

section 323.01 of the Revised Code and includes assessments and 124155
charges, and penalties and interest computed under section 323.121 124156
of the Revised Code. 124157

(Q) "Certificate period" means the period of time after the 124158
sale or delivery of a tax certificate within which a certificate 124159
holder must initiate an action to foreclose the tax lien 124160
represented by the certificate as specified under division (A) of 124161
section 5721.32 of the Revised Code or as negotiated under section 124162
5721.33 of the Revised Code. 124163

Sec. 5721.31. (A)(1) After receipt of a duplicate of the 124164
delinquent land list compiled under section 5721.011 of the 124165
Revised Code, or a delinquent land list compiled previously under 124166
that section, the county treasurer may select from the list 124167
parcels of delinquent land the lien against which the county 124168
treasurer may attempt to transfer by the sale of tax certificates 124169
under sections 5721.30 to 5721.43 of the Revised Code. None of the 124170
following parcels may be selected for a tax certificate sale: 124171

(a) A parcel for which the full amount of taxes, assessments, 124172
penalties, interest, and charges have been paid; 124173

(b) A parcel for which a valid contract under section 124174
323.122, 323.31, or 5713.20 of the Revised Code is in force; 124175

(c) A parcel the owner of which has filed a petition in 124176
bankruptcy, so long as the parcel is property of the bankruptcy 124177
estate. 124178

(2) The county treasurer shall compile a separate list of 124179
parcels selected for tax certificate sales, including the same 124180
information as is required to be included in the delinquent land 124181
list. 124182

Upon compiling the list of parcels selected for tax 124183
certificate sales, the county treasurer may conduct a title search 124184

for any parcel on the list. 124185

(B)(1) Except as otherwise provided in division (B)(3) of 124186
this section, when tax certificates are to be sold under section 124187
5721.32 of the Revised Code with respect to parcels, the county 124188
treasurer shall send written notice by certified mail to either 124189
the owner of record or all interested parties discoverable through 124190
a title search, or both, of each parcel on the list. A notice to 124191
an owner shall be sent to the owner's last known tax-mailing 124192
address. The notice shall inform the owner or interested parties 124193
that a tax certificate will be offered for sale on the parcel, and 124194
that the owner or interested parties may incur additional expenses 124195
as a result of the sale. 124196

(2) Except as otherwise provided in division (B)(3) of this 124197
section, when tax certificates are to be sold or transferred under 124198
section 5721.33 of the Revised Code with respect to parcels, the 124199
county treasurer, at least thirty days prior to the date of sale 124200
or transfer of such tax certificates, shall send written notice of 124201
the sale or transfer by certified mail to the last known 124202
tax-mailing address of the record owner of the property or parcel 124203
and may send such notice to all parties with an interest in the 124204
property that has been recorded in the property records of the 124205
county pursuant to section 317.08 of the Revised Code. The notice 124206
shall state that a tax certificate will be offered for sale or 124207
transfer on the parcel, and that the owner or interested parties 124208
may incur additional expenses as a result of the sale or transfer. 124209

(3) The county treasurer is not required to send a notice 124210
under division (B)(1) or (B)(2) of this section if the treasurer 124211
previously has attempted to send such notice to the owner of the 124212
parcel and the notice has been returned by the post office as 124213
undeliverable. The absence of a valid tax-mailing address for the 124214
owner of a parcel does not preclude the county treasurer from 124215
selling or transferring a tax certificate for the parcel. 124216

(C) The county treasurer shall advertise the sale of tax certificates under section 5721.32 of the Revised Code in a newspaper of general circulation in the county, once a week for two consecutive weeks. The newspaper shall meet the requirements of section 7.12 of the Revised Code. The advertisement shall include the date, the time, and the place of the public auction, abbreviated legal descriptions of the parcels, and the names of the owners of record of the parcels. The advertisement also shall include the certificate purchase prices of the parcels or the total purchase price of tax certificates for sale in blocks of tax certificates.

(D) After the county treasurer has compiled the list of parcels selected for tax certificate sales but before a tax certificate respecting a parcel is sold or transferred, if the owner of record of the parcel pays to the county treasurer in cash the delinquent taxes respecting the parcel or otherwise acts so that any condition in division (A)(1)(a), (b), or (c) of this section applies to the parcel, the owner of record of the parcel also shall pay a fee in an amount prescribed by the treasurer to cover the administrative costs of the treasurer under this section respecting the parcel. The fee shall be deposited in the county treasury to the credit of the tax certificate administration fund.

(E) A tax certificate administration fund shall be created in the county treasury of each county selling tax certificates under sections 5721.30 to 5721.43 of the Revised Code. The fund shall be administered by the county treasurer, and used solely for the purposes of sections 5721.30 to 5721.43 of the Revised Code or as otherwise permitted in this division. Any fee received by the treasurer under sections 5721.30 to 5721.43 of the Revised Code shall be credited to the fund, except the bidder registration fee under division (B) of section 5721.32 of the Revised Code and the county prosecuting attorney's fee under division (B)(3) of section

5721.37 of the Revised Code. To the extent there is a surplus in 124249
the fund from time to time, the surplus may, with the approval of 124250
the county treasurer, be utilized for the purposes of a county 124251
land reutilization corporation operating in the county. 124252

(F) The county treasurers of more than one county may jointly 124253
conduct a regional sale of tax certificates under section 5721.32 124254
of the Revised Code. A regional sale shall be held at a single 124255
location in one county, where the tax certificates from each of 124256
the participating counties shall be offered for sale at public 124257
auction. Before the regional sale, each county treasurer shall 124258
advertise the sale for the parcels in the treasurer's county as 124259
required by division (C) of this section. At the regional sale, 124260
tax certificates shall be sold on parcels from one county at a 124261
time, with all of the certificates for one county offered for sale 124262
before any certificates for the next county are offered for sale. 124263

(G) The tax commissioner shall prescribe the form of the tax 124264
certificate under this section, and county treasurers shall use 124265
the form so prescribed. 124266

Sec. 5721.32. (A) The sale of tax certificates by public 124267
auction may be conducted at any time after completion of the 124268
advertising of the sale under section 5721.31 of the Revised Code, 124269
on the date and at the time and place designated in the 124270
advertisements, and may be continued from time to time as the 124271
county treasurer directs. The county treasurer may offer the tax 124272
certificates for sale in blocks of tax certificates, consisting of 124273
any number of tax certificates as determined by the county 124274
treasurer, and may specify a certificate period of not less than 124275
three years and not more than six years. 124276

(B)(1) The sale of tax certificates under this section shall 124277
be conducted at a public auction by the county treasurer or a 124278
designee of the county treasurer. 124279

(2) No person shall be permitted to bid without completing a bidder registration form, in the form prescribed by the tax commissioner, and without filing the form with the county treasurer prior to the start of the auction, together with remittance of a registration fee, in cash, of five hundred dollars. The bidder registration form shall include a tax identification number of the registrant. The registration fee is refundable at the end of bidding on the day of the auction, unless the registrant is the winning bidder for one or more tax certificates or one or more blocks of tax certificates, in which case the fee may be applied toward the deposit required by this section.

(3) The county treasurer may require a person who wishes to bid on one or more parcels to submit a letter from a financial institution stating that the bidder has sufficient funds available to pay the purchase price of the parcels and a written authorization for the treasurer to verify such information with the financial institution. The county treasurer may require submission of the letter and authorization sufficiently in advance of the auction to allow for verification. No person who fails to submit the required letter and authorization, or whose financial institution fails to provide the requested verification, shall be permitted to bid.

