conformity with section 133.06 of the 147032
Revised Code so far as the provisions of that section support the 147033
actions taken. To the extent those proceedings are proper in all 147034
other respects, if the proceedings are filed with a board of 147035
elections in anticipation of the taking effect of the amendment of 147036
section 133.06 of the Revised Code and in a manner that would be 147037
valid if the amendment took effect on the date it became law, then 147038
that board of elections, so long as it received a confirmation 147039
stating an intention to proceed from or on behalf of the board of 147040
education within five business days after the effective date of 147041

the amendment shall accept the proceedings and take any actions or 147042
make any arrangements necessary for the submission of a question 147043
to the electors or otherwise required by the Revised Code. 147044

Section 737.15. On the effective date of this section, the 147045
Public Health Council shall rescind all rules adopted under 147046
section 3733.22 of the Revised Code as that section existed prior 147047
to its repeal by this act. 147048

Section 737.30. The authority provided in section 737.022 of 147049
the Revised Code as amended by this act is in addition and 147050
supplemental to provisions for the subject matter that may also be 147051
the subject of other laws, and is supplemental to and not in 147052
derogation of any similar authority provided by, derived from, or 147053
implied by, the Constitution of the state of Ohio or any other 147054
laws, including the law amended by this act, or any charter, 147055
order, resolution, or ordinance, and no inference shall be drawn 147056
to negate the authority thereunder by reason of express provisions 147057
contained in section 737.022 of the Revised Code. 147058

Section 747.40. (A) For members of the Residential 147059
Construction Advisory Committee serving terms beginning on July 1, 147060
2011, such members' terms shall expire as follows: 147061

(1) The terms of the members described in divisions (A)(3), 147062
(A)(6), and one of the members described in division (A)(1) of 147063
section 4740.14 of the Revised Code as amended by this act shall 147064
expire on June 30, 2012. 147065

(2) The terms of the member described in division (A)(4), one 147066
of the members described in division (A)(1), and one of the 147067
members described in division (A)(2) of section 4740.14 of the 147068
Revised Code as amended by this act shall expire on June 30, 2013. 147069

(3) The terms of the member described in division (A)(5), one 147070

of the members described in division (A)(1), and one of the 147071
members described in division (A)(2) of section 4740.14 of the 147072
Revised Code as amended by this act shall expire on June 30, 2014. 147073

(B) The Director of Commerce shall determine which of the 147074
members appointed pursuant to division (A)(1) of section 4740.14 147075
of the Revised Code as amended by this act will serve the term 147076
described in division (A)(1), which member will serve the term 147077
described in division (A)(2), and which member will serve the term 147078
described in division (A)(3) of this section, and shall determine 147079
which of the members appointed pursuant to division (A)(2) of 147080
section 4740.14 of the Revised Code as amended by this act will 147081
serve the term described in division (A)(2) and which member will 147082
serve the term described in division (A)(3) of this section. 147083

(C) Upon the expiration of the terms described in division 147084
(A) of this section, all successive terms shall last for the 147085
period described in division (B) of section 4740.14 of the Revised 147086
Code as amended by this act. 147087

Section 749.10. The Public Utilities Commission shall, on or 147088
before December 31, 2011, determine appropriate methods under 147089
which to ensure that the reduction in public utility assessments 147090
paid under section 4911.18 of the Revised Code for the Office of 147091
the Ohio Consumers' Counsel for fiscal year 2012 and fiscal year 147092
2013 is distributed to the benefit of Ohio customers of those 147093
public utilities. The Commission shall implement its distribution 147094
methodology in a timely manner. 147095

Section 753.10. (A) As used in this section, "contractor" and 147096
"facility" have the same meanings as in section 9.06 of the 147097
Revised Code, as amended by Sections 101.01 and 101.02 of this 147098
act. 147099

(B)(1) The Director of Administrative Services and the 147100

Director of Rehabilitation and Correction are hereby authorized to 147101
award one or more contracts through requests for proposals for the 147102
operation and management by a contractor of one or more of the 147103
facilities described in divisions (C) to (G) of this section, 147104
pursuant to section 9.06 of the Revised Code, and for the transfer 147105
of the state's right, title, and interest in the real property on 147106
which the facility is situated and any surrounding land as 147107
described in those divisions. 147108

(2) If the Director of Administrative Services and the 147109
Director of Rehabilitation and Correction award a contract of the 147110
type described in division (B)(1) of this section to a contractor 147111
regarding a facility described in division (C), (D), (E), (F), or 147112
(G) of this section, in addition to the requirements, statements, 147113
and authorizations that must be included in the contract pursuant 147114
to division (B) of section 9.06 of the Revised Code, the contract 147115
shall include all of the following regarding the facility that is 147116
the subject of the contract: 147117

(a) An agreement for the sale to the contractor of the 147118
state's right, title, and interest in the facility, the land 147119
situated thereon, and specified surrounding land; 147120

(b) A requirement that the contractor provide preferential 147121
hiring treatment to employees of the Department of Rehabilitation 147122
and Correction in order to retain staff displaced as a result of 147123
the transition of the operation and management of the facility and 147124
to meet the administrative, programmatic, maintenance, and 147125
security needs of the facility; 147126

(c) Notwithstanding any provision of the Revised Code, 147127
authorization for the transfer to the contractor of any supplies, 147128
equipment, furnishings, fixtures, or other assets considered 147129
necessary by the Director of Rehabilitation and Correction and the 147130
Director of Administrative Services for the continued operation 147131
and management of the facility; 147132

(d) A binding commitment that irrevocably grants to the state 147133
a right, upon the occurrence of any triggering event described in 147134
division (B)(2)(d)(i) or (ii) of this section and in accordance 147135
with the particular division, to repurchase the facility and the 147136
real property on which it is situated, any surrounding land that 147137
is to be transferred under the contract, or both the facility and 147138
real property on which it is situated plus the surrounding land 147139
that is to be transferred under the contract. The triggering 147140
events and the procedures for a repurchase under the irrevocable 147141
grant described in this division are as follows: 147142

(i) Before the contractor, or the contractor's successor in 147143
title, may resell or otherwise transfer the facility and the real 147144
property on which it is situated, any surrounding land that is to 147145
be transferred under the contract, or both the facility and real 147146
property on which it is situated plus the surrounding land that is 147147
to be transferred under the contract, the contractor or successor 147148
first must offer the state the opportunity to repurchase the 147149
facility, real property, and surrounding land that is to be resold 147150
or transferred for a price not greater than the purchase price 147151
paid to the state for that facility, real property, or surrounding 147152
land, less depreciation from the time of the conveyance of that 147153
facility, real property, or surrounding land to the contractor, 147154
plus the depreciated value of any capital improvements to that 147155
facility, real property, or surrounding land that were made to it 147156
and funded by anyone other than the state subsequent to the 147157
conveyance to the contractor. The repurchase opportunity described 147158
in this division must be offered to the state at least one hundred 147159
twenty days before the contractor intends to resell or otherwise 147160
transfer the facility, real property, or surrounding land that is 147161
to be resold or transferred. After being offered the repurchase 147162
opportunity, the state has the right to repurchase the facility, 147163
real property, and surrounding land that is to be resold or 147164
otherwise transferred for the price described in this division. 147165

(ii) Upon the contractor's default of any financial agreement 147166
for the purchase of the facility and the real property on which it 147167
is situated, any surrounding land that is to be transferred under 147168
the contract, or both the facility and real property on which it 147169
is situated plus the surrounding land that is to be transferred 147170
under the contract, upon the contractor's default of any other 147171
term in the contract, or upon the contractor's financial 147172
insolvency or inability to meet its contractual obligations, the 147173
state has the right to repurchase the facility and real property, 147174
the surrounding land, or both the facility and real property and 147175
the surrounding land, for a price not greater than the purchase 147176
price paid to the state for that facility, real property, or 147177
surrounding land, less depreciation from the time of the 147178
conveyance of that facility, real property, or surrounding land to 147179
the contractor, plus the depreciated value of any capital 147180
improvements to that facility, real property, or surrounding land 147181
that were made to it and funded by anyone other than the state 147182
subsequent to the conveyance to the contractor. 147183

(e) A requirement that if the operation and management 147184
portion of the contract is terminated the contractor's operation 147185
and management responsibilities be transferred to another 147186
contractor under the same terms and conditions and applied to the 147187
original contractor or to the Department of Rehabilitation and 147188
Correction and authorization for the Department or new contractor, 147189
whichever is applicable, to enter into an agreement with the 147190
terminated contractor to purchase the terminated contractor's 147191
equipment, supplies, furnishings, and consumables. 147192

(3)(a) If the Director of Administrative Services and the 147193
Director of Rehabilitation and Correction award a contract of the 147194
type described in division (B)(1) of this section to a contractor 147195
regarding a facility described in division (C), (D), (E), (F), or 147196
(G) of this section, notwithstanding any provision of the Revised 147197

Code and subject to division (B)(3)(b) of this section, the state 147198
may transfer to the contractor in accordance with the contract any 147199
supplies, equipment, furnishings, fixtures, or other assets 147200
considered necessary by the Director of Rehabilitation and 147201
Correction and the Director of Administrative Services for the 147202
continued operation and management of the facility. For purposes 147203
of this paragraph and the transfer authorized under this 147204
paragraph, any such supplies, equipment, furnishings, fixtures, or 147205
other assets shall not be considered supplies, excess supplies, or 147206
surplus supplies as defined in section 125.12 of the Revised Code 147207
and may be disposed of as part of the transfer of the facility to 147208
the contractor. 147209

(b) If the Director of Administrative Services and the 147210
Director of Rehabilitation and Correction award a contract of the 147211
type described in division (B)(1) of this section to a contractor 147212
regarding the facility described in division (D) of this section, 147213
the Director of Rehabilitation and Correction may transfer to 147214
another state correctional institution to be determined by the 147215
Director of Rehabilitation and Correction the Braille printing 147216
press and related accessories located at the facility described in 147217
division (D) of this section and all programs associated with the 147218
Braille printing press. 147219

(4) Nothing in divisions (B)(1) to (3) or divisions (C) to 147220
(G) of this section restricts the department of rehabilitation and 147221
correction from contracting for only the private operation and 147222
management of any of the facilities described in divisions (C) to 147223
(G) of this section. 147224

(C)(1) As used in division (C) of this section, "grantee" 147225
means an entity that has contracted under section 9.06 of the 147226
Revised Code to privately operate the Lake Erie Correctional 147227
Facility, if the contract includes the clauses described in 147228
division (B)(2) of this section for the purchase of that Facility. 147229

(2) The Governor is authorized to execute a deed in the name 147230
of the state conveying to the grantee, its successors and assigns, 147231
all of the right, title, and interest of the state in the Lake 147232
Erie Correctional Facility, in the City of Conneaut, County of 147233
Ashtabula, State of Ohio, the land situated thereon, and any 147234
surrounding land, which totals approximately 119 acres. 147235

In preparing the deed, the Auditor of State, with the 147236
assistance of the Attorney General, shall develop a legal 147237
description of the property in conformity with the actual bounds 147238
of the real estate. 147239

(3) Consideration for conveyance of the real estate shall be 147240
set forth in the contract awarded to the grantee and shall be paid 147241
in accordance with the terms of the contract. 147242

(4)(a) The deed may contain any restriction that the Director 147243
of Administrative Services and the Director of Rehabilitation and 147244
Correction determine is reasonably necessary to protect the 147245
state's interest in neighboring state-owned land. 147246

(b) The deed also shall contain restrictions prohibiting the 147247
grantee from using, developing, or selling the real estate, or the 147248
correctional facility thereon, except in conformance with the 147249
restriction, or if the use, development, or sale will interfere 147250
with the quiet enjoyment of the neighboring state-owned land. 147251

(5) The real estate shall be sold as an entire tract and not 147252
in parcels. 147253

(6) Upon payment of the purchase price as set forth in the 147254
contract awarded to the grantee, the Auditor of State, with the 147255
assistance of the Attorney General, shall prepare a deed to the 147256
real estate. The deed shall state the consideration and 147257
restrictions and shall be executed by the Governor in the name of 147258
the state, countersigned by the Secretary of State, sealed with 147259
the Great Seal of the State, presented in the Office of the 147260

Auditor of State for recording, and delivered to the grantee. The 147261
grantee shall present the deed for recording in the Office of the 147262
Ashtabula County Recorder. 147263

(7) The grantee shall pay all costs associated with the 147264
purchase and conveyance of the real estate, including recordation 147265
costs of the deed. 147266

(8) The proceeds of the conveyance of the real estate shall 147267
be deposited into the state treasury to the credit of the Adult 147268
and Juvenile Correctional Facilities Bond Retirement Fund and 147269
shall be used to redeem or defease bonds in accordance with 147270
section 5120.092 of the Revised Code, and any remaining moneys 147271
after such redemption or defeasance shall be transferred in 147272
accordance with that section to the General Revenue Fund. 147273

(9) Division (C) of this section does not restrict the 147274
Department of Rehabilitation and Correction from contracting, not 147275
for the sale of, but only for the private operation and management 147276
of the Lake Erie Correctional Facility. 147277

(10) Division (C) of this section expires two years after its 147278
effective date. 147279

(D)(1) As used in division (D) of this section, "grantee" 147280
means an entity that has contracted under section 9.06 of the 147281
Revised Code to privately operate the Grafton Correctional 147282
Institution, if the contract includes the clauses described in 147283
division (B)(2) of this section for the purchase of that 147284
Institution. 147285

(2) The Governor is authorized to execute a deed in the name 147286
of the state conveying to the grantee, its successors and assigns, 147287
all of the right, title, and interest of the state in the Grafton 147288
Correctional Institution, in the City of Grafton, County of 147289
Lorain, State of Ohio, the land situated thereon, and any 147290
surrounding land, which totals approximately 148 acres. 147291

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the property in conformity with the actual bounds of the real estate.