(C) At the public auction, the county treasurer or the treasurer's designee or agent shall begin the bidding at eighteen per cent per year simple interest, and accept lower bids in even increments of one-fourth of one per cent to the rate of zero per cent. The county treasurer, designee, or agent shall award the tax certificate to the person bidding the lowest certificate rate of interest. The county treasurer shall decide which person is the winning bidder in the event of a tie for the lowest bid offered, or if a person contests the lowest bid offered. The county

treasurer's decision is not appealable. 124312

(D)(1) The winning bidder shall pay the county treasurer a 124313
cash deposit of at least ten per cent of the certificate purchase 124314
price not later than the close of business on the day of the sale. 124315
The winning bidder shall pay the balance and the fee required 124316
under division (H) of this section not later than five business 124317
days after the day on which the certificate is sold. Except as 124318
provided under division (D)(2) of this section, if the winning 124319
bidder fails to pay the balance and fee within the prescribed 124320
time, the bidder forfeits the deposit, and the county treasurer 124321
shall retain the tax certificate and may attempt to sell it at any 124322
auction conducted at a later date. 124323

(2) At the request of a winning bidder, the county treasurer 124324
may release the bidder from the bidder's tax certificate purchase 124325
obligation. The county treasurer may retain all or any portion of 124326
the deposit of a bidder granted a release. After granting a 124327
release under this division, the county treasurer may award the 124328
tax certificate to the person that submitted the second lowest bid 124329
at the auction. 124330

(3) The county treasurer shall deposit the deposit forfeited 124331
or retained under divisions (D)(1) or (2) of this section in the 124332
county treasury to the credit of the tax certificate 124333
administration fund. 124334

(E) Upon receipt of the full payment of the certificate 124335
purchase price from the purchaser, the county treasurer shall 124336
issue the tax certificate and record the tax certificate sale by 124337
entering into a tax certificate register the certificate purchase 124338
price, the certificate rate of interest, the date the certificate 124339
was sold, the certificate period, the name and address of the 124340
certificate holder, and any other information the county treasurer 124341
considers necessary. The county treasurer may keep the tax 124342
certificate register in a hard-copy format or in an electronic 124343

format. The name and address of the certificate holder may be, 124344
upon receipt of instructions from the purchaser, that of the 124345
secured party of the actual purchaser, or an agent or custodian 124346
for the purchaser or secured party. The county treasurer also 124347
shall transfer the tax certificate to the certificate holder. The 124348
county treasurer shall apportion the part of the proceeds from the 124349
sale representing taxes, penalties, and interest among the several 124350
taxing districts in the same proportion that the amount of taxes 124351
levied by each district against the certificate parcel in the 124352
preceding tax year bears to the taxes levied by all such districts 124353
against the certificate parcel in the preceding tax year, and 124354
credit the part of the proceeds representing assessments and other 124355
charges to the items of assessments and charges in the order in 124356
which those items became due. Upon issuing a tax certificate, the 124357
delinquent taxes that make up the certificate purchase price are 124358
transferred, and the superior lien of the state and its taxing 124359
districts for those delinquent taxes is conveyed intact to the 124360
certificate holder. 124361

(F) If a tax certificate is offered for sale under this 124362
section but is not sold, the county treasurer may sell the 124363
certificate in a negotiated sale authorized under section 5721.33 124364
of the Revised Code, or may strike the corresponding certificate 124365
parcel from the list of parcels selected for tax certificate 124366
sales. The lien for taxes, assessments, charges, penalties, and 124367
interest against a parcel stricken from the list thereafter may be 124368
foreclosed in the manner prescribed by section 323.25, sections 124369
323.65 to 323.79, or section 5721.14 or 5721.18 of the Revised 124370
Code unless, prior to the institution of such proceedings against 124371
the parcel, the county treasurer restores the parcel to the list 124372
of parcels selected for tax certificate sales. 124373

(G) A certificate holder shall not be liable for damages 124374
arising from a violation of sections 3737.87 to 3737.891 or 124375

Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 124376
6111. of the Revised Code, or a rule adopted or order, permit, 124377
license, variance, or plan approval issued under any of those 124378
chapters, that is or was committed by another person in connection 124379
with the parcel for which the tax certificate is held. 124380

(H) When selling a tax certificate under this section, the 124381
county treasurer shall charge a fee to the purchaser of the 124382
certificate. The county treasurer shall set the fee at a 124383
reasonable amount that covers the treasurer's costs of 124384
administering the sale of the tax certificate. The county 124385
treasurer shall deposit the fee in the county treasury to the 124386
credit of the tax certificate administration fund. 124387

(I) After selling a tax certificate under this section, the 124388
county treasurer shall send written notice by certified mail to 124389
the owner of the certificate parcel at the owner's last known 124390
tax-mailing address. The notice shall inform the owner that the 124391
tax certificate was sold, shall describe the owner's options to 124392
redeem the parcel, including entering into a redemption payment 124393
plan under division (C)(1) of section 5721.38 of the Revised Code, 124394
and shall name the certificate holder and its secured party, if 124395
any. However, the county treasurer is not required to send a 124396
notice under this division if the treasurer previously has 124397
attempted to send a notice to the owner of the parcel at the 124398
owner's last known tax-mailing address, and the postal service has 124399
returned the notice as undeliverable. 124400

(J) A tax certificate shall not be sold to the owner of the 124401
certificate parcel. 124402

Sec. 5721.37. ~~(A)(1) Division (A)(1) of this section applies 124403
to tax certificates purchased under section 5721.32 of the Revised 124404
Code, or under section 5721.42 of the Revised Code by the holder 124405
of a certificate issued under section 5721.32 of the Revised Code. 124406~~

At any time after one year from the date shown on the tax certificate as the date the tax certificate was sold, and not later than ~~six years after that date~~ the end of the certificate period, a certificate holder, except for a county land reutilization corporation, may file with the county treasurer a request for foreclosure, or a private attorney on behalf of the certificate holder may file with the county treasurer a notice of intent to foreclose, on a form prescribed by the tax commissioner, provided the certificate parcel has not been redeemed under division (A) or (C) of section 5721.38 of the Revised Code and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure or notice of intent to foreclose and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code. If the certificate holder is a county land reutilization corporation, the corporation may institute a foreclosure action under the statutes pertaining to the foreclosure of mortgages or as permitted under sections 323.65 to 323.79 of the Revised Code at any time after it acquires the tax certificate.

~~(2) Division (A)(2) of this section applies to tax certificates purchased under section 5721.33 of the Revised Code or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.33 of the Revised Code. At any time after one year from the date shown on the tax certificate as the date the tax certificate was sold, and not later than six years after that date or any extension of that date pursuant to division (C)(2) of section 5721.38 of the Revised Code, or not earlier or later than the dates negotiated by the county treasurer and specified in the tax certificate sale/purchase agreement, the certificate holder may file with the county treasurer a request for foreclosure, or a private attorney on behalf of a certificate holder other than a county land reutilization corporation may file~~

~~with the county treasurer a notice of intent to foreclose, on a form prescribed by the tax commissioner, provided the parcel has not been redeemed under division (A) or (C) of section 5721.38 of the Revised Code and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure or notice of intent to foreclose and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code. If the certificate holder is a county land reutilization corporation, the corporation may institute a foreclosure action under the statutes pertaining to the foreclosure of mortgages or as permitted under sections 323.65 to 323.79 of the Revised Code at any time after it acquires the tax certificate.~~

~~(3)(a) Division (A)(3)(a) of this section applies to a tax certificate purchased under section 5721.32 of the Revised Code, or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.32 of the Revised Code, and not held by a county land reutilization corporation. If, before the expiration of six years after the date a tax certificate was sold, the owner of the property for which the certificate was sold files a petition in bankruptcy, the county treasurer, upon being notified of the filing of the petition, shall notify the certificate holder by ordinary first class or certified mail or by any means of the filing of the petition. It is the obligation of the certificate holder to file a proof of claim with the bankruptcy court to protect the holder's interest in the certificate parcel. The last day on which the certificate holder may file a request for foreclosure or the private attorney may file a notice of intent to foreclose is the later of six years after the date the certificate was sold or one hundred eighty days after the certificate parcel is no longer property of the bankruptcy estate; however, the six-year period measured from the date the certificate was sold is tolled while the property owner's~~