(3) Consideration for conveyance of the real estate shall be set forth in the contract awarded to the grantee and shall be paid in accordance with the terms of the contract.

(4)(a) The deed may contain any restriction that the Director of Administrative Services and the Director of Rehabilitation and Correction determine is reasonably necessary to protect the state's interest in neighboring state-owned land.

(b) The deed also shall contain restrictions prohibiting the grantee from using, developing, or selling the real estate, or the correctional facility thereon, except in conformance with the restriction, or if the use, development, or sale will interfere with the quiet enjoyment of the neighboring state-owned land.

(5) The real estate shall be sold as an entire tract and not in parcels.

(6) Upon payment of the purchase price as set forth in the contract awarded to the grantee, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Lorain County Recorder.

(7) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, including recordation costs of the deed.

(8) The proceeds of the conveyance of the real estate shall 147323
be deposited into the state treasury to the credit of the Adult 147324
and Juvenile Correctional Facilities Bond Retirement Fund and 147325
shall be used to redeem or defease bonds in accordance with 147326
section 5120.092 of the Revised Code, and any remaining moneys 147327
after such redemption or defeasance shall be transferred in 147328
accordance with that section to the General Revenue Fund. 147329

(9) Division (D) of this section does not restrict the 147330
Department of Rehabilitation and Correction from contracting, not 147331
for the sale of, but only for the private operation and management 147332
of the Grafton Correctional Institution. 147333

(10) Division (D) of this section expires two years after its 147334
effective date. 147335

(E)(1) As used in division (E) of this section, "grantee" 147336
means an entity that has contracted under section 9.06 of the 147337
Revised Code to privately operate the North Coast Correctional 147338
Treatment Facility, if the contract includes the clauses described 147339
in division (B)(2) of this section for the purchase of that 147340
Facility. 147341

(2) The Governor is authorized to execute a deed in the name 147342
of the state conveying to the grantee, its successors and assigns, 147343
all of the right, title, and interest of the state in the North 147344
Coast Correctional Treatment Facility, in the City of Grafton, 147345
County of Lorain, State of Ohio, the land situated thereon, and 147346
any surrounding land, which totals approximately 171 acres. 147347

In preparing the deed, the Auditor of State, with the 147348
assistance of the Attorney General, shall develop a legal 147349
description of the property in conformity with the actual bounds 147350
of the real estate. 147351

(3) Consideration for conveyance of the real estate shall be 147352
set forth in the contract awarded to the grantee and shall be paid 147353

in accordance with the terms of the contract. 147354

(4)(a) The deed may contain any restriction that the Director 147355
of Administrative Services and the Director of Rehabilitation and 147356
Correction determine is reasonably necessary to protect the 147357
state's interest in neighboring state-owned land. 147358

(b) The deed also shall contain restrictions prohibiting the 147359
grantee from using, developing, or selling the real estate, or the 147360
correctional facility thereon, except in conformance with the 147361
restriction, or if the use, development, or sale will interfere 147362
with the quiet enjoyment of the neighboring state-owned land. 147363

(5) The real estate shall be sold as an entire tract and not 147364
in parcels. 147365

(6) Upon payment of the purchase price as set forth in the 147366
contract awarded to the grantee, the Auditor of State, with the 147367
assistance of the Attorney General, shall prepare a deed to the 147368
real estate. The deed shall state the consideration and 147369
restrictions and shall be executed by the Governor in the name of 147370
the state, countersigned by the Secretary of State, sealed with 147371
the Great Seal of the State, presented in the Office of the 147372
Auditor of State for recording, and delivered to the grantee. The 147373
grantee shall present the deed for recording in the Office of the 147374
Lorain County Recorder. 147375

(7) The grantee shall pay all costs associated with the 147376
purchase and conveyance of the real estate, including recordation 147377
costs of the deed. 147378

(8) The proceeds of the conveyance of the real estate shall 147379
be deposited into the state treasury to the credit of the Adult 147380
and Juvenile Correctional Facilities Bond Retirement Fund and 147381
shall be used to redeem or defease bonds in accordance with 147382
section 5120.092 of the Revised Code, and any remaining moneys 147383
after such redemption or defeasance shall be transferred in 147384

accordance with that section to the General Revenue Fund. 147385

(9) Division (E) of this section does not restrict the 147386
Department of Rehabilitation and Correction from contracting, not 147387
for the sale of, but only for the private operation and management 147388
of the North Coast Correctional Treatment Facility. 147389

(10) Division (E) of this section expires two years after its 147390
effective date. 147391

(F)(1) As used in division (F) of this section, "grantee" 147392
means an entity that has contracted under section 9.06 of the 147393
Revised Code to privately operate the North Central Correctional 147394
Institution, if the contract includes the clauses described in 147395
division (B)(2) of this section for the purchase of that 147396
Institution. 147397

(2) The Governor is authorized to execute a deed in the name 147398
of the state conveying to the grantee, its successors and assigns, 147399
all of the right, title, and interest of the state in the North 147400
Central Correctional Institution, in the City of Marion, County of 147401
Marion, State of Ohio, the land situated thereon, and any 147402
surrounding land, which totals approximately 152 acres. 147403

In preparing the deed, the Auditor of State, with the 147404
assistance of the Attorney General, shall develop a legal 147405
description of the property in conformity with the actual bounds 147406
of the real estate. 147407

(3) Consideration for conveyance of the real estate shall be 147408
set forth in the contract awarded to the grantee and shall be paid 147409
in accordance with the terms of the contract. 147410

(4)(a) The deed may contain any restriction that the Director 147411
of Administrative Services and the Director of Rehabilitation and 147412
Correction determine is reasonably necessary to protect the 147413
state's interest in neighboring state-owned land. 147414

(b) The deed also shall contain restrictions prohibiting the grantee from using, developing, or selling the real estate, or the correctional facility thereon, except in conformance with the restriction, or if the use, development, or sale will interfere with the quiet enjoyment of the neighboring state-owned land.

(5) The real estate shall be sold as an entire tract and not in parcels.

(6) Upon payment of the purchase price as set forth in the contract awarded to the grantee, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Marion County Recorder.

(7) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, including recordation costs of the deed.

(8) The proceeds of the conveyance of the real estate shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund and shall be used to redeem or defease bonds in accordance with section 5120.092 of the Revised Code, and any remaining moneys after such redemption or defeasance shall be transferred in accordance with that section to the General Revenue Fund.

(9) Division (F) of this section does not restrict the Department of Rehabilitation and Correction from contracting, not for the sale of, but only for the private operation and management of the North Central Correctional Institution.

(10) Division (F) of this section expires two years after its effective date. 147446
147447

(G)(1)(a) As used in division (G) of this section, "grantee" means an entity that has contracted under section 9.06 of the Revised Code to privately operate a facility at the North Central Correctional Institution Camp, if the contract includes the clauses described in division (B)(2) of this section for the purchase of that facility. 147448
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(b) Jurisdiction of the facility described in division (G)(1)(a) of this section, which is a vacated facility previously operated by the Department of Youth Services adjacent to the North Central Correctional Institution, is hereby transferred from the Department of Youth Services to the Department of Rehabilitation and Correction. The transfer of jurisdiction of that facility is hereby ratified and approved. 147454
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147460

(2) The Governor is authorized to execute a deed in the name of the state conveying to the grantee, its successors and assigns, all of the right, title, and interest of the state in the North Central Correctional Institution Camp, in the City of Marion, County of Marion, State of Ohio, the land situated thereon, and any surrounding land, which totals approximately 106 acres. 147461
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In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the property in conformity with the actual bounds of the real estate. 147467
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(3) Consideration for conveyance of the real estate shall be set forth in the contract awarded to the grantee and shall be paid in accordance with the terms of the contract. 147471
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(4)(a) The deed may contain any restriction that the Director of Administrative Services and the Director of Rehabilitation and Correction determine is reasonably necessary to protect the 147474
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state's interest in neighboring state-owned land. 147477

(b) The deed also shall contain restrictions prohibiting the 147478
grantee from using, developing, or selling the real estate, or the 147479
correctional facility thereon, except in conformance with the 147480
restriction, or if the use, development, or sale will interfere 147481
with the quiet enjoyment of the neighboring state-owned land. 147482

(5) The real estate shall be sold as an entire tract and not 147483
in parcels. 147484

(6) Upon payment of the purchase price as set forth in the 147485
contract awarded to the grantee, the Auditor of State, with the 147486
assistance of the Attorney General, shall prepare a deed to the 147487
real estate. The deed shall state the consideration and 147488
restrictions and shall be executed by the Governor in the name of 147489
the state, countersigned by the Secretary of State, sealed with 147490
the Great Seal of the State, presented in the Office of the 147491
Auditor of State for recording, and delivered to the grantee. The 147492
grantee shall present the deed for recording in the Office of the 147493
Marion County Recorder. 147494

(7) The grantee shall pay all costs associated with the 147495
purchase and conveyance of the real estate, including recordation 147496
costs of the deed. 147497

(8) The proceeds of the conveyance of the real estate shall 147498
be deposited into the state treasury to the credit of the Adult 147499
and Juvenile Correctional Facilities Bond Retirement Fund and 147500
shall be used to redeem or defease bonds in accordance with 147501
section 5120.092 of the Revised Code, and any remaining moneys 147502
after such redemption or defeasance shall be transferred in 147503
accordance with that section to the General Revenue Fund. 147504

(9) Division (G) of this section does not restrict the 147505
Department of Rehabilitation and Correction from contracting, not 147506
for the sale of, but only for the private operation and management 147507

of the North Central Correctional Institution Camp. 147508

(10) Division (G) of this section expires two years after its 147509
effective date. 147510

Section 753.20. (A) The Governor is authorized to execute a 147511
deed in the name of the state conveying to the Ripley Union Lewis 147512
Huntington School District, its successors and assigns, all of the 147513
state's right, title, and interest in the following described real 147514
estate: 147515

I 147516

Starting at a 5/8" iron pin found on the southerly 147517
right-of-way line of Outer Drive, the northeasterly line of Edward 147518
and Eva K. Farnbach and Michael S. Pfeffer, Trustee at the 147519
northwesterly corner of L.J. Germann's Addition as recorded in 147520
Plat Book C-3, page 204, slide 213 in the Brown County, Ohio 147521
Recorder's Office; 147522

Thence with the southerly right-of-way line of said Outer 147523
Drive and with the northerly line of said Farnbach and Pfeffer for 147524
the next four (4) courses; 147525

South 63 degrees 34 minutes 18 seconds West a distance of 147526
24.20 feet; 147527

South 79 degrees 33 minutes 23 seconds West a distance of 147528
92.60 feet; 147529

South 75 degrees 58 minutes 20 seconds West a distance of 147530
347.02 feet; 147531

South 84 degrees 53 minutes 30 seconds West a distance of 147532
10.54 feet; 147533