~~bankruptcy case remains open.~~ 124473

~~(b) Division (A)(3)(b) of this section applies to a tax~~ 124474
~~certificate purchased under section 5721.33 of the Revised Code,~~ 124475
~~or under section 5721.42 of the Revised Code by the holder of a~~ 124476
~~certificate issued under section 5721.33 of the Revised Code, and~~ 124477
~~not held by a county land reutilization corporation. If, before~~ 124478
~~six years after the date a tax certificate was sold or before the~~ 124479
~~date negotiated by the county treasurer~~ If, before the expiration 124480
of the certificate period, the owner of the property files a 124481
petition in bankruptcy, the county treasurer, upon being notified 124482
of the filing of the petition, shall notify the certificate holder 124483
by ordinary first-class or certified mail or by binary means of 124484
the filing of the petition. It is the obligation of the 124485
certificate holder to file a proof of claim with the bankruptcy 124486
court to protect the holder's interest in the certificate parcel. 124487
The last day on which the certificate holder may file a request 124488
for foreclosure or a notice of intent to foreclose is the later of 124489
~~six years after the date the tax certificate was sold or the date~~ 124490
~~negotiated by the county treasurer,~~ the expiration of the 124491
certificate period or one hundred eighty days after the 124492
certificate parcel is no longer property of the bankruptcy estate; 124493
however, the ~~six year or negotiated period being measured after~~ 124494
~~the date the certificate was sold~~ certificate period is tolled 124495
while the property owner's bankruptcy case remains open. If the 124496
certificate holder is a county land reutilization corporation, the 124497
corporation may institute a foreclosure action under the statutes 124498
pertaining to the foreclosure of mortgages or as permitted under 124499
sections 323.65 to 323.79 of the Revised Code at any time after it 124500
acquires such tax certificate, subject to any restrictions under 124501
such bankruptcy law or proceeding. 124502

~~(e)~~ Interest at the certificate rate of interest continues to 124503
accrue during any extension of time required by division ~~(A)(3)(a)~~ 124504

~~er (b)(A)(2)~~ of this section unless otherwise provided under Title 124505
11 of the United States Code. 124506

~~(4)(3)~~ If, before the expiration of three years from the date 124507
a tax certificate was sold, the owner of property for which the 124508
certificate was sold applies for an exemption under section 124509
3735.67 or 5715.27 of the Revised Code or under any other section 124510
of the Revised Code under the jurisdiction of the director of 124511
environmental protection, the county treasurer shall notify the 124512
certificate holder by ordinary first-class or certified mail or by 124513
binary means of the filing of the application. Once a 124514
determination has been made on the exemption application, the 124515
county treasurer shall notify the certificate holder of the 124516
determination by ordinary first-class or certified mail or by 124517
binary means. Except with respect to a county land reutilization 124518
corporation, the last day on which the certificate holder may file 124519
a request for foreclosure shall be the later of three years from 124520
the date the certificate was sold or forty-five days after notice 124521
of the determination was provided. 124522

(B) When a request for foreclosure or a notice of intent to 124523
foreclose is filed under ~~division (A)(1) or (2)~~ of this section, 124524
the certificate holder shall submit a payment to the county 124525
treasurer equal to the sum of the following: 124526

(1) The certificate redemption prices of all outstanding tax 124527
certificates that have been sold on the parcel, other than tax 124528
certificates held by the person requesting foreclosure; 124529

(2) Any taxes, assessments, penalties, interest, and charges 124530
appearing on the tax duplicate charged against the certificate 124531
parcel that is the subject of the foreclosure proceedings and that 124532
are not covered by a tax certificate, but such amounts are not 124533
payable if the certificate holder is a county land reutilization 124534
corporation; 124535

(3) If the foreclosure proceedings are filed by the county prosecuting attorney pursuant to section 323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 of the Revised Code, a fee in the amount prescribed by the county prosecuting attorney to cover the prosecuting attorney's legal costs incurred in the foreclosure proceeding.

(C)(1) With respect to a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code, if the certificate parcel has not been redeemed and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code, the county treasurer, within five days after receiving a foreclosure request and the payment required under division (B) of this section, shall certify notice to that effect to the county prosecuting attorney and shall provide a copy of the foreclosure request. The county treasurer also shall send notice by ordinary first class or certified mail to all certificate holders other than the certificate holder requesting foreclosure that foreclosure has been requested by a certificate holder and that payment for the tax certificates is forthcoming. Within ninety days of receiving the copy of the foreclosure request, the prosecuting attorney shall commence a foreclosure proceeding in the name of the county treasurer in the manner provided under section 323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 of the Revised Code, to enforce the lien vested in the certificate holder by the certificate. The prosecuting attorney shall attach to the complaint the foreclosure request and the county treasurer's written certification.

(2) With respect to a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code, if the

certificate parcel has not been redeemed, at least one certificate 124568
respecting the certificate parcel, held by the certificate holder 124569
filing the notice of intent to foreclose and eligible to be 124570
enforced through a foreclosure proceeding, has not been voided 124571
under section 5721.381 of the Revised Code, a notice of intent to 124572
foreclose has been filed, and the payment required under division 124573
(B) of this section has been made, the county treasurer shall 124574
certify notice to that effect to the private attorney. The county 124575
treasurer also shall send notice by ordinary first class or 124576
certified mail or by binary means to all certificate holders other 124577
than the certificate holder represented by the attorney that a 124578
notice of intent to foreclose has been filed and that payment for 124579
the tax certificates is forthcoming. After receipt of the 124580
treasurer's certification and not later than one hundred twenty 124581
days after the filing of the intent to foreclose or the number of 124582
days specified under the terms of a negotiated sale under section 124583
5721.33 of the Revised Code, the private attorney shall commence a 124584
foreclosure proceeding in the name of the certificate holder in 124585
the manner provided under division (F) of this section to enforce 124586
the lien vested in the certificate holder by the certificate. The 124587
private attorney shall attach to the complaint the notice of 124588
intent to foreclose and the county treasurer's written 124589
certification. 124590

(D) The county treasurer shall credit the amount received 124591
under division (B)(1) of this section to the tax certificate 124592
redemption fund. The tax certificates respecting the payment shall 124593
be paid as provided in division (D) of section 5721.38 of the 124594
Revised Code. The amount received under division (B)(2) of this 124595
section shall be distributed to the taxing districts to which the 124596
delinquent and unpaid amounts are owed. The county treasurer shall 124597
deposit the fee received under division (B)(3) of this section in 124598
the county treasury to the credit of the delinquent tax and 124599
assessment collection fund. 124600

~~(E)(1)(a) Except with respect to a county land reutilization corporation, if, in the case of a certificate purchased under section 5721.32 of the Revised Code, or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.32 of the Revised Code, the certificate holder does not file with the county treasurer a request for foreclosure or a notice of intent to foreclose with the required payment within six years after the date shown on the tax certificate as the date the certificate was sold or within the period provided under division (A)(3)(a) of this section, and during that time the certificate has not been voided under section 5721.381 of the Revised Code and the parcel has not been redeemed or foreclosed upon, the certificate holder's lien against the parcel is canceled, and the certificate is voided, subject to division (E)(1)(b) of this section.~~

~~(b) In the case of any tax certificate purchased under section 5721.32 of the Revised Code or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.32 of the Revised Code prior to June 24, 2008, the county treasurer, upon application by the certificate holder, may sell to the certificate holder a new certificate extending the three year period prescribed by division (E)(1) of this section, as that division existed prior to that date, to six years after the date shown on the original certificate as the date it was sold or any extension of that date.~~