Thence with a line through the land of said Farnbach and 147534
Pfeffer for the next two (2) courses: 147535

South 21 degrees 11 minutes 23 seconds West a distance of 147536

43.58 feet; 147537

South 0 degrees 25 minutes 20 seconds West a distance of 147538
586.49 feet to a point on the southerly line of said Farnbach and 147539
Pfeffer and on the northerly line of Michael Ray Schwallie; 147540

Thence with a line through the land of said Schwallie for the 147541
next two (2) courses: 147542

South 0 degrees 25 minutes 20 seconds West a distance of 147543
227.62 feet; 147544

South 35 degrees 47 minutes 10 seconds East a distance of 147545
523.46 feet to a point on the southerly line of said Schwallie and 147546
on the northerly line of the State of Ohio; 147547

Thence with a line through the land of said State of Ohio 147548
three (3) courses: 147549

South 35 degrees 47 minutes 10 seconds East a distance of 147550
29.17 feet; 147551

South 6 degrees 22 minutes 58 seconds West a distance of 147552
29.21 feet; 147553

South 51 degrees 22 minutes 58 seconds West a distance of 147554
583.46 feet and *the true point of beginning*; 147555

Thence from said *true point of beginning* and through the land 147556
of said State of Ohio for the next five (5) courses: 147557

On a curve to the left having a radius of 300.00 feet, an 147558
interior angle of 37 degrees 00 minutes 54 seconds, an arc length 147559
of 193.81 feet, a chord bearing of South 76 degrees 58 minutes 37 147560
seconds East for a chord length of 190.46 feet; 147561

South 58 degrees 28 minutes 11 seconds East a distance of 147562
284.98 feet; 147563

On a curve to the left having a radius of 300.00 feet, an 147564
interior angle of 180 degrees 00 minutes 00 seconds, an arc length 147565

of 942.48 feet, a chord bearing of South 31 degrees 31 minutes 49 seconds West for a chord length of 600.00 feet;

North 58 degrees 28 minutes 11 seconds West a distance of 284.98 feet;

On a curve to the right having a radius of 300.00 feet, an interior angle of 142 degrees 59 minutes 08 seconds, an arc length of 748.67 feet, a chord bearing of North 13 degrees 01 minutes 23 seconds East for a chord length of 568.97 feet and CONTAINING 3.925 Acres

This description was prepared by Christopher S. Renshaw, P.S., Ohio Registration No. 8319 on 16 October 2009.

II

Starting at 5/8" iron pin found on the southerly right-of-way line of Outer Drive, the northeasterly corner of Edward and Eva K. Farnbach and Michael S. Pfeffer, Trustee at the northwesterly corner of L.J. Germann's Addition as recorded in Plat Book C-3, page 204, slide 213 in the Brown County, Ohio Recorder's Office;

Thence with the southerly right-of-way line of Outer Drive and with the northerly line of Edward and Eva K. Farnbach, etal for the next three (3) courses:

South 63 degrees 34 minutes 18 seconds West a distance of 24.20 feet;

South 79 degrees 33 minutes 23 seconds West a distance of 92.60 feet;

South 75 degrees 58 minutes 20 seconds West a distance of 340.45 feet;

Thence through the land of said Farnbach for the next two (2) courses:

South 21 degrees 11 minutes 23 seconds West a distance of 49.42 feet;

South 0 degrees 25 minutes 20 seconds West a distance of 147596
571.70 feet to a point on the southerly line of said Farnbach and 147597
on the northerly line of Michael Ray Schwallie; 147598

Thence through the land of said Schwallie for the next two 147599
(2) courses: 147600

South 0 degrees 25 minutes 20 seconds West a distance of 147601
234.76 feet; 147602

South 35 degrees 47 minutes 10 seconds East a distance of 147603
518.08 feet to a point on the southerly line of said Schwallie and 147604
on the northerly line of the State of Ohio and *the true point of* 147605
beginning; said point being on the easterly line of said real 147606
estate; 147607

Thence from said *the true point of beginning* and with a line 147608
through the land of said State of Ohio seven (7) courses: 147609

South 35 degrees 47 minutes 10 seconds East a distance of 147610
35.43 feet; 147611

South 6 degrees 22 minutes 58 seconds West a distance of 147612
41.21 feet; 147613

South 51 degrees 22 minutes 58 seconds West a distance of 147614
568.72 feet; 147615

On a curve to the left having a radius of 300.00 feet, an 147616
interior angle of 20 degrees 37 minutes 27 seconds, an arc length 147617
of 107.99 feet, a chord bearing of South 79 degrees 07 minutes 37 147618
seconds West for a chord length of 107.41 feet; 147619

North 51 degrees 22 minutes 58 seconds East a distance of 147620
643.06 feet; 147621

North 6 degrees 22 minutes 57 seconds East a distance of 1.22 147622
feet; 147623

North 35 degrees 47 minutes 10 seconds West a distance of 147624
14.58 feet to a point on the southerly line of said Schwallie and 147625

on the northerly line of said State of Ohio; 147626

Thence with the southerly line of said Schwallie and on the 147627
northerly line of said State of Ohio North 52 degrees 24 minutes 147628
43 seconds East a distance of 50.02 feet to the place of beginning 147629
and CONTAINING 0.740 Acres. 147630

This description was prepared by Christopher S. Renshaw, 147631
P.S., Ohio Registration No. 8319 on 16 October 2009. 147632

III 147633

Starting at a 5/8" iron pin found on the southerly 147634
right-of-way line of Outer Drive, the northeasterly corner of 147635
Edward and Eva K. Farnbach and Michael S. Pfeffer, Trustee at the 147636
northwesterly corner of L.J. Germann's Addition as recorded in 147637
Plat Book C-3, page 204, slide 213 in the Brown County, Ohio 147638
Recorder's Office; 147639

Thence with the southerly right-of-way line of said Outer 147640
Drive and with the northerly line of said Farnbach and Pfeffer for 147641
the next four (4) courses: 147642

South 63 degrees 34 minutes 18 seconds West a distance of 147643
24.20 feet; 147644

South 79 degrees 33 minutes 23 seconds West a distance of 147645
92.60 feet; 147646

South 75 degrees 58 minutes 20 seconds West a distance of 147647
347.02 feet; 147648

South 84 degrees 53 minutes 30 seconds West a distance of 147649
10.54 feet; 147650

Thence with a line through the land of said Farnbach and 147651
Pfeffer for the next two (2) courses: 147652

South 21 degrees 11 minutes 23 seconds West a distance of 147653
43.58 feet; 147654

South 0 degrees 25 minutes 20 seconds West a distance of 147655

586.49 feet to a point on the southerly line of said Farnbach 147656
Pfeffer and on the northerly line of Michael Ray Schwallie; 147657

Thence with a line through the land of said Schwallie for the 147658
next two (2) courses: 147659

South 0 degrees 25 minutes 20 seconds West a distance of 147660
227.62 feet; 147661

South 35 degrees 47 minutes 10 seconds East a distance of 147662
523.46 feet to a point on the southerly line of said Schwallie and 147663
on the northerly line of the State of Ohio and *the true point of* 147664
beginning, said beginning point being on the easterly line of said 147665
real estate; 147666

Thence from said *the true point of beginning* and with a line 147667
through the land of said State of Ohio seven (7) courses: 147668

South 35 degrees 47 minutes 10 seconds East a distance of 147669
29.17 feet; 147670

South 6 degrees 22 minutes 58 seconds West a distance of 147671
29.21 feet; 147672

South 51 degrees 22 minutes 58 seconds West a distance of 147673
583.46 feet; 147674

On a curve to the left having a radius of 300.00 feet, an 147675
interior angle of 7 degrees 49 minutes 53 seconds, an arc length 147676
of 41.01 feet, a chord bearing of South 80 degrees 35 minutes 59 147677
seconds West for a chord length of 40.97 feet; 147678

North 51 degrees 22 minutes 58 seconds East a distance of 147679
610.94 feet; 147680

North 6 degrees 22 minutes 58 seconds East a distance of 147681
13.22 feet; 147682

North 35 degrees 47 minutes 10 seconds West a distance of 147683
20.83 feet to a point on the southerly line of said Schwallie and 147684
on the northerly line of said State of Ohio; 147685

Thence with the southerly line of said Schwallie and on the 147686
northerly line of said State of Ohio North 52 degrees 24 minutes 147687
43 seconds East a distance of 20.01 feet to the place of beginning 147688
and CONTAINING 0.295 Acres. 147689

This description was prepared by Christopher S. Renshaw, 147690
P.S., Ohio Registration No. 8319 on 16 October 2009. 147691

IV 147692

Starting at a spike found in the centerline of U.S. Route No. 147693
52, 62 & 68, at the southeasterly corner of Surgical Appliance 147694
Industries, Inc.'s 2.00 Acre tract as recorded in Deed Book 164, 147695
page 778 in the Brown County, Ohio Recorder's Office; 147696

Thence with the line of said Surgical Appliance Industries, 147697
Inc. South 52 degrees 38 minutes 52 seconds West a distance of 147698
80.00 feet to a point on the on the southerly right-of-way line of 147699
said U.S. Route No. 52, 62 & 68; 147700

Thence with the southerly right-of-way line of said U.S. 147701
Route No. 52, 62 & 68 South 36 degrees 23 minutes 01 seconds East 147702
a distance of 19.72 feet to *the true point of beginning*; 147703

South 52 degrees 41 minutes 03 seconds West a distance of 147704
260.37 feet; 147705

South 49 degrees 59 minutes 41 seconds West a distance of 147706
179.65 feet; 147707

On a curve to the left having a radius of 200.00 feet, an 147708
interior angle of 43 degrees 45 minutes 50 seconds, an arc length 147709
of 152.76 feet, a chord bearing of South 28 degrees 06 minutes 46 147710
seconds West for a chord length of 149.08 feet; 147711

South 6 degrees 13 minutes 51 seconds West a distance of 147712
204.40 feet; 147713

On a curve to the left having a radius of 100.00 feet, an 147714
interior angle of 44 degrees 44 minutes 55 seconds, an arc length 147715

of 78.10 feet, a chord bearing of South 16 degrees 08 minutes 36 seconds East for a chord length of 76.13 feet; 147716
147717

South 38 degrees 31 minutes 04 seconds East a distance of 147718
266.21 feet; 147719

On a curve to the left having a radius of 50.00 feet, an interior angle of 53 degrees 35 minutes 34 seconds, an arc length of 46.77 feet, a chord bearing of South 65 degrees 18 minutes 51 seconds East for a chord length of 45.08 feet; 147720
147721
147722
147723

North 87 degrees 53 minutes 23 seconds East a distance of 147724
6.15 feet; 147725

On a curve to the right having a radius of 12.50 feet, an interior angle of 143 degrees 13 minutes 01 seconds, an arc length of 31.25 feet, a chord bearing of South 20 degrees 30 minutes 07 seconds East for a chord length of 23.72; 147726
147727
147728
147729

South 51 degrees 40 minutes 10 seconds West a distance of 147730
345.58 feet; 147731

On a curve to the left having a radius of 125.00 feet, an interior angle of 43 degrees 33 minutes 25 seconds, an arc length of 95.03 feet, a chord bearing of South 29 degrees 53 minutes 28 seconds West for a chord length of 92.75 feet; 147732
147733
147734
147735

South 8 degrees 06 minutes 45 seconds West a distance of 147736
65.53 feet; 147737

On a curve to the right have a radius of 63.00 feet, an interior angle of 91 degrees 48 minutes 38 seconds, an arc length of 100.95 feet, a chord bearing of South 54 degrees 01 minutes 04 seconds West for a chord length of 90.49 feet; 147738
147739
147740
147741

North 80 degrees 04 minutes 37 seconds West a distance of 147742
579.25 feet; 147743