~~(2)(a) Except with respect to a county land reutilization corporation, if, in the case of a certificate purchased under section 5721.33 of the Revised Code, or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.33 of the Revised Code, the certificate holder does not file with the county treasurer a request for foreclosure or a notice of intent to foreclose with respect to a certificate parcel~~

with the required payment within ~~six years after the date shown on~~ 124633
~~the tax certificate as the date the certificate was sold the~~ 124634
certificate period or any extension of that ~~date~~ period pursuant 124635
to division (C)(2) of section 5721.38 of the Revised Code, or 124636
within the period provided under division ~~(A)(3)(b)~~(A)(2) of this 124637
section ~~or as specified under the terms of a negotiated sale under~~ 124638
~~section 5721.33 of the Revised Code~~, and during that time the 124639
certificate has not been voided under section 5721.381 of the 124640
Revised Code and the certificate parcel has not been redeemed or 124641
foreclosed upon, the certificate holder's lien against the parcel 124642
is canceled and the certificate is voided, subject to division 124643
~~(E)(2)(b)~~(E)(2) of this section. 124644

~~(b)(2)~~ In the case of any tax certificate purchased under 124645
section ~~5721.33~~ 5721.32 of the Revised Code or under section 124646
5721.42 of the Revised Code by the holder of a certificate issued 124647
under section 5721.32 of the Revised Code prior to ~~October 10,~~ 124648
~~2000~~ June 24, 2008, the county treasurer, upon application by the 124649
certificate holder, may sell to the certificate holder a new 124650
certificate extending the three-year period prescribed by division 124651
~~(E)(2)(E)(1)~~ of this section, as that division existed prior to 124652
~~October 10, 2000~~ that date, to six years after the date shown on 124653
the original certificate as the date it was sold or any extension 124654
of that date. 124655

~~(3)~~ The county treasurer and the certificate holder shall 124656
negotiate the premium, in cash, to be paid for a new certificate 124657
sold under division ~~(E)(1)(b) or (2)(b)~~(E)(2) of this section. If 124658
the county treasurer and certificate holder do not negotiate a 124659
mutually acceptable premium, the county treasurer and certificate 124660
holder may agree to engage a person experienced in the valuation 124661
of financial assets to appraise a fair premium for the new 124662
certificate. The certificate holder has the option to purchase the 124663
new certificate for the fair premium so appraised. Not less than 124664

one-half of the fee of the person so engaged shall be paid by the certificate holder requesting the new certificate; the remainder of the fee shall be paid from the proceeds of the sale of the new certificate. If the certificate holder does not purchase the new certificate for the premium so appraised, the certificate holder shall pay the entire fee. The county treasurer shall credit the remaining proceeds from the sale to the items of taxes, assessments, penalties, interest, and charges in the order in which they became due.

~~(4)~~ A certificate issued under division ~~(E)(1)(b)~~ (2)(b)(E)(2) of this section vests in the certificate holder and its secured party, if any, the same rights, interests, privileges, and immunities as are vested by the original certificate under sections 5721.30 to 5721.43 of the Revised Code. The certificate shall be issued in the same form as the form prescribed for the original certificate issued except for any modifications necessary, in the county treasurer's discretion, to reflect the extension under this division of the certificate holder's lien to six years after the date shown on the original certificate as the date it was sold or any extension of that date. The certificate holder may record a certificate issued under division ~~(E)(1)(b)~~ (2)(b)(E)(2) of this section or memorandum thereof as provided in division (B) of section 5721.35 of the Revised Code, and the county recorder shall index the certificate and record any subsequent cancellation of the lien as provided in that section. The sale of a certificate extending the lien under division ~~(E)(1)(b)~~ (2)(b)(E)(2) of this section does not impair the right of redemption of the owner of record of the certificate parcel or of any other person entitled to redeem the property.

~~(5)~~(3) If the holder of a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice of intent to foreclose to the county treasurer but fails to file a

foreclosure action in a court of competent jurisdiction within the 124697
time specified in division (C)(2) of this section, the liens 124698
represented by all tax certificates respecting the certificate 124699
parcel held by that certificate holder, and for which the deadline 124700
for filing a notice of intent to foreclose has passed, are 124701
canceled and the certificates voided, and the certificate holder 124702
forfeits the payment of the amounts described in division (B)(2) 124703
of this section. 124704

(F) With respect to tax certificates purchased under section 124705
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 124706
delivery to the private attorney by the county treasurer of the 124707
certification provided for under division (C)(2) of this section, 124708
the private attorney shall institute a foreclosure proceeding 124709
under this division in the name of the certificate holder to 124710
enforce the holder's lien, in any court or board of revision with 124711
jurisdiction, unless the certificate redemption price is paid 124712
prior to the time a complaint is filed. The attorney shall 124713
prosecute the proceeding to final judgment and satisfaction, 124714
whether through sale of the property or the vesting of title and 124715
possession in the certificate holder or other disposition under 124716
sections 323.65 to 323.79 of the Revised Code or as may otherwise 124717
be provided by law. 124718

The foreclosure proceedings under this division, except as 124719
otherwise provided in this division, shall be instituted and 124720
prosecuted in the same manner as is provided by law for the 124721
foreclosure of mortgages on land, except that, if service by 124722
publication is necessary, such publication shall be made once a 124723
week for three consecutive weeks and the service shall be complete 124724
at the expiration of three weeks after the date of the first 124725
publication. 124726

Any notice given under this division shall include the name 124727
of the owner of the parcel as last set forth in the records of the 124728

county recorder, the owner's last known mailing address, the 124729
address of the subject parcel if different from that of the owner, 124730
and a complete legal description of the subject parcel. In any 124731
county that has adopted a permanent parcel number system, such 124732
notice may include the permanent parcel number in addition to a 124733
complete legal description. 124734

It is sufficient, having been made a proper party to the 124735
foreclosure proceeding, for the certificate holder to allege in 124736
such holder's complaint that the tax certificate has been duly 124737
purchased by the certificate holder, that the certificate 124738
redemption price is due and unpaid, that there is a lien against 124739
the property described in the tax certificate, and, if applicable, 124740
that the certificate holder desires to invoke the alternative 124741
redemption period prescribed in sections 323.65 to 323.79 of the 124742
Revised Code, without setting forth in such holder's complaint any 124743
other special matter relating to the foreclosure proceeding. The 124744
complaint shall pray for an order directing the sheriff, or the 124745
bailiff if the complaint is filed in municipal court, to offer the 124746
property for sale in the manner provided in section 5721.19 of the 124747
Revised Code or otherwise transferred according to any applicable 124748
procedures provided in sections 323.65 to 323.79 of the Revised 124749
Code, unless the complaint documents that the county auditor has 124750
determined that the true value of the certificate parcel is less 124751
than the certificate purchase price. In that case, the prayer of 124752
the complaint shall request that fee simple title to the property 124753
be transferred to and vested in the certificate holder free and 124754
clear of all subordinate liens. 124755

In the foreclosure proceeding, the certificate holder may 124756
join in one action any number of tax certificates relating to the 124757
same owner. However, the decree for each tax certificate shall be 124758
rendered separately and any proceeding may be severed, in the 124759
discretion of the court or board of revision, for the purpose of 124760

trial or appeal. Except as may otherwise be provided in sections 124761
323.65 to 323.79 of the Revised Code, upon confirmation of sale, 124762
the court or board of revision shall order payment of all costs 124763
related directly or indirectly to the tax certificate, including, 124764
without limitation, attorney's fees of the holder's attorney in 124765
accordance with section 5721.371 of the Revised Code. The tax 124766
certificate purchased by the certificate holder is presumptive 124767
evidence in all courts and boards of revision and in all 124768
proceedings, including, without limitation, at the trial of the 124769
foreclosure action, of the amount and validity of the taxes, 124770
assessments, charges, penalties by the court and added to such 124771
principal amount, and interest appearing due and unpaid and of 124772
their nonpayment. 124773

(G) If a parcel is sold under this section, the officer who 124774
conducted the sale shall collect the recording fee from the 124775
purchaser at the time of the sale and, following confirmation of 124776
the sale, shall prepare and record the deed conveying the title to 124777
the parcel to the purchaser. 124778

Sec. 5721.38. (A) At any time prior to payment to the county 124779
treasurer by the certificate holder to initiate foreclosure 124780
proceedings under division (B) of section 5721.37 of the Revised 124781
Code, the owner of record of the certificate parcel, or any other 124782
person entitled to redeem that parcel, may redeem the parcel by 124783
paying to the county treasurer an amount equal to the total of the 124784
certificate redemption prices of all tax certificates respecting 124785
that parcel. 124786

(B) At any time after payment to the county treasurer by the 124787
certificate holder to initiate foreclosure proceedings under 124788
section 5721.37 of the Revised Code, and before the filing of the 124789
entry of confirmation of sale of a certificate parcel, or the 124790
expiration of the alternative redemption period defined in section 124791

323.65 of the Revised Code under foreclosure proceedings filed by 124792
the county prosecuting attorney, and before the decree conveying 124793
title to the certificate holder is rendered as provided for in 124794
division (F) of section 5721.37 of the Revised Code, the owner of 124795
record of the certificate parcel or any other person entitled to 124796
redeem that parcel may redeem the parcel by paying to the county 124797
treasurer the sum of the following amounts: 124798

(1) The amount described in division (A) of this section; 124799

(2) Interest on the certificate purchase price for each tax 124800
certificate sold respecting the parcel at the rate of eighteen per 124801
cent per year for the period beginning on the day on which the 124802
payment was submitted by the certificate holder and ending on the 124803
day the parcel is redeemed under this division; 124804

(3) An amount equal to the sum of the county prosecuting 124805
attorney's fee under division (B)(3) of section 5721.37 of the 124806
Revised Code plus interest on that amount at the rate of eighteen 124807
per cent per year beginning on the day on which the payment was 124808
submitted by the certificate holder and ending on the day the 124809
parcel is redeemed under this division. If the parcel is redeemed 124810
before the complaint has been filed, the prosecuting attorney 124811
shall adjust the fee to reflect services performed to the date of 124812
redemption, and the county treasurer shall calculate the interest 124813
based on the adjusted fee and refund any excess fee to the 124814
certificate holder. 124815

(4) Reasonable attorney's fees in accordance with section 124816
5721.371 of the Revised Code if the certificate holder retained a 124817
private attorney to foreclose the lien; 124818

(5) Any other costs and fees of the proceeding allocable to 124819
the certificate parcel as determined by the court or board of 124820
revision. 124821

The county treasurer may collect the total amount due under 124822

divisions (B)(1) to (5) of this section in the form of guaranteed 124823
funds acceptable to the treasurer. Immediately upon receipt of 124824
such payments, the county treasurer shall reimburse the 124825
certificate holder who initiated foreclosure proceedings as 124826
provided in division (D) of this section. The county treasurer 124827
shall pay the certificate holder interest at the rate of eighteen 124828
per cent per year on amounts paid under divisions (B)(2) and (3) 124829
of section 5721.37 of the Revised Code, beginning on the day the 124830
certificate holder paid the amounts under those divisions and 124831
ending on the day the parcel is redeemed under this section. 124832

(C)(1) During the period beginning on the date a tax 124833
certificate is sold under section 5721.32 of the Revised Code and 124834
ending one year from that date, the county treasurer may enter 124835
into a redemption payment plan with the owner of record of the 124836
certificate parcel or any other person entitled to redeem that 124837
parcel. The plan shall require the owner or other person to pay 124838
the certificate redemption price for the tax certificate in 124839
installments, with the final installment due no later than one 124840
year after the date the tax certificate is sold. The certificate 124841
holder may at any time, by written notice to the county treasurer, 124842
agree to accept installments collected to the date of notice as 124843
payment in full. Receipt of such notice by the treasurer shall 124844
constitute satisfaction of the payment plan and redemption of the 124845
tax certificate. 124846

(2) During the period beginning on the date a tax certificate 124847
is sold under section 5721.33 of the Revised Code and ending on 124848
the date the decree is rendered on the foreclosure proceeding 124849
under division (F) of section 5721.37 of the Revised Code, the 124850
owner of record of the certificate parcel, or any other person 124851
entitled to redeem that parcel, may enter into a redemption 124852
payment plan with the certificate holder and all secured parties 124853
of the certificate holder. The plan shall require the owner or 124854

other person to pay the certificate redemption price for the tax 124855
certificate, an administrative fee not to exceed one hundred 124856
dollars per year, and the actual fees and costs incurred, in 124857
installments, with the final installment due no later than ~~six~~ 124858
~~years after the date the tax certificate is sold~~ the expiration of 124859
the certificate period. The certificate holder shall give written 124860
notice of the plan to the applicable county treasurer within sixty 124861
days after entering into the plan and written notice of default 124862
under the plan within ninety days after the default. If such a 124863
plan is entered into, the time period for filing a request for 124864
foreclosure or a notice of intent to foreclose under section 124865
5721.37 of the Revised Code is extended by the length of time the 124866
plan is in effect and not in default. 124867

(D)(1) Immediately upon receipt of full payment under 124868
division (A) or (B) of this section, the county treasurer shall 124869
make an entry to that effect in the tax certificate register, 124870
credit the payment to the tax certificate redemption fund created 124871
in the county treasury, and shall notify the certificate holder or 124872
holders by ordinary first class or certified mail or by binary 124873
means that the parcel has been redeemed and the lien or liens 124874
canceled, and that payment on the certificate or certificates is 124875
forthcoming. The treasurer shall pay the tax certificate holder or 124876
holders promptly. 124877

The county treasurer shall administer the tax certificate 124878
redemption fund for the purpose of redeeming tax certificates. 124879
Interest earned on the fund shall be credited to the county 124880
general fund. If the county has established a county land 124881
reutilization corporation, the county treasurer may apply interest 124882
earned on the fund to the payment of the expenses of such 124883
corporation. 124884

(2) If a redemption payment plan is entered into pursuant to 124885
division (C)(1) of this section, the county treasurer immediately 124886

shall notify each certificate holder by ordinary first class or 124887
certified mail or by binary means of the terms of the plan. 124888
Installment payments made pursuant to the plan shall be deposited 124889
in the tax certificate redemption fund. Any overpayment of the 124890
installments shall be refunded to the person responsible for 124891
causing the overpayment if the person applies for a refund under 124892
this section. If the person responsible for causing the 124893
overpayment fails to apply for a refund under this section within 124894
five years from the date the plan is satisfied, an amount equal to 124895
the overpayment shall be deposited into the general fund of the 124896
county. If the county has established a county land reutilization 124897
corporation, the county treasurer may apply such overpayment to 124898
the payment of the expenses of the corporation. 124899

Upon satisfaction of the plan, the county treasurer shall 124900
indicate in the tax certificate register that the plan has been 124901
satisfied, and shall notify each certificate holder by ordinary 124902
first class or certified mail or by binary means that the plan has 124903
been satisfied and that payment on the certificate or certificates 124904
is forthcoming. The treasurer shall pay each certificate holder 124905
promptly. 124906

If a redemption payment plan becomes void, the county 124907
treasurer shall notify each certificate holder by ordinary first 124908
class or certified mail or by binary means. If a certificate 124909
holder files a request for foreclosure under section 5721.37 of 124910
the Revised Code, upon the filing of the request for foreclosure, 124911
any money paid under the plan shall be refunded to the person that 124912
paid the money under the plan. 124913

(3) Upon receipt of the payment required under division 124914
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall 124915
pay all other certificate holders and indicate in the tax 124916
certificate register that such certificates have been satisfied. 124917
If a county has organized a county land reutilization corporation, 124918

the county treasurer may apply the redemption price and any 124919
applicable interest payable under division (B) of this section to 124920
the payment of the expenses of the corporation. 124921