On a curve to the right having a radius of 150.00 feet, an interior angle of 26 degrees 20 minutes 16 seconds, an arc length 147744
147745

of 68.95 feet, a chord bearing of North 66 degrees 54 minutes 29	147746
seconds West for a chord length of 68.35 feet;	147747
North 53 degrees 44 minutes 21 seconds West a distance of	147748
229.52 feet;	147749
North 46 degrees 10 minutes 36 seconds West a distance of	147750
25.00 feet;	147751
North 52 degrees 49 minutes 16 seconds West a distance of	147752
55.12 feet;	147753
On a curve to the left having a radius of 205.00 feet, an	147754
interior angle of 75 degrees 47 minutes 45 seconds, an arc length	147755
of 271.19 feet, a chord bearing of South 89 degrees 16 minutes 52	147756
seconds West for a chord length of 251.85 feet;	147757
South 51 degrees 22 minutes 58 seconds West a distance of	147758
139.29 feet;	147759
On a curve to the left having a radius of 55.00 feet, an	147760
interior angle of 105 degrees 02 minutes 01 seconds, an arc length	147761
of 100.83 feet, a chord bearing of South 01 degrees 08 minutes 03	147762
seconds East for a chord length of 87.29 feet;	147763
South 53 degrees 39 minutes 03 seconds East a distance of	147764
447.62 feet;	147765
North 53 degrees 39 minutes 03 seconds West a distance of	147766
447.62 feet;	147767
On a curve to the right having a radius of 55.00 feet, an	147768
interior angle of 105 degrees 02 minutes 01 seconds, an arc length	147769
of 100.83 feet, a chord bearing of North 01 degrees 08 minutes 03	147770
seconds West for a chord length of 87.29 feet;	147771
North 51 degrees 22 minutes 58 seconds East a distance of	147772
139.29 feet;	147773
On a curve to the right having a radius of 205.00 feet, an	147774
interior angle of 75 degrees 47 minutes 45 seconds, an arc length	147775

of 271.19 feet, a chord bearing of North 89 degrees 16 minutes 52	147776
seconds East for a chord length of 251.85 feet;	147777
South 52 degrees 49 minutes 16 seconds East a distance of	147778
55.12 feet;	147779
South 46 degrees 10 minutes 36 seconds East a distance of	147780
25.00 feet;	147781
South 53 degrees 44 minutes 21 seconds East a distance of	147782
229.52 feet;	147783
On a curve to the left having a radius of 150.00 feet, an	147784
interior angle of 26 degrees 20 minutes 16 seconds, an arc length	147785
of 68.95 feet, a chord bearing of South 66 degrees 54 minutes 29	147786
seconds East for a chord length of 68.35 feet;	147787
South 80 degrees 04 minutes 37 seconds East a distance of	147788
579.25 feet;	147789
On a curve to the left having a radius of 63.00 feet, an	147790
interior angle of 91 degrees 48 minutes 38 seconds, an arc length	147791
of 100.95 feet, a chord bearing of North 54 degrees 01 minutes 04	147792
seconds East for a chord length of 90.49 feet;	147793
North 8 degrees 06 minutes 45 seconds East a distance of	147794
65.53 feet;	147795
On a curve to the right having a radius of 125.00 feet, an	147796
interior angle of 43 degrees 33 minutes 25 seconds, an arc length	147797
of 95.03 feet, a chord bearing of North 29 degrees 53 minutes 28	147798
seconds East for a chord length of 92.75 feet;	147799
North 51 degrees 40 minutes 10 seconds East a distance of	147800
345.58 feet;	147801
North 51 degrees 06 minutes 24 seconds East a distance of	147802
242.53 feet;	147803
On a curve to the left having a radius of 75.00 feet, an	147804
interior angle of 89 degrees 40 minutes 16 seconds, an arc length	147805

of 117.38 feet, a chord bearing of North 06 degrees 16 minutes 16 seconds East for a chord length of 105.76 feet; 147806
147807

North 38 degrees 33 minutes 52 seconds West a distance of 147808
100.75 feet; 147809

North 53 degrees 36 minutes 14 seconds East a distance of 147810
396.32 feet. 147811

This description was prepared by Christopher S. Renshaw, 147812
P.S., Ohio Registration No. 8319 on 16 October 2009. 147813

(B) Consideration for conveyance of the real estate is the 147814
mutual benefit accruing to the state and the Ripley Union Lewis 147815
Huntington School District from the use of the real estate so that 147816
a water well may be constructed and operated. 147817

(C) The Ripley Union Lewis Huntington School District shall 147818
use the real estate to construct and operate a water well. If the 147819
Ripley Union Lewis Huntington School District ceases to use the 147820
real estate to construct and operate a water well, all right, 147821
title, and interest in the real estate immediately reverts to the 147822
state without the need for any further action by the state. 147823

(D) The Ripley Union Lewis Huntington School District shall 147824
pay the costs of the conveyance. 147825

(E) Within thirty days after the effective date of this 147826
section, the Auditor of State, with the assistance of the Attorney 147827
General, shall prepare a deed to the real estate. The deed shall 147828
state the consideration and the condition. The deed shall be 147829
executed by the Governor in the name of the state, countersigned 147830
by the Secretary of State, sealed with the Great Seal of the 147831
State, presented in the office of the Auditor of State for 147832
recording, and delivered to the Ripley Union Lewis Huntington 147833
School District. The Ripley Union Lewis Huntington School District 147834
shall present the deed for recording in the office of the Brown 147835
County Recorder. 147836

(F) This section expires one year after its effective date. 147837

Section 753.23. (A) The Governor is authorized to execute a 147838
deed in the name of the state (Kent State University) conveying to 147839
the Board of Township Trustees of Jackson Township in Stark County 147840
and its successors and assigns all of the state's right, title, 147841
and interest in the following described real estate: 147842

Known as and being a part of the Southeast and Southwest 147843
Quarters of Section 13, Township 11 (Jackson) R-9, County of 147844
Stark, State of Ohio. Also being a part of tracts of land conveyed 147845
to the state of Ohio as recorded in Deed Volume 3109, Page 573 of 147846
the records of Stark County and being more fully bounded and 147847
described as follows: 147848

Commencing at a hex head iron bar in a monument box (JAC 147849
080), being the southeast corner of said Southwest Quarter of 147850
Section 13 and also being an angle point on the centerline of 147851
Dressler Road (C.R. 224) (Variable Width) as recorded in file 106 147852
of the Stark County Engineers Office; 147853

Thence, along the centerline of Dressler Road, N 1803'31" E a 147854
distance of 223.09 feet to the True Place of beginning for the 147855
parcel herein described; 147856

1. Thence N 56°56'23" W a distance of 241.46 feet to a 5/8" 147857
rebar set, said line passes over a 5/8" rebar set at 41.41 feet; 147858

2. Thence N 01°44'30" W a distance of 230.40 feet to a 5/8" 147859
rebar set; 147860

3. Thence N 67°27'21" E a distance of 150.00 feet to a 5/8" 147861
rebar set; 147862

4. Thence S 63°25'06" E a distance of 199.60 feet to a point 147863
in the centerline of Dressler Road, said line passes over a 5/8" 147864
rebar set at 159.15 feet; 147865

5. Thence, along the centerline of Dressler Road, S 18°03'31" 147866

W a distance of 347.32 feet to the true place of beginning and 147867
containing 2.025 acres of land, more or less of which 0.970 acres 147868
are located in the Southeast Quarter of Section 13 and 1.055 acres 147869
are located in the Southwest Quarter of Section 13. 147870

The above described area is contained within the Stark County 147871
Auditor's Permanent Parcel Numbers 1680061 and 1680066. 147872

The basis of bearings in this description is based on the 147873
Ohio North Zone, State Plane Coordinates NAD 83 (86). 147874

The statement of "5/8" rebar Set" refers to a 5/8" x 30" Dia. 147875
Rebar set with a plastic i.d. cap stamped "SCE". 147876

This description was prepared and reviewed by Daniel J. 147877
Houck, Professional Surveyor No. 7851 in March of 2010, of the 147878
Stark County Engineer's Office. This description is based on a 147879
survey made by the Stark County Engineer's Office in March of 147880
2010, under the direction and supervision of Keith A. Bennett, 147881
Professional Surveyor No. 7615. (Attachment A) 147882

(B) Consideration for conveyance of the real estate is the 147883
mutual benefit accruing to the state from Jackson Township's use 147884
of the real estate for a fire station. 147885

(C) If the use of the real estate as a fire station is 147886
discontinued, the real estate reverts to Kent State University, 147887
and Jackson Township shall raze the building currently on the real 147888
estate and remove from the real estate any contaminants relating 147889
to the building's use as a fire station. 147890

(D) The Board of Township Trustees of Jackson Township in 147891
Stark County shall pay the costs of the conveyance. 147892

(E) The Auditor of State, with the assistance of the Attorney 147893
General, shall prepare a deed to the real estate. The deed shall 147894
state the consideration and the reverter. The deed shall be 147895
executed by the Governor in the name of the state, countersigned 147896

by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Board of Township Trustees of Jackson Township in Stark County. The Board of Township Trustees of Jackson Township in Stark County shall present the deed for recording in the Office of the Stark County Recorder.

(F) This section expires one year after its effective date.

Section 753.25. (A) The Governor is authorized to execute a deed in the name of the state conveying to the Board of County Hospital Trustees of The MetroHealth System ("MetroHealth"), in the name of the County of Cuyahoga, State of Ohio, its successors and assigns, all of the state's right, title, and interest in the following listed parcels of real estate located in the County of Cuyahoga, State of Ohio: 00821- 008, 00821-009, 00821-010, 00821-011, 00821-012, 00821-013, 00821-014, 00821-015, 00821-016, and 00821-017.

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the real estate in conformity with the actual bounds of the real estate.

(B) Consideration for conveyance of the real estate shall be ten dollars.

(C) The state shall convey the real estate described in division (A) of this section together with the building situated upon it, along with the amount of \$3,400,000 to demolish the building. Notwithstanding any provision of law to the contrary, the Director of Mental Health shall disburse \$3,400,000 from appropriation item C58010, Campus Consolidation, as set forth in Sub. H.B. 462 of the 128th General Assembly, to the grantee within thirty days after the conveyance of the real estate. After the disbursement, the state shall, within four months, complete a

physical inventory of assets, relocate assets that are to be 147928
removed from the building, and itemize assets that are to remain 147929
with the transferred real estate and building. 147930

(D) The real estate described in division (A) of this section 147931
shall be sold as an entire tract and not in parcels. 147932

(E) The grantee shall pay all costs associated with the 147933
purchase and conveyance of the real estate, including costs of any 147934
surveys and recordation costs of the deed. 147935

(F) The grantee shall not, during any period that any bonds 147936
issued by the state to finance or refinance all or a portion of 147937
the real estate described in division (A) of this section are 147938
outstanding, use any portion of the real estate for a private 147939
business use without the prior written consent of the state. As 147940
used in this division: 147941

(1) "Private business use" means use, directly or indirectly, 147942
in a trade or business carried on by any private person other than 147943
use as a member of, and on the same basis as, the general public. 147944
Any activity carried on by a private person who is not a natural 147945
person shall be presumed to be a trade or business. 147946

(2) "Private person" means any natural person or any 147947
artificial person, including a corporation, partnership, limited 147948
liability company, trust, or other entity and including the United 147949
States or any agency or instrumentality of the United States, but 147950
excluding any state, territory, or possession of the United 147951
States, the District of Columbia, or any political subdivision 147952
thereof that is referred to as a "state or local governmental 147953
unit" in Treasury Regulation 1.103-1(a) and any person that is 147954
acting solely and directly as an officer or employee of or on 147955
behalf of such a governmental unit. 147956

(G) The grantee shall not sell, convey, or transfer ownership 147957
of the real estate described in division (A) of this section 147958

before December 1, 2019, or before receiving written confirmation 147959
from the state that all of the state's bonded capital indebtedness 147960
associated with any of the buildings located on the real estate 147961
has been fully satisfied. 147962

(H) The Auditor of State, with the assistance of the Attorney 147963
General, shall prepare a deed to the real estate. The deed shall 147964
state the consideration and the conditions and restrictions and 147965
shall be executed by the Governor in the name of the state, 147966
countersigned by the Secretary of State, sealed with the Great 147967
Seal of the State, presented in the Office of the Auditor of State 147968
for recording, and delivered to the grantee. The grantee shall 147969
present the deed for recording in the Office of the Cuyahoga 147970
County Recorder. 147971

(I) This section expires one year after its effective date. 147972

Section 753.27. (A) The Governor is authorized to execute a 147973
deed in the name of the state, on behalf of Cleveland State 147974
University, conveying to a purchaser as yet to be determined 147975
(hereinafter the "grantee"), its heirs and assigns or its 147976
successors and assigns, all of the state's right, title, and 147977
interest in the real estate located at 21425 Shelburne Road, City 147978
of Shaker Heights, County of Cuyahoga, State of Ohio, such real 147979
estate consisting of the building formerly used as the residence 147980
for the President of Cleveland State University, and the land on 147981
which it is situated. 147982