Sec. 5721.42. After the settlement required under division 124922
(C) of section 321.24 of the Revised Code, the county treasurer 124923
shall notify the certificate holder of the most recently issued 124924
tax certificate, by ordinary first class or certified mail or by 124925
binary means, that the certificate holder may purchase a 124926
subsequent tax certificate by paying all delinquent taxes on the 124927
related certificate parcel, the lien against which has not been 124928
transferred by the sale of a tax certificate. During the thirty 124929
days after receiving the notice, the certificate holder possesses 124930
the exclusive right to purchase the subsequent tax certificate by 124931
paying those amounts to the county treasurer. The amount of the 124932
payment shall constitute a separate lien against the certificate 124933
parcel that shall be evidenced by the issuance by the treasurer to 124934
the certificate holder of an additional tax certificate with 124935
respect to the delinquent taxes so paid on the related certificate 124936
parcel. The amount of the payment as set forth in the tax 124937
certificate shall earn interest at the rate of eighteen per cent 124938
per year. The certificate period of each subsequent tax 124939
certificate shall terminate on the expiration date of the 124940
certificate period of the most recent tax certificate for the same 124941
certificate parcel. 124942

Sec. 5722.13. Real property acquired and held by an electing 124943
subdivision pursuant to this chapter that is not sold or otherwise 124944
transferred within fifteen years after such acquisition shall be 124945
offered for sale at public auction during the sixteenth year after 124946
acquisition. If the real property is not sold at that time, it may 124947
be disposed of or retained for any lawful purpose without further 124948
application of this chapter. 124949

Notice of the sale shall contain a description of each 124950
parcel, the permanent parcel number, and the full street address 124951
when available. The notice shall be published once a week for 124952
three consecutive weeks prior to the sale in a newspaper of 124953
general circulation within the electing subdivision. The newspaper 124954
shall meet the requirements of section 7.12 of the Revised Code. 124955

Each parcel subsequent to the fifteenth year after its 124956
acquisition as part of a land reutilization program shall be sold 124957
for an amount equal to not less than the greater of: 124958

(A) Two-thirds of its fair market value; 124959

(B) The total amount of accrued taxes, assessments, 124960
penalties, interest, charges, and costs incurred by the electing 124961
subdivision in the acquisition, maintenance, and disposal of each 124962
parcel and the parcel's share of the costs and expenses of the 124963
land reutilization program. 124964

The sale requirements of this section do not apply to real 124965
property acquired and held by a county land reutilization 124966
corporation. 124967

Sec. 5723.05. If the taxes, assessments, charges, penalties, 124968
interest, and costs due on the forfeited lands have not been paid 124969
when the county auditor fixes the date for the sale of forfeited 124970
lands, the auditor shall give notice of them once a week for two 124971
consecutive weeks prior to the date fixed by the auditor for the 124972
sale, ~~in two newspapers~~ as provided in section 5721.03 of the 124973
Revised Code. The notice shall state that if the taxes, 124974
assessments, charges, penalties, interest, and costs charged 124975
against the lands forfeited to the state for nonpayment of taxes 124976
are not paid into the county treasury, and the county treasurer's 124977
receipt produced for the payment before the time specified in the 124978
notice for the sale of the lands, which day shall be named in the 124979
notice, each forfeited tract on which the taxes, assessments, 124980

charges, penalties, interest, and costs remain unpaid will be 124981
offered for sale beginning on the date set by the auditor, at the 124982
courthouse in the county, in order to satisfy the unpaid taxes, 124983
assessments, charges, penalties, interest, and costs, and that the 124984
sale will continue from day to day until each of the tracts is 124985
sold or offered for sale. 124986

The notice also shall state that, if the forfeited land is 124987
sold for an amount that is less than the amount of the delinquent 124988
taxes, assessments, charges, penalties, and interest against it, 124989
and, if division (B)(2) of section 5721.17 of the Revised Code is 124990
applicable, any notes issued by a receiver pursuant to division 124991
(F) of section 3767.41 of the Revised Code and any receiver's lien 124992
as defined in division (C)(4) of section 5721.18 of the Revised 124993
Code, the court, in a separate order, may enter a deficiency 124994
judgment against the last owner of record of the land before its 124995
forfeiture to the state, for the amount of the difference; and 124996
that, if that owner of record is a corporation, the court may 124997
enter the deficiency judgment against the stockholder holding a 124998
majority of that corporation's stock. 124999

Sec. 5723.18. (A) Except as otherwise provided in division 125000
(B)(2) of section 5721.17 and division (B) of section 319.43 of 125001
the Revised Code, the proceeds from a forfeiture sale shall be 125002
distributed as follows: 125003

(1) The county auditor shall deduct all costs pertaining to 125004
the forfeiture and sale of forfeited lands, including costs 125005
pertaining to a foreclosure and forfeiture proceeding instituted 125006
under section 5721.14 of the Revised Code, except those paid under 125007
section 5721.04 of the Revised Code, from the moneys received from 125008
the sale of land and town lots forfeited to the state for the 125009
nonpayment of taxes, and shall pay such costs into the proper 125010
fund. In the case of the forfeiture sale of a parcel against which 125011

a foreclosure and forfeiture proceeding was instituted under 125012
section 5721.14 of the Revised Code, if the proceeds from the 125013
forfeiture sale are insufficient to pay the costs pertaining to 125014
such proceeding, the county auditor, at the next semiannual 125015
apportionment of real property taxes, shall reduce the amount of 125016
real property taxes that the auditor otherwise would distribute to 125017
each subdivision to which taxes, assessments, charges, penalties, 125018
or interest charged against the parcel are due. The reduction in 125019
each subdivision's real property tax distribution shall equal the 125020
amount of the unpaid costs multiplied by a fraction, the numerator 125021
of which is the amount of taxes, assessments, charges, penalties, 125022
and interest due the subdivision, and the denominator of which is 125023
the total amount of taxes, assessments, charges, penalties, and 125024
interest due all such subdivisions. 125025

(2) Following the payment required by division (A)(1) of this 125026
section, the part of the proceeds that is equal to ten per cent of 125027
the taxes and assessments due shall be deposited in equal shares 125028
into each of the delinquent tax and assessment collection ~~fund~~ 125029
funds created pursuant to section 321.261 of the Revised Code. 125030

(3) Following the payment required by division (A)(2) of this 125031
section, the remaining proceeds shall be distributed by the 125032
auditor to the appropriate subdivisions to pay the taxes, 125033
assessments, charges, penalties, and interest which are due and 125034
unpaid. If the proceeds available for distribution under this 125035
division are insufficient to pay the entire amount of those taxes, 125036
assessments, charges, penalties, and interest, the auditor shall 125037
distribute the proceeds available for distribution under this 125038
division to the appropriate subdivisions in proportion to the 125039
amount of those taxes, assessments, charges, penalties, and 125040
interest that each is due. 125041

(B) If the proceeds from the sale of forfeited land are 125042
insufficient to pay in full the amount of the taxes, assessments, 125043

charges, penalties, and interest; the costs incurred in the 125044
proceedings instituted pursuant to this chapter and section 125045
5721.18 of the Revised Code, or the foreclosure and forfeiture 125046
proceeding instituted pursuant to section 5721.14 of the Revised 125047
Code; and, if division (B)(2) of section 5721.17 of the Revised 125048
Code is applicable, any notes issued by a receiver pursuant to 125049
division (F) of section 3767.41 of the Revised Code and any 125050
receiver's lien as defined in division (C)(4) of section 5721.18 125051
of the Revised Code, the court may enter a deficiency judgment 125052
against the last owner of record of the land before its forfeiture 125053
to the state, for the unpaid amount. The court shall enter the 125054
judgment pursuant to section 5721.192 of the Revised Code. Except 125055
as otherwise provided in division (B) of section 319.43 of the 125056
Revised Code, the proceeds paid pursuant to the entry and 125057
satisfaction of such a judgment shall be distributed as if they 125058
had been received as a part of the proceeds from the sale of the 125059
land to satisfy the amount of the taxes, assessments, charges, 125060
penalties, and interest which are due and unpaid; the costs 125061
incurred in the associated proceedings which were due and unpaid; 125062
and, if division (B)(2) of section 5721.17 of the Revised Code is 125063
applicable, any notes issued by a receiver pursuant to division 125064
(F) of section 3767.41 of the Revised Code and any receiver's lien 125065
as defined in division (C)(4) of section 5721.18 of the Revised 125066
Code. 125067

Sec. 5725.151. (A) As used in this section, "certificate 125068
owner" has the same meaning as in section 149.311 of the Revised 125069
Code. 125070

(B) There is allowed a credit against the tax imposed by 125071
section 5707.03 and assessed under section 5725.15 of the Revised 125072
Code for a dealer in intangibles subject to that tax that is a 125073
certificate owner of a rehabilitation tax credit certificate 125074
issued under section 149.311 of the Revised Code. The credit shall 125075

equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any dealer for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the dealer but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The dealer may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

(C) A dealer in intangibles claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the year in which the credit was claimed, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period.

~~(D) For the purpose of division (C) of section 5725.24 of the Revised Code, reductions in the amount of taxes collected on account of credits allowed under this section shall be applied to reduce the amount credited to the general revenue fund and shall not be applied to reduce the amount to be credited to the undivided local government funds of the counties in which such taxes originate.~~

Sec. 5725.24. (A) ~~As used in this section, "qualifying dealer" means a dealer in intangibles that is a qualifying dealer in intangibles as defined in section 5733.45 of the Revised Code or a member of a qualifying controlled group, as defined in section 5733.04 of the Revised Code, of which an insurance company~~

~~also is a member on the first day of January of the year in and 125107
for which the tax imposed by section 5707.03 of the Revised Code 125108
is required to be paid by the dealer. 125109~~

~~(B) The taxes levied by section 5725.18 of the Revised Code 125110
and collected pursuant to this chapter shall be paid into the 125111
state treasury to the credit of the general revenue fund. 125112~~

~~(C)(B) The taxes levied by section 5707.03 of the Revised 125113
Code on the value of shares in and capital employed by all dealers 125114
in intangibles ~~other than those that are qualifying dealers~~ shall 125115
be ~~for the use of~~ paid into the state treasury to the credit of 125116
the general revenue fund ~~of the state and the local government~~ 125117
~~funds of the several counties in which the taxes originate as~~ 125118
~~provided in this division. 125119~~~~

~~During each month for which there is money in the state 125120
treasury for disbursement under this division, the tax 125121
commissioner shall provide for payment to the county treasurer of 125122
each county of five eighths of the amount of the taxes collected 125123
on account of shares in and capital employed by dealers in 125124
intangibles other than those that are qualifying dealers, 125125
representing capital employed in the county. The balance of the 125126
money received and credited on account of taxes assessed on shares 125127
in and capital employed by such dealers in intangibles shall be 125128
credited to the general revenue fund. 125129~~

~~Reductions in the amount of taxes collected on account of 125130
credits allowed under section 5725.151 of the Revised Code shall 125131
be applied to reduce the amount credited to the general revenue 125132
fund and shall not be applied to reduce the amount to be credited 125133
to the undivided local government funds of the counties in which 125134
such taxes originate. 125135~~

~~For the purpose of this division, such taxes are deemed to 125136
originate in the counties in which such dealers in intangibles 125137~~

~~have their offices.~~ 125138

~~Money received into the treasury of a county pursuant to this 125139
section shall be credited to the undivided local government fund 125140
of the county and shall be distributed by the budget commission as 125141
provided by law.~~ 125142

~~(D) All of the taxes levied under section 5707.03 of the 125143
Revised Code on the value of the shares in and capital employed by 125144
dealers in intangibles that are qualifying dealers shall be paid 125145
into the state treasury to the credit of the general revenue fund.~~ 125146

Sec. 5725.34. (A) As used in this section, "certificate 125147
owner" has the same meaning as in section 149.311 of the Revised 125148
Code. 125149

(B) There is allowed a credit against the tax imposed by 125150
section 5725.18 of the Revised Code for an insurance company 125151
subject to that tax that is a certificate owner of a 125152
rehabilitation tax credit certificate issued under section 149.311 125153
of the Revised Code. The credit shall equal twenty-five per cent 125154
of the dollar amount indicated on the certificate, but the amount 125155
of the credit allowed for any company for any year shall not 125156
exceed five million dollars. The credit shall be claimed in the 125157
calendar year specified in the certificate and in the order 125158
required under section 5725.98 of the Revised Code. If the credit 125159
exceeds the amount of tax otherwise due in that year, the excess 125160
shall be refunded to the company but, if any amount of the credit 125161
is refunded, the sum of the amount refunded and the amount applied 125162
to reduce the tax otherwise due in that year shall not exceed 125163
three million dollars. The company may carry forward any balance 125164
of the credit in excess of the amount claimed in that year for not 125165
more than five ensuing years, and shall deduct any amount claimed 125166
in any such year from the amount claimed in an ensuing year. 125167

(C) An insurance company claiming a credit under this section 125168

shall retain the rehabilitation tax credit certificate for four 125169
years following the end of the year in which the credit was 125170
claimed, and shall make the certificate available for inspection 125171
by the tax commissioner upon the request of the tax commissioner 125172
during that period. 125173

Sec. 5725.98. (A) To provide a uniform procedure for 125174
calculating the amount of tax imposed by section 5725.18 of the 125175
Revised Code that is due under this chapter, a taxpayer shall 125176
claim any credits and offsets against tax liability to which it is 125177
entitled in the following order: 125178

(1) The credit for an insurance company or insurance company 125179
group under section 5729.031 of the Revised Code; 125180

(2) The credit for eligible employee training costs under 125181
section 5725.31 of the Revised Code; 125182

(3) The credit for purchasers of qualified low-income 125183
community investments under section 5725.33 of the Revised Code; 125184

(4) The nonrefundable job retention credit under division 125185
(B)(1) of section 122.171 of the Revised Code; 125186

(5) The offset of assessments by the Ohio life and health 125187
insurance guaranty association permitted by section 3956.20 of the 125188
Revised Code; 125189

(6) The refundable credit for rehabilitating a historic 125190
building under section 5725.34 of the Revised Code. 125191

(7) The refundable credit for Ohio job retention under 125192
division (B)(2) or (3) of section 122.171 of the Revised Code; 125193

~~(7)~~(8) The refundable credit for Ohio job creation under 125194
section 5725.32 of the Revised Code; 125195

~~(8)~~(9) The refundable credit under section 5725.19 of the 125196
Revised Code for losses on loans made under the Ohio venture 125197

capital program under sections 150.01 to 150.10 of the Revised Code. 125198
125199

(B) For any credit except the refundable credits enumerated 125200
in this section, the amount of the credit for a taxable year shall 125201
not exceed the tax due after allowing for any other credit that 125202
precedes it in the order required under this section. Any excess 125203
amount of a particular credit may be carried forward if authorized 125204
under the section creating that credit. Nothing in this chapter 125205
shall be construed to allow a taxpayer to claim, directly or 125206
indirectly, a credit more than once for a taxable year. 125207

Sec. 5727.57. In addition to all other remedies for the 125208
collection of any taxes or penalties due under law, whenever any 125209
taxes, fees, or penalties due from any public utility have 125210
remained unpaid for a period of ninety days, or whenever any 125211
public utility has failed for a period of ninety days to make any 125212
report or return required by law, or to pay any penalty for 125213
failure to make or file such report or return, the attorney 125214
general, upon the request of the tax commissioner, shall file a 125215
petition in the court of common pleas in the county of the state 125216
in which such public utility has its principal place of business 125217
for a judgment for the amount of the taxes and penalties appearing 125218
to be due, the enforcement of any lien in favor of the state, and 125219
an injunction to restrain such public utility and its officers, 125220
directors, and managing agents from the transaction of any 125221
business within this state, other than such acts as are incidental 125222
to liquidation or winding up, until the payment of such taxes, 125223
fees, penalties, and the costs of the proceeding, which shall be 125224
fixed by the court, or the making and filing of such report or 125225
return. 125226

Such petition shall be in the name of the state. All or any 125227
of the public utilities having their principal places of business 125228

in the county may be joined in one suit. On the motion of the attorney general, the court of common pleas shall enter an order requiring all defendants to answer by a day certain, and may appoint a special master commissioner to take testimony, with such other power and authority as the court confers, and permit process to be served by certified mail and by publication in a newspaper of general circulation ~~published~~ in the county, which publication need not be made more than once, setting forth the name of each delinquent public utility, the matter in which such public utility is delinquent, the names of its officers, directors, and managing agents, if set forth in the petition, and the amount of any taxes, fees, or penalties claimed to be owing by said public utility.