(B) In preparing the deed, the Auditor of State, with the 147983
assistance of the Attorney General, shall develop a legal 147984
description of the real estate in conformity with the actual 147985
bounds of the real estate. 147986

(C) Consideration for conveyance of the real estate shall be 147987
as is agreed upon by Cleveland State University and the grantee. 147988

(D) The deed may contain any condition or restriction that 147989
the Governor or Cleveland State University determines is 147990
reasonably necessary to protect the state's interests. 147991

(E) The grantee shall pay all costs associated with the 147992
conveyance, including recordation costs of the deed. 147993

(F) Upon payment of the purchase price, the Auditor of State, 147994
with the assistance of the Attorney General, shall prepare a deed 147995
to the real estate. The deed shall state the consideration and any 147996
conditions or restrictions and shall be executed by the Governor 147997
in the name of the state, countersigned by the Secretary of State, 147998
sealed with the Great Seal of the State, presented in the Office 147999
of the Auditor of State for recording, and delivered to the 148000
grantee. The grantee shall present the deed for recording in the 148001
Office of the Cuyahoga County Recorder. 148002

(G) This section expires one year after its effective date. 148003

Section 753.30. (A) The Governor is authorized to execute a 148004
deed in the name of the state conveying to a buyer or buyers to be 148005
determined in the manner provided in division (B) of this section 148006
all of the state's right, title, and interest in the real property 148007
of any facility under the management and control of the Department 148008
of Youth Services following the closure of that facility that the 148009
Director of Administrative Services determines is no longer 148010
required for state purposes. This section applies only to 148011
facilities that are closed before January 1, 2012. 148012

(B)(1) The Director of Administrative Services shall offer 148013
the real estate, improvements and chattels of a facility sold 148014
pursuant to division (A) of this section for sale "as is" in its 148015
present condition according to the following process: 148016

The real estate of the facility shall be sold as an entire 148017
parcel and not subdivided. 148018

The Director of Administrative Services shall conduct a sealed bid sale and the real property of the facility shall be sold to the highest bidder at a price acceptable to both the Director of Administrative Services and the Director of Youth Services.

(2) The contract for sale of a facility pursuant to this section shall include a condition that requires the purchaser to provide preferential hiring treatment to employees or former employees of the Department of Youth Services in order to retain or rehire staff displaced as a result of the closure of the facility located on the property, to the extent the purchaser's use of the facility requires employees in the same or similar positions as those displaced as a result of the closure.

The contract for sale also shall include a binding commitment that irrevocably grants to the state a right, upon the occurrence of any triggering event described in division (B)(2)(a) or (b) of this section and in accordance with the particular division, to repurchase the facility and the real property on which it is situated, any surrounding land that is to be transferred under the contract, or both the facility and real property on which it is situated plus the surrounding land that is to be transferred under the contract. The triggering events and the procedures for a repurchase under the irrevocable grant described in this division are as follows:

(a) Before the purchaser, or the purchaser's successor in title, may resell or otherwise transfer the facility and the real property on which it is situated, any surrounding land that is to be transferred under the contract, or both the facility and real property on which it is situated plus the surrounding land that is to be transferred under the contract, the purchaser or successor first must offer the state the opportunity to repurchase the facility, real property, and surrounding land that is to be resold

or transferred for a price not greater than the purchase price 148051
paid to the state for that facility, real property, or surrounding 148052
land, less depreciation from the time of the conveyance of that 148053
facility, real property, or surrounding land to the purchaser, 148054
plus the depreciated value of any capital improvements to that 148055
facility, real property, or surrounding land that were made to it 148056
and funded by anyone other than the state subsequent to the 148057
conveyance to the purchaser. The repurchase opportunity described 148058
in this division must be offered to the state at least one hundred 148059
twenty days before the purchaser intends to resell or otherwise 148060
transfer the facility, real property, or surrounding land that is 148061
to be resold or transferred. After being offered the repurchase 148062
opportunity, the state has the right to repurchase the facility, 148063
real property, and surrounding land that is to be resold or 148064
otherwise transferred for the price described in this division. 148065

(b) Upon the purchaser's default of any financial agreement 148066
for the purchase of the facility and the real property on which it 148067
is situated, any surrounding land that is to be transferred under 148068
the contract, or both the facility and real property on which it 148069
is situated plus the surrounding land that is to be transferred 148070
under the contract, upon the purchaser's default of any other term 148071
in the contract, or upon the purchaser's financial insolvency or 148072
inability to meet its contractual obligations, the state has the 148073
right to repurchase the facility and real property, the 148074
surrounding land, or both the facility and real property and the 148075
surrounding land, for a price not greater than the purchase price 148076
paid to the state for that facility, real property, or surrounding 148077
land, less depreciation from the time of the conveyance of that 148078
facility, real property, or surrounding land to the purchaser, 148079
plus the depreciated value of any capital improvements to that 148080
facility, real property, or surrounding land that were made to it 148081
and funded by anyone other than the state subsequent to the 148082
conveyance to the purchaser. 148083

(3) The Director of Administrative Services shall advertise 148084
the sealed bid sale in a newspaper of general circulation within 148085
Scioto County once a week for three consecutive weeks prior to the 148086
date of the sealed bid sale. The Director of Administrative 148087
Services may reject any and all bids from the sealed bid sale. The 148088
terms of sale shall be ten per cent of the purchase price in cash, 148089
bank draft, or certified check payable within five business days 148090
following written notification of the acceptance of the bid by the 148091
Director of Administrative Services, with the balance payable 148092
within sixty days after the date of the written notification of 148093
the acceptance of the bid by the Director of Administrative 148094
Services. A purchaser who does not complete the conditions of the 148095
sale as prescribed in this division shall forfeit the ten per cent 148096
of the purchase price paid to the state as liquidated damages. 148097
Should a purchaser not complete the conditions of sale as 148098
described in this division, the Director of Administrative 148099
Services is authorized to accept the next highest bid by 148100
collecting ten per cent of the revised purchase price from that 148101
bidder and to proceed to close the sale, provided that the 148102
secondary bid meets all other criteria provided for in this 148103
section. If the Director of Administrative Services rejects all 148104
bids from the sealed bid sale, the Director may repeat the sealed 148105
bid process described in this section or may use an alternate sale 148106
process acceptable to the Director of Youth Services. 148107

Advertising costs and any other costs incident to the sale of 148108
a facility pursuant to this section shall be paid by the 148109
Department of Youth Services. 148110

Upon notice from the Director of Administrative Services, the 148111
Auditor of State, with the assistance of the Attorney General, 148112
shall prepare a deed to the facility to the purchaser identified 148113
by the Director of Administrative Services. The deed shall be 148114
executed by the Governor, countersigned by the Secretary of State, 148115

presented in the Office of the Auditor of State for recording, and 148116
delivered to the grantee at closing and upon the grantee's payment 148117
of the balance of the purchase price. The grantee shall present 148118
the deed for recording in the office of the recorder of the county 148119
in which the facility is located. 148120

The grantee shall pay all costs associated with the purchase 148121
and conveyance of the facility, including the costs of recording 148122
the deed. 148123

The net proceeds of the conveyance of the facility shall be 148124
deposited into the State Treasury to the credit of the Adult and 148125
Juvenile Correctional Facilities Bond Retirement Fund and shall be 148126
used to offset bond indebtedness on state bonds issued for the 148127
facility that has been sold. The Director of Budget and Management 148128
may direct that any moneys remaining in the fund after the 148129
redemption or defeasance of the bonds issued for that facility be 148130
transferred to the General Revenue Fund. 148131

(C) This section expires two years after its effective date. 148132

Section 755.10. The Director of Transportation may enter into 148133
agreements as provided in this section with the United States or 148134
any department or agency of the United States, including, but not 148135
limited to, the United States Army Corps of Engineers, the United 148136
States Forest Service, the United States Environmental Protection 148137
Agency, and the United States Fish and Wildlife Service. An 148138
agreement entered into pursuant to this section shall be solely 148139
for the purpose of dedicating staff to the expeditious and timely 148140
review of environmentally related documents submitted by the 148141
Director of Transportation, as necessary for the approval of 148142
federal permits. The agreements may include provisions for advance 148143
payment by the Director of Transportation for labor and all other 148144
identifiable costs of the United States or any department or 148145
agency of the United States providing the services, as may be 148146

estimated by the United States, or the department or agency of the 148147
United States. The Director shall submit a request to the 148148
Controlling Board indicating the amount of the agreement, the 148149
services to be performed by the United States or the department or 148150
agency of the United States, and the circumstances giving rise to 148151
the agreement. 148152

Section 755.20. (A) Until December 31, 2011, a transportation 148153
improvement district and any one or more governmental agencies may 148154
enter into an agreement providing for the joint financing, 148155
construction, acquisition, or improvement of any project. Any such 148156
agreement shall be approved by resolution or ordinance passed by 148157
the legislative authority of each of the parties to the agreement. 148158
The resolution or ordinance shall authorize the execution of the 148159
agreement by a designated official or officials of such party, and 148160
the agreement, when so approved and executed, shall be in full 148161
force and effect. 148162

(B)(1) Subject to division (B)(2) of this section, any 148163
municipal corporation, county, or township that is a party to such 148164
an agreement may issue securities pursuant to Chapter 133. or 148165
other applicable provisions of the Revised Code to provide for the 148166
payment of its portion of the cost of the project and, 148167
notwithstanding any other provision of the Revised Code, a 148168
district may purchase directly from the municipal corporation, 148169
county, or township those securities as an investment or to 148170
provide for the payment of bond service charges on bonds issued by 148171
a district. 148172

(2) For any project undertaken pursuant to an agreement 148173
entered into under this section for which a district purchases 148174
securities under division (A)(1) of this section, more than half 148175
of the property necessary for the project shall be located within 148176
the territory of the district. 148177

(C) Any term used in this section has the same meaning as in Chapter 5540. of the Revised Code unless the context clearly requires another meaning.

Section 755.30. The Ohio Public Transit Association, in consultation with the Ohio Municipal League, the County Commissioners Association of Ohio, and the Ohio Township Association, shall study regional transit authority expansion outside territorial boundaries and, not later than December 31, 2011, shall provide the General Assembly and the Governor a report that includes all of the following:

(A) A list of best practices on proper notification to political subdivisions outside the regional transit authority's territorial boundaries;

(B) A list of best practices on engaging community leaders to discuss common agreement and differences of opinion on service extensions outside territorial boundaries;

(C) A list of best practices on resolving areas of disagreement and dispute on extension of service outside territorial boundaries by a regional transit authority.

Section 757.10. ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS

(A) On or before the tenth day of each month of the period beginning August 1, 2011, and ending June 30, 2013, the Tax Commissioner shall determine and certify to the Director of Budget and Management the amount to be credited during that month to the Local Government Fund and Public Library Fund pursuant to divisions (B) to (D) of this section.

(B) Notwithstanding any provision of section 131.51 of the Revised Code to the contrary, for each month in the period beginning August 1, 2011, and ending June 30, 2013:

(1) The amount credited first to the Local Government Fund shall be as provided in division (C) of this section;	148207 148208
(2) The amount credited next to the Public Library Fund shall be according to the schedule in division (D) of this section.	148209 148210
(C) Pursuant to division (B)(1) of this section, amounts shall be credited from revenue arising from the personal income tax levied under Chapter 5747. of the Revised Code to the Local Government Fund as follows:	148211 148212 148213 148214
(1)(a) In August 2011, seventy-five per cent of the amount credited in August 2010; in August 2012, fifty per cent of the amount credited in August 2010;	148215 148216 148217
(b) In September 2011, seventy-five per cent of the amount credited in September 2010; in September 2012, fifty per cent of the amount credited in September 2010;	148218 148219 148220
(c) In October 2011, seventy-five per cent of the amount credited in October 2010; in October 2012, fifty per cent of the amount credited in October 2010;	148221 148222 148223
(d) In November 2011, seventy-five per cent of the amount credited in November 2010; in November 2012, fifty per cent of the amount credited in November 2010;	148224 148225 148226
(e) In December 2011, seventy-five per cent of the amount credited in December 2010; in December 2012, fifty per cent of the amount credited in December 2010;	148227 148228 148229
(f) In January 2012, seventy-five per cent of the amount credited in January 2011; in January 2013, fifty per cent of the amount credited in January 2011;	148230 148231 148232
(g) In February 2012, seventy-five per cent of the amount credited in February 2011; in February 2013, fifty per cent of the amount credited in February 2011;	148233 148234 148235
(h) In March 2012, seventy-five per cent of the amount	148236

credited in March 2011; in March 2013, fifty per cent of the	148237
amount credited in March 2011;	148238
(i) In April 2012, seventy-five per cent of the amount	148239
credited in April 2011; in April 2013, fifty per cent of the	148240
amount credited in April 2011;	148241
(j) In May 2012, seventy-five per cent of the amount credited	148242
in May 2011; in May 2013, fifty per cent of the amount credited in	148243
May 2011;	148244
(k) In June 2012, seventy-five per cent of the amount	148245
credited in June 2011; in June 2013, fifty per cent of the amount	148246
credited in June 2011;	148247
(1) In July 2012, fifty per cent of the amount credited in	148248
July 2010.	148249
(2) For each month in the period beginning August 1, 2011,	148250
and ending June 30, 2013, an amount sufficient to make the	148251
distributions required for that month under divisions (E)(2)(a),	148252
(b), and (c) of this section.	148253
(3) For each month in the period beginning August 1, 2011,	148254
and ending June 30, 2012, an amount equal to one-eleventh of	148255
forty-nine million two hundred seventy thousand dollars.	148256
(D) Pursuant to division (B)(2) of this section, amounts	148257
shall be credited from revenue arising from the kilowatt-hour tax	148258
and sales tax levied under section 5727.81 or 5739.02 of the	148259
Revised Code, respectively, to the Public Library Fund as follows:	148260
(1) In August 2011 and in August 2012, ninety-five per cent	148261
of the amount credited in August 2010;	148262
(2) In September 2011 and in September 2012, ninety-five per	148263
cent of the amount credited in September 2010;	148264
(3) In October 2011 and in October 2012, ninety-five per cent	148265
of the amount credited in October 2010;	148266

(4) In November 2011 and in November 2012, ninety-five per cent of the amount credited in November 2010;	148267 148268
(5) In December 2011 and in December 2012, ninety-five per cent of the amount credited in December 2010;	148269 148270
(6) In January 2012 and in January 2013, ninety-five per cent of the amount credited in January 2011;	148271 148272
(7) In February 2012 and in February 2013, ninety-five per cent of the amount credited in February 2011;	148273 148274
(8) In March 2012 and in March 2013, ninety-five per cent of the amount credited in March 2011;	148275 148276
(9) In April 2012 and in April 2013, ninety-five per cent of the amount credited in April 2011;	148277 148278
(10) In May 2012 and in May 2013, ninety-five per cent of the amount credited in May 2011;	148279 148280
(11) In June 2012 and in June 2013, ninety-five per cent of the amount credited in June 2011;	148281 148282
(12) In July 2012, ninety-five per cent of the amount credited in July 2010.	148283 148284
(E) Notwithstanding any other provision of the Revised Code to the contrary, the total amount credited to the Local Government Fund in each month shall be distributed by the tenth day of that month in the following manner:	148285 148286 148287 148288
(1) The total amount credited to the Local Government Fund in each month for the period beginning August 1, 2011, and ending June 30, 2013, pursuant to division (C)(1) of this section shall be distributed as follows:	148289 148290 148291 148292
(a) Each county undivided local government fund shall receive a distribution from the Local Government Fund based on its proportionate share of the total amount received from the fund in that respective month in fiscal year 2011. As used in this	148293 148294 148295 148296

section, "total amount received" does not include payments 148297
received in fiscal year 2011 under division (C) of section 5725.24 148298
of the Revised Code. 148299

(b) Each municipal corporation that received a direct 148300
distribution in fiscal year 2011 from the Local Government Fund 148301
under division (C) of section 5747.50 of the Revised Code shall 148302
receive a distribution based on its proportionate share of the 148303
total amount of direct distributions made to municipal 148304
corporations from the fund in that respective month in fiscal year 148305
2011. 148306

(2) The total amount credited to the Local Government Fund in 148307
each month for the period beginning August 1, 2011, and ending 148308
June 30, 2013, pursuant to division (C)(2) of this section shall 148309
be distributed as follows: 148310

(a) If a county undivided local government fund's total 148311
distribution in fiscal year 2011 was equal to or less than seven 148312
hundred fifty thousand dollars, the fund shall receive a 148313
distribution equal to the difference between the amount 148314
distributed to the fund in that respective month in fiscal year 148315
2011 and the amount allocated to the fund for the month under 148316
divisions (E)(1)(a) and (3) of this section during fiscal year 148317
2012, and division (E)(1)(a) of this section during fiscal year 148318
2013. 148319

(b) For each month in the period beginning August 1, 2011, 148320
and ending June 30, 2012, if a county undivided local government 148321
fund's total distribution in fiscal year 2011 exceeded seven 148322
hundred fifty thousand dollars and if the sum of the amount 148323
allocated to the fund in July 2011 and the amounts to be allocated 148324
to the fund between August 1, 2011, and June 30, 2012, under 148325
divisions (E)(1)(a) and (3) of this section is less than seven 148326
hundred fifty thousand dollars, the fund shall receive a 148327
distribution equal to one-eleventh of the difference between seven 148328

hundred fifty thousand dollars and that sum. 148329

(c) For each month in the period beginning July 1, 2012, and 148330
ending June 30, 2013, if a county undivided local government 148331
fund's total distribution in fiscal year 2011 exceeded seven 148332
hundred fifty thousand dollars and if the total amount to be 148333
allocated to the fund in fiscal year 2013 under division (E)(1)(a) 148334
of this section is less than seven hundred fifty thousand dollars, 148335
the fund shall receive a distribution equal to one-twelfth of the 148336
difference between seven hundred fifty thousand dollars and the 148337
total amount to be allocated to the fund in fiscal year 2013 under 148338
division (E)(1)(a) of this section. 148339

(3) The total amount credited to the Local Government Fund in 148340
each month for the period beginning August 1, 2011, and ending 148341
June 30, 2012, pursuant to division (C)(3) of this section shall 148342
be distributed to each county undivided local government fund 148343
based on each fund's proportionate share of the total amount 148344
received from the Local Government Fund in that respective month 148345
in fiscal year 2011. As used in this section, "total amount 148346
received" does not include payments received in fiscal year 2011 148347
under division (C) of section 5725.24 of the Revised Code. 148348

(F) Notwithstanding any other provision of the Revised Code 148349
to the contrary, by the tenth day of each month of the period 148350
beginning July 1, 2011, and ending December 31, 2011, each county 148351
undivided public library fund shall receive a distribution from 148352
the Public Library Fund equal to the product derived by 148353
multiplying the following amounts: 148354

(1) The total amount credited to the Public Library Fund in 148355
that month; 148356

(2) A percentage calculated by multiplying one hundred by the 148357
quotient obtained by dividing the sum of the county's 148358
distributions from the Public Library Fund during calendar year 148359

2010 by the sum of distributions made to all counties from the 148360
Public Library Fund during calendar year 2010. 148361

(G) Notwithstanding any other provision of the Revised Code 148362
to the contrary, by the tenth day of each month of the period 148363
beginning January 1, 2012, and ending June 30, 2013, each county 148364
undivided public library fund shall receive a distribution from 148365
the Public Library Fund equal to the product derived by 148366
multiplying the following amounts: 148367

(1) The total amount credited to the Public Library Fund in 148368
that month; 148369

(2) A percentage calculated by multiplying one hundred by the 148370
quotient obtained by dividing the sum of the county's 148371
distributions from the Public Library Fund during calendar year 148372
2011 by the sum of distributions made to all counties from the 148373
Public Library Fund during calendar year 2011. 148374

(H) For the 2012 and 2013 distribution years, the Tax 148375
Commissioner is not required to issue the certifications otherwise 148376
required by sections 5747.47, 5747.501, and 5747.51 of the Revised 148377
Code, but shall provide to each county auditor by July 20, 2011, 148378
and July 20, 2012, an estimate of the amounts to be received by 148379
the county in the ensuing year from the Public Library Fund and 148380
the Local Government Fund pursuant to this section and any other 148381
section of the Revised Code. The Tax Commissioner may report to 148382
each county auditor additional revised estimates of the 2011, 148383
2012, or 2013 distributions at any time during fiscal years 2012 148384
and 2013. 148385

Section 757.20. A school district, joint vocational school 148386
district, or local taxing unit may appeal a levy classification or 148387
any amount used in the calculation of total resources as defined 148388
under division (A) of section 5727.84 or division (A) of section 148389
5751.20 of the Revised Code. Such an appeal shall be filed in 148390

writing, including via electronic mail, with the Tax Commissioner. 148391
Upon receiving such an appeal, the Tax Commissioner shall make a 148392
determination of the merits of the appeal and, if the appeal is 148393
upheld, make necessary changes within the classifications or 148394
calculations. The determination of the Tax Commissioner is final 148395
and not subject to appeal. After June 30, 2013, no changes shall 148396
be made in the classifications or calculations. 148397

Section 757.30. The Tax Commissioner shall conduct a review 148398
of the operations of the Board of Tax Appeals, and, not later than 148399
November 15, 2011, shall submit a written report to the Governor, 148400
Speaker of the House of Representatives, and President of the 148401
Senate providing an assessment of the Board's operations and 148402
recommendations for improvement. The Tax Commissioner's review 148403
shall include consultation with persons who have participated in 148404
or have had matters before the Board and are familiar with the 148405
Board's operations and procedures. The report shall include 148406
recommendations for improving the appeals process, internal 148407
operations, and other operational matters the Commissioner deems 148408
advisable. The Commissioner may designate an employee of the 148409
Department of Taxation to conduct the review. 148410

Section 757.40. (A) As used in this section: 148411

(1) "Qualifying delinquent taxes" means any tax levied under 148412
Chapters 5731., 5733., 5735., 5739., 5743., 5747., 5748., and 148413
5751. of the Revised Code, including the taxes levied under 148414
sections 5707.03, 5727.24, 5733.41, and 5747.41 of the Revised 148415
Code, taxes required to be withheld under Chapters 5747. and 5748. 148416
of the Revised Code, and taxes required to be paid by a seller 148417
levied under Chapter 5741. of the Revised Code, which were due and 148418
payable from any person as of May 1, 2011, were unreported or 148419
underreported, and remain unpaid. 148420

(2) "Qualifying delinquent taxes" does not include any tax 148421
for which a notice of assessment or audit has been issued, for 148422
which a bill has been issued, which relates to a tax period that 148423
ends after the effective date of this section, or for which an 148424
audit has been conducted or is currently being conducted. 148425

(3) "Seller" has the same meaning as defined in section 148426
5741.01 of the Revised Code. 148427

(B) The Tax Commissioner shall establish and administer a tax 148428
amnesty program with respect to qualifying delinquent taxes. The 148429
program shall commence on May 1, 2012, and shall conclude on June 148430
15, 2012. The Tax Commissioner shall issue forms and instructions 148431
and take other actions necessary to implement the program. The Tax 148432
Commissioner shall publicize the program so as to maximize public 148433
awareness and participation in the program. The Commissioner may 148434
contract with such parties as the Commissioner deems necessary for 148435
promotion, computer support, or administration of the program. 148436

(C) During the program, if a person pays the full amount of 148437
qualifying delinquent taxes owed by that person and one-half of 148438
any interest that has accrued as a result of the person failing to 148439
pay those taxes in a timely fashion, the Tax Commissioner shall 148440
waive or abate all applicable penalties and one-half of any 148441
interest that accrued on the qualifying delinquent taxes. 148442

(D) The Tax Commissioner may require a person participating 148443
in the program to file returns or reports, including amended 148444
returns and reports, in connection with the person's payment of 148445
qualifying delinquent taxes. 148446

(E) A person who participates in the program and pays in full 148447
any outstanding qualifying delinquent tax and the interest payable 148448
on such tax in accordance with this section shall not be subject 148449
to any criminal prosecution or any civil action with respect to 148450
that tax, and no assessment shall thereafter be issued against 148451

that person with respect to that tax. 148452

(F) Taxes and interest collected under the program shall be 148453
credited to the General Revenue Fund, except that: 148454

(1) Qualifying delinquent taxes levied under section 148455
5739.021, 5739.023, or 5739.026 of the Revised Code shall be 148456
distributed to the appropriate counties and transit authorities in 148457
accordance with section 5739.21 of the Revised Code during the 148458
next distribution required under that section; 148459

(2) Qualifying delinquent taxes levied under section 148460
5741.021, 5741.022, or 5741.023 of the Revised Code shall be 148461
distributed to the appropriate counties and transit authorities in 148462
accordance with section 5741.03 of the Revised Code during the 148463
next distribution required under that section; 148464

(3) Qualifying delinquent taxes levied under Chapter 5748. of 148465
the Revised Code shall be credited to the school district income 148466
tax fund and then paid to the appropriate school district with the 148467
next payment required under division (D) of section 5747.03 of the 148468
Revised Code; 148469

(4) Qualifying delinquent taxes levied under Chapter 5731. of 148470
the Revised Code shall be divided between the General Revenue Fund 148471
and the municipal corporation or township in which the tax 148472
originates in accordance with section 5731.48 of the Revised Code; 148473

(5) Qualifying delinquent taxes levied under Chapter 5735. of 148474
the Revised Code shall be distributed according to the 148475
requirements of sections 5735.23, 5735.26, 5735.27, 5735.291, and 148476
5735.30 of the Revised Code; and 148477

(6) Qualifying delinquent taxes levied under section 148478
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, or 5743.324 of 148479
the Revised Code shall be distributed as required under sections 148480
5743.021, 5743.024, and 5743.026 of the Revised Code. 148481

Section 757.41. Section 757.40 of this act is hereby 148482
repealed, effective June 16, 2012. The repeal of Section 757.40 of 148483
this act does not affect, after the effective date of the repeal, 148484
the rights, remedies, or actions authorized under that section. 148485

Section 757.42. (A) For the purposes of this section: 148486

(1) "Use tax" means a tax levied under Chapter 5741. of the 148487
Revised Code. 148488

(2) "Consumer" has the same meaning as defined in section 148489
5741.01 of the Revised Code. 148490

(3) "Audit" has the same meaning as defined in section 148491
5703.50 of the Revised Code. 148492

(B) The Tax Commissioner shall establish and administer a 148493
consumer use tax amnesty program independently from the amnesty 148494
program established in Section 757.40 of this act with respect to 148495
delinquent use taxes that are qualifying delinquent consumer taxes 148496
under that section. The program established under this section 148497
shall commence on October 1, 2011, and shall conclude on May 1, 148498
2013. The Commissioner shall issue forms and instructions and take 148499
other actions necessary to implement the program and may adopt 148500
rules to administer the program. The Commissioner may contract 148501
with such parties as the Commissioner deems necessary for 148502
promotion, computer support, or administration of the program. 148503

(C) If, during the program, a consumer pays the full amount 148504
of use tax for which the consumer has outstanding liability on or 148505
after January 1, 2009, that has accrued as a result of the 148506
consumer failing to pay those taxes in a timely fashion or a 148507
failure of the taxes to be remitted in a timely fashion, the 148508
Commissioner shall waive or abate all delinquent use tax owed by 148509
the consumer before January 1, 2009, and all applicable penalties 148510
and interest accrued before and after January 1, 2009. For any 148511

consumer that does not participate in the use tax amnesty program 148512
under this section, the Commissioner may audit and make an 148513
assessment against the consumer for all delinquent use tax due 148514
from that consumer on or after January 1, 2008, plus all 148515
applicable penalties and interest, as permitted by section 5703.58 148516
of the Revised Code. 148517

(D) As soon as practical after the effective date of this 148518
section, the Tax Commissioner shall implement and adopt rules to 148519
administer a payment plan program. Upon application by a consumer 148520
that participates in the use tax amnesty program under this 148521
section, the Commissioner may enter into a payment plan with the 148522
consumer allowing the participant to pay the amount of use tax 148523
owed by the consumer over a time period of up to seven years. If 148524
the consumer fails to remit the unpaid use tax or fails to comply 148525
with the terms of a payment plan, the consumer is liable for 148526
interest, computed at the rate per annum prescribed by section 148527
5703.47 of the Revised Code, on the amount of use tax owed by the 148528
consumer and payable under the payment plan, and the Commissioner 148529
shall certify to the Attorney General any remaining unpaid amount, 148530
including the interest charge, in accordance with section 131.02 148531
of the Revised Code. 148532

(E) A consumer against which the Tax Commissioner has issued 148533
an assessment on or before the effective date of this section is 148534
not eligible to participate in the use tax amnesty program 148535
established under this section. 148536

(F) The Tax Commissioner shall not waive any interest or 148537
penalties due on use tax paid as allowed under the amnesty program 148538
authorized by this section by a consumer that registered with the 148539
Commissioner for the use tax on or before June 1, 2011. 148540

(G) A person who participates in the program and pays the 148541
required outstanding delinquent tax in accordance with this 148542
section shall not be subject to any criminal prosecution or any 148543

civil action with respect to that tax, and no assessment shall 148544
thereafter be issued against that person with respect to that tax. 148545

(H) Taxes and interest collected under the program shall be 148546
credited to the General Revenue Fund, except that delinquent taxes 148547
levied under section 5741.021, 5741.022, or 5741.023 of the 148548
Revised Code shall be distributed to the appropriate counties and 148549
transit authorities in accordance with section 5741.03 of the 148550
Revised Code during the next distribution required under that 148551
section. 148552

Section 757.50. All inheritance tax files that still remain 148553
open under temporary order, or otherwise, for which the "ultimate 148554
succession" pursuant to former sections 5731.28 and 5731.29 of the 148555
Revised Code as those sections existed before their repeal by S.B. 148556
326 of the 107th General Assembly (effective July 1, 1968), 148557
relating to the inheritance tax, has not been finalized and have 148558
not been submitted to the Department of Taxation as explained 148559
below, shall be considered to be closed as of January 1, 2013. 148560

Notwithstanding the former sections of the Revised Code 148561
constituting the Ohio Inheritance Tax as those sections existed 148562
before their repeal by that act, all claims and inquiries must be 148563
received by the Department of Taxation, or postmarked on or 148564
before, December 31, 2012. 148565

Section 757.60. The amendment by this act of division (00) of 148566
section 5739.01 of the Revised Code is to clarify the General 148567
Assembly's intent of that section when enacted. 148568

Section 757.80. The amendment by this act of section 5709.07 148569
of the Revised Code applies to tax years 2011 and thereafter. 148570

Section 757.90. For the purposes of this section, 148571
"proceedings" and "securities" have the same meaning as in section 148572

133.01 of the Revised Code. 148573

The amendment or enactment by this act of sections 145.56, 148574
319.301, 3305.08, 3307.41, 3309.66, 3316.041, 3316.06, 3316.08, 148575
3317.08, 5505.22, 5705.214, 5705.29, 5748.01, 5748.05, 5748.081, 148576
and 5748.09 of the Revised Code apply to any proceedings commenced 148577
after the effective date of sections 145.56, 3305.08, 3307.41, 148578
3309.66, 3316.08, 5505.22, 5705.214, 5705.29, 5748.01, 5748.05, 148579
5748.081, and 5748.09 of the Revised Code and, so far as their 148580
provisions support the actions taken, also apply to any 148581
proceedings that on that effective date are pending, in progress, 148582
or completed, and to any elections authorized, conducted, or 148583
certified and securities authorized or issued pursuant to those 148584
proceedings, notwithstanding any law, resolution, ordinance, 148585
order, advertisement, notice, or other proceeding in effect before 148586
that effective date. Any proceedings pending or in progress on, or 148587
completed by, that effective date, elections authorized, 148588
conducted, or certified, and securities sold, issued, and 148589
delivered, or validated, pursuant to those proceedings, are 148590
ratified with respect to, and shall be deemed to have been taken, 148591
authorized, conducted, certified, sold, issued, delivered, or 148592
validated in conformity with section 5748.09 of the Revised Code 148593
and the amended sections so far as their provisions support the 148594
actions taken. To the extent those proceedings are proper in all 148595
other respects, if the proceedings are filed with a board of 148596
elections in anticipation of the taking effect of those amendments 148597
and enactments and in a manner that would be valid if the 148598
amendments and enactments took effect on the date they became law, 148599
then that board of elections, so long as it received a 148600
confirmation stating an intention to proceed from or on behalf of 148601
the board of education within five business days after the 148602
effective date of the amendments and enactments shall accept the 148603
proceedings and take any actions or make any arrangements 148604
necessary for the submission of a question to the electors or 148605

otherwise required by the Revised Code. 148606

The amendment or enactment by this act of sections 145.56, 148607
319.301, 3305.08, 3307.41, 3309.66, 3316.041, 3316.06, 3316.08, 148608
3317.08, 5505.22, 5705.214, 5705.29, 5748.01, 5748.05, 5748.081, 148609
and 5748.09 of the Revised Code provide additional or supplemental 148610
provisions for subject matter that may also be the subject of 148611
other laws, and are intended to be supplemental to, and not in 148612
derogation of, any similar authority provided by, derived from, or 148613
implied by the Ohio Constitution, or any other law, including laws 148614
amended by this act, or any charter, order, resolution, or 148615
ordinance; and those amendments and enactments shall not be 148616
interpreted to negate the authority provided by, derived from, or 148617
implied by such constitution, laws, charters, orders, resolutions, 148618
or ordinances. 148619

Section 757.93. The amendment by this act of division (C) of 148620
section 5733.351 of the Revised Code is intended to clarify the 148621
law as it existed before the enactment of this act and shall be 148622
construed accordingly. 148623

Section 757.95. Section 5709.084 of the Revised Code, as 148624
amended by this act, is remedial in nature and applies to the tax 148625
years at issue in any application for exemption from taxation or 148626
any appeal from such an application pending before the Tax 148627
Commissioner, the Board of Tax Appeals, any Court of Appeals, or 148628
the Supreme Court on the effective date of this act and to the 148629
property that is the subject of any such application or appeal. 148630

Section 801.20. As used in the uncodified law of this act, 148631
"American Recovery and Reinvestment Act of 2009" means the 148632
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 148633
111-5, 123 Stat. 115. 148634

Section 801.30. REVENUE GENERATED BY TRANSFER OF LIQUOR	148635
ENTERPRISE TO JOBSOHIO	148636
The revenue estimates for fiscal year 2012 assume receipt of	148637
\$500,000,000 in cash from JobsOhio pursuant to section 4313.02 of	148638
the Revised Code, as enacted by this act, and the transfer of the	148639
enterprise acquisition project authorized therein.	148640
Section 803.40. Sections 121.40, 121.401 to 121.404, 1501.40,	148641
3301.70, 3333.043, and 4503.93 of the Revised Code continue to	148642
operate the same as they did before their amendment by this act,	148643
except for the name of the Ohio Community Service Council being	148644
changed to the Ohio Commission on Service and Volunteerism.	148645
Section 803.60. Section 3903.301 of the Revised Code shall	148646
apply only to formal delinquency proceedings that commence under	148647
sections 3903.01 to 3903.59 of the Revised Code on or after the	148648
effective date of this act.	148649
Section 803.70. The amendment by this act to section 119.032	148650
of the Revised Code does not accelerate the taking effect of the	148651
amendment to that section by S.B. 2 of the 129th General Assembly,	148652
which takes effect January 1, 2012.	148653
Section 806.10. The items of law contained in this act, and	148654
their applications, are severable. If any item of law contained in	148655
this act, or if any application of any item of law contained in	148656
this act, is held invalid, the invalidity does not affect other	148657
items of law contained in this act and their applications that can	148658
be given effect without the invalid item of law or application.	148659
Section 809.10. An item of law, other than an amending,	148660
enacting, or repealing clause, that composes the whole or part of	148661

an uncodified section contained in this act has no effect after 148662
June 30, 2013, unless its context clearly indicates otherwise. 148663

Section 812.10. Except as otherwise provided in this act, the 148664
amendment, enactment, or repeal by this act of a section is 148665
subject to the referendum under Ohio Constitution, Article II, 148666
section 1c and therefore takes effect on the ninety-first day 148667
after this act is filed with the Secretary of State or, if a later 148668
effective date is specified below, on that date. 148669

The amendment or repeal of sections 9.231, 9.24, 127.16, 148670
1751.01, 1751.04, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 148671
1751.17, 1751.20, 1751.31, 1751.34, 1751.60, 2744.05, 3111.04, 148672
3113.06, 3119.54, 3901.3814, 3923.281, 3963.01, 4731.65, 4731.71, 148673
5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216, 148674
5101.571, 5101.58, 5111.0112, and 5111.941 of the Revised Code 148675
takes effect October 1, 2011. 148676

The amendment, enactment, or repeal of sections 120.40, 148677
123.10, 154.11, 154.24, 154.25, 4731.15, 4731.16, 4731.17, 148678
4731.171, 4731.18, 4731.19, 4731.222, 5120.105, 5707.031, 148679
5725.151, 5725.24, and 5751.011 of the Revised Code and Section 148680
701.50 of this act takes effect January 1, 2012. 148681

The amendment of sections 131.44 and 131.51 of the Revised 148682
Code takes effect June 1, 2013. 148683

Section 812.20. The amendment, enactment, or repeal by this 148684
act of the sections listed below is exempt from the referendum 148685
under Ohio Constitution, Article II, section 1d and section 1.471 148686
of the Revised Code and therefore takes effect immediately when 148687
this act becomes law or, if a later effective date is specified 148688
below, on that date. 148689

Sections 9.06, 9.833, 9.90, 9.901, 101.532, 101.82, 111.12, 148690

111.16, 111.18, 111.181, 111.28, 111.29, 117.13, 121.37, 124.09, 148691
124.23, 124.231, 124.25, 124.26, 124.27, 124.31, 125.15, 125.18, 148692
125.213, 125.28, 125.89, 126.04, 126.12, 126.24, 127.14, 149.091, 148693
149.11, 149.311, 187.02, 187.03, 189.01, 189.02, 189.03, 189.04, 148694
189.05, 189.06, 189.07, 189.08, 189.09, 189.10, 305.171, 306.35, 148695
319.301, 505.60, 505.601, 505.603, 901.09, 924.52, 927.69, 148696
1309.528, 1327.46, 1327.50, 1327.501, 1327.51, 1327.511, 1327.54, 148697
1327.57, 1327.62, 1327.99, 1329.04, 1329.42, 1332.24, 1501.031, 148698
1515.14, 1545.071, 1551.311, 1551.32, 1551.35, 1555.02, 1555.03, 148699
1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 1701.07, 1702.59, 148700
1703.031, 1703.07, 1776.83, 1785.06, 3301.07, 3301.16, 3301.162, 148701
3301.82, 3302.031, 3302.05, 3302.07, 3306.01, 3306.011, 3306.012, 148702
3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 148703
3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12 148704
(3317.0212), 3306.13, 3306.19, 3306.191, 3306.192, 3306.21, 148705
3306.22, 3306.29, 3306.291, 3306.292, 3307.31, 3307.64, 3309.41, 148706
3309.48, 3309.51, 3310.02, 3310.03, 3310.05, 3310.08, 3310.41, 148707
3311.05, 3311.059, 3311.0510, 3311.06, 3311.19, 3311.21, 3311.29, 148708
3311.52, 3311.76, 3313.411, 3313.55, 3313.64, 3313.6410, 3313.843, 148709
3313.88, 3313.978, 3313.981, 3314.012, 3314.08, 3314.085, 148710
3314.087, 3314.088, 3314.091, 3314.102, 3314.11, 3314.111, 148711
3314.13, 3314.35, 3315.01, 3316.041, 3316.06, 3316.20, 3317.011, 148712
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5119.622, 5119.623, 5119.693, 5119.99, 5122.15, 5701.13, and 148751
5731.39 of the Revised Code takes effect July 1, 2011. 148752

The amendment of sections 5112.40, 5112.41, and 5112.46 of 148753
the Revised Code takes effect October 1, 2011. 148754

The repeal of section 5111.243 of the Revised Code takes 148755

effect July 1, 2012.			148756
Sections of this act prefixed with section numbers in the			148757
200's, 300's, 400's, 500's, and 600's, except for Sections			148758
309.30.40, 501.10, 503.95, 515.20, 690.10, and 690.11 of this act			148759
and except for the amendment of Section 105.45.70 of Sub. H.B. 462			148760
of the 128th General Assembly.			148761
Sections 701.20, 733.10, 749.10, 753.10, 757.10, 757.20, and			148762
757.30 of this act.			148763
Sections 801.20, 812.10, 812.20, and 812.30 of this act.			148764
Section 812.30. The sections that are listed in the left-hand			148765
column of the following table combine amendments by this act that			148766
are and that are not exempt from the referendum under Ohio			148767
Constitution, Article II, sections 1c and 1d and section 1.471 of			148768
the Revised Code.			148769
The middle column identifies the amendments to the listed			148770
sections that are subject to the referendum under Ohio			148771
Constitution, Article II, section 1c and therefore take effect on			148772
the ninety-first day after this act is filed with the Secretary of			148773
State or, if a later effective date is specified, on that date.			148774
The right-hand column identifies the amendments to the listed			148775
sections that are exempt from the referendum under Ohio			148776
Constitution, Article II, section 1d and section 1.471 of the			148777
Revised Code and therefore take effect immediately when this act			148778
becomes law or, if a later effective date is specified, on that			148779
date.			148780
Section of	Amendments subject to	Amendments exempt from	148781
law	referendum	referendum	
102.02	All amendments except as	The amendment in	148782
	described in the right-hand	division (A) striking	
	column	through "the director	

		appointed by the workers' compensation council;"	
109.57	All amendments except as described in the right-hand column	The amendment to division (G) takes effect July 1, 2011	148783
173.14	All amendments except as described in the right-hand column	The amendments to divisions (A)(1)(d) and (f) take effect July 1, 2011	148784
173.26	All amendments except as described in the right-hand column	The amendment to division (A)(4) takes effect July 1, 2011	148785
173.40	All amendments except as described in the right-hand column	The amendment inserting division (D)	148786
173.42	All amendments except as described in the right-hand column	The amendment to division (I)(3) takes effect July 1, 2011	148787
187.01	The amendment to division (I)	All amendments except as described in the middle column	148788
1551.33	The amendment in division (C) striking through "1551.13,"	All amendments except as described in the middle column	148789
3313.29	The amendment striking "149.41" and inserting "149.381"	The amendment striking "(I)" and inserting "(E)"	148790
3314.10	The amendments to division (B)(1)	The amendments to division (B)(2)	148791
3314.19	All amendments except amendments to division (A)	Amendments to division (A)	148792
3314.22	All amendments except as	The amendments to	148793

	described in the right-hand column	division (A)(3) and (4) striking references to the office of community schools and inserting references to the department of education	
3317.01	The amendment striking division (C)	All amendments except as described in the middle column	148794
3317.06	The amendments to divisions (A)(2), (K), and (L) and the addition of division (O)	All amendments except as described in the middle column	148795
3318.032	The amendment inserting "subject to a new project scope and estimated costs under section 3318.054 of the Revised Code,"	1. The amendment striking "one-year" and inserting "thirteen-month" 2. The amendment striking "year" and inserting "period"	148796
3318.05	The amendment inserting ", subject to section 3318.054 of the Revised Code"	The amendment striking "one year" and inserting "thirteen months"	148797
3318.41	The amendments to divisions (D)(2) and (H)	The amendment to division (D)(1)(b)	148798
3319.17	All amendments except as described in the right-hand column	Amendment to division (A)	148799
3721.01	All amendments except as described in the right-hand column	The amendment to division (A)(1)(c)(iv) takes effect July 1,	148800

		2011	
3734.57	All amendments except amendments to division (A)	Amendments to division (A)	148801
3745.11	The amendment inserting division (S)(3) and amendments in division (S)(1) relating thereto	All amendments except as described in the middle column	148802
4115.10	All amendments except as described in the right-hand column	The amendment in division (A) striking "penalty enforcement" and inserting " <u>labor operating</u> " and striking ", which is hereby created in the state treasury	148803
5111.873	1. The amendment to division (A) that inserts "subject to division (D) of this section" 2. All of division (D)	All amendments except as described in the middle column	148804
5119.22	All amendments except as described in the right-hand column	The amendments to division (A)(1)(a) and the paragraph following division (A)(1)(d)(iii) take effect July 1, 2011	148805
5123.19 (In Section 101.01)	All amendments except as described in the right-hand column	The amendment to division (B) takes effect July 1, 2011	148806
5126.05	The amendment to division (D)	The amendment to division (A)(4)	148807
Section 515.40 of this act	All provisions except as described in the right-hand column take effect January 1,	Division (H) takes effect July 1, 2011	148808

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Section 812.40. The amendments to section 5101.26 of the Revised Code are subject to the referendum under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, and therefore take effect on the ninety-first day after this act is filed with the Secretary of State. However:

In section 5101.26 of the Revised Code, the amendment striking "and 5101.5211 to 5101.5216" takes effect on October 1, 2011.

Section 815.20. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 9.06 of the Revised Code as amended by Am. Sub. H.B. 130 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.

Section 121.37 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 123.01 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 124.23 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 124.27 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 124.34 of the Revised Code as amended by Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 127.16 of the Revised Code as amended by Am. Sub.	148838
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148839
Section 505.49 of the Revised Code as amended by both Am.	148840
Sub. H.B. 490 and Am. H.B. 515 of the 124th General Assembly.	148841
Section 1533.111 of the Revised Code as amended by Am. Sub.	148842
H.B. 66 and H.B. 296 of the 126th General Assembly.	148843
Section 1901.02 of the Revised Code as amended by both Am.	148844
Sub. H.B. 238 and Sub. H.B. 338 of the 128th General Assembly.	148845
Section 2903.33 of the Revised Code as amended by Am. Sub.	148846
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148847
Section 3301.07 of the Revised Code as amended by Am. Sub.	148848
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148849
Section 3311.054 as amended by Am. Sub. H.B. 601 and Am. Sub.	148850
S.B. 230 of the 121st General Assembly.	148851
Section 3313.65 of the Revised Code as amended by Am. Sub.	148852
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148853
Section 3317.02 of the Revised Code as amended by Am. Sub.	148854
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148855
Section 3317.024 of the Revised Code as amended by Am. Sub.	148856
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148857
Section 3317.03 of the Revised Code as amended by Am. Sub.	148858
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148859
Section 3317.20 of the Revised Code as amended by Am. Sub.	148860
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148861
Section 3323.091 of the Revised Code as amended by Am. Sub.	148862
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148863
Section 3323.142 of the Revised Code as amended by Am. Sub.	148864
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148865
Section 3721.01 of the Revised Code as amended by Am. Sub.	148866

H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148867
Section 3722.01 of the Revised Code as amended by Am. Sub.	148868
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148869
Section 4115.04 of the Revised Code as amended by Sub. H.B.	148870
443 and Am. Sub. H.B. 699 of the 126th General Assembly.	148871
Section 4517.01 of the Revised Code as amended by Am. H.B. 9	148872
and Am. Sub. H.B. 114 of the 129th General Assembly.	148873
Section 5111.211 of the Revised Code as amended by Am. Sub.	148874
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148875
Section 5112.30 of the Revised Code as amended by Am. Sub.	148876
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148877
Section 5112.37 of the Revised Code as amended by Am. Sub.	148878
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148879
Section 5123.0412 of the Revised Code as amended by Am. Sub.	148880
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148881
Section 5123.0413 of the Revised Code as amended by Am. Sub.	148882
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148883
Section 5123.0417 of the Revised Code as amended by Am. Sub.	148884
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148885
Section 5123.19 of the Revised Code as amended by Am. Sub.	148886
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148887
Section 5126.05 of the Revised Code as amended by Am. Sub.	148888
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148889
Section 5126.054 of the Revised Code as amended by Am. Sub.	148890
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148891
Section 5126.0512 of the Revised Code as amended by Am. Sub.	148892
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148893
Section 5126.24 of the Revised Code as amended by Am. Sub.	148894
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	148895

Section 5705.19 of the Revised Code as amended by Am. Sub.	148896
H.B. 48 and Sub. H.B. 313 of the 128th General Assembly.	148897
Section 5723.05 of the Revised Code as amended by Am. Sub.	148898
H.B. 387 and Am. Sub. H.B. 576 of the 118th General Assembly.	148899
Section 5739.02 of the Revised Code as amended by Am. Sub.	148900
S.B. 181 and Am. Sub. S.B. 232 of the 128th General Assembly.	148901