All of the officers, directors, shareholders, or managing agents of any public utility may be joined as defendants with such public utility.

If it appears to the court upon hearing that any public utility which is a party to such proceeding is indebted to the state for taxes, fees, or penalties, judgment shall be entered therefor with interest, which shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code; and if it appears that any public utility has failed to make or file any report or return, a mandatory injunction may be issued against such public utility, its officers, directors, and managing agents, as such enjoining them from the transaction of any business within this state, other than acts incidental to liquidation or winding up, until the making and filing of all proper reports or returns and the payment in full of all taxes, fees, and penalties.

If the officers, directors, shareholders, or managing agents of a public utility are not made parties in the first instance, and a judgment or an injunction is rendered or issued against such public utility, such officers, directors, shareholders, or managing agents, or any of them, may be made parties to such

proceedings upon the motion of the attorney general, and, upon 125261
notice to them of the form and terms of such injunction, they 125262
shall be bound thereby as fully as if they had been made parties 125263
in the first instance. 125264

In any action authorized by this section, a statement of the 125265
commissioner or the secretary of state, when duly certified shall 125266
be prima-facie evidence of the amount of taxes, fees, or penalties 125267
due from any public utility, or of the failure of any public 125268
utility to file with the commissioner or the secretary of state 125269
any report required by law, and any such certificate of the 125270
commissioner or the secretary of state may be required in evidence 125271
in any such proceeding. 125272

On the application of any defendant and for good cause shown, 125273
the court may order a separate hearing of the issues as to any 125274
defendant. 125275

The costs of the proceeding shall be apportioned among the 125276
parties as the court deems proper. 125277

The court in such proceeding may make, enter, and enforce 125278
such other judgments and orders and grant such other relief as is 125279
necessary or incidental to the enforcement of the claims and lien 125280
of the state. 125281

In the performance of the duties enjoined ~~upon him~~ by this 125282
section the attorney general may direct any prosecuting attorney 125283
to bring an action, as authorized by this section, in the name of 125284
the state with respect to any delinquent public utilities within 125285
~~his~~ the prosecuting attorney's county, and like proceedings and 125286
orders shall be had as if such action were instituted by the 125287
attorney general. 125288

Sec. 5727.75. (A) For purposes of this section: 125289

(1) "Qualified energy project" means an energy project 125290

certified by the director of development pursuant to this section. 125291

(2) "Energy project" means a project to provide electric 125292
power through the construction, installation, and use of an energy 125293
facility. 125294

(3) "Alternative energy zone" means a county declared as such 125295
by the board of county commissioners under division (E)(1)(b) or 125296
(c) of this section. 125297

(4) "Full-time equivalent employee" means the total number of 125298
employee-hours for which compensation was paid to individuals 125299
employed at a qualified energy project for services performed at 125300
the project during the calendar year divided by two thousand 125301
eighty hours. 125302

(5) "Solar energy project" means an energy project composed 125303
of an energy facility using solar panels to generate electricity. 125304

(B)(1) Tangible personal property of a qualified energy 125305
project using renewable energy resources is exempt from taxation 125306
for tax years 2011 ~~and~~, 2012, 2013, 2014, and 2015 if all of the 125307
following conditions are satisfied: 125308

(a) On or before December 31, ~~2011~~ 2014, the owner or a 125309
lessee pursuant to a sale and leaseback transaction of the project 125310
submits an application to the power siting board for a certificate 125311
under section 4906.20 of the Revised Code, or if that section does 125312
not apply, submits an application for any approval, consent, 125313
permit, or certificate or satisfies any condition required by a 125314
public agency or political subdivision of this state for the 125315
construction or initial operation of an energy project. 125316

(b) Construction or installation of the energy facility 125317
begins on or after January 1, 2009, and before January 1, ~~2012~~ 125318
2015. For the purposes of this division, construction begins on 125319
the earlier of the date of application for a certificate or other 125320
approval or permit described in division (B)(1)(a) of this 125321

section, or the date the contract for the construction or 125322
installation of the energy facility is entered into. 125323

(c) For a qualified energy project with a nameplate capacity 125324
of five megawatts or greater, a board of county commissioners of a 125325
county in which property of the project is located has adopted a 125326
resolution under division (E)(1)(b) or (c) of this section to 125327
approve the application submitted under division (E) of this 125328
section to exempt the property located in that county from 125329
taxation. A board's adoption of a resolution rejecting an 125330
application or its failure to adopt a resolution approving the 125331
application does not affect the tax-exempt status of the qualified 125332
energy project's property that is located in another county. 125333

(2) If tangible personal property of a qualified energy 125334
project using renewable energy resources was exempt from taxation 125335
under this section ~~for~~ beginning in any of tax years 2011 and, 125336
2012, 2013, 2014, or 2015, and the certification under division 125337
(E)(2) of this section has not been revoked, the tangible personal 125338
property of the qualified energy project is exempt from taxation 125339
for tax year ~~2013~~ 2016 and all ensuing tax years if the property 125340
was placed into service before January 1, ~~2013~~ 2016, as certified 125341
in the construction progress report required under division (F)(2) 125342
of this section. Tangible personal property that has not been 125343
placed into service before that date is taxable property subject 125344
to taxation. An energy project for which certification has been 125345
revoked is ineligible for further exemption under this section. 125346
Revocation does not affect the tax-exempt status of the project's 125347
tangible personal property for the tax year in which revocation 125348
occurs or any prior tax year. 125349

(C) Tangible personal property of a qualified energy project 125350
using clean coal technology, advanced nuclear technology, or 125351
cogeneration technology is exempt from taxation for the first tax 125352
year that the property would be listed for taxation and all 125353

subsequent years if all of the following circumstances are met: 125354

(1) The property was placed into service before January 1, 125355
~~2017~~ 2020. Tangible personal property that has not been placed 125356
into service before that date is taxable property subject to 125357
taxation. 125358

(2) For such a qualified energy project with a nameplate 125359
capacity of five megawatts or greater, a board of county 125360
commissioners of a county in which property of the qualified 125361
energy project is located has adopted a resolution under division 125362
(E)(1)(b) or (c) of this section to approve the application 125363
submitted under division (E) of this section to exempt the 125364
property located in that county from taxation. A board's adoption 125365
of a resolution rejecting the application or its failure to adopt 125366
a resolution approving the application does not affect the 125367
tax-exempt status of the qualified energy project's property that 125368
is located in another county. 125369

(3) The certification for the qualified energy project issued 125370
under division (E)(2) of this section has not been revoked. An 125371
energy project for which certification has been revoked is 125372
ineligible for exemption under this section. Revocation does not 125373
affect the tax-exempt status of the project's tangible personal 125374
property for the tax year in which revocation occurs or any prior 125375
tax year. 125376

(D) Except as otherwise provided in this ~~division~~ section, 125377
real property of a qualified energy project is exempt from 125378
taxation for any tax year for which the tangible personal property 125379
of the qualified energy project is exempted under this section. 125380

(E)(1)(a) A person may apply to the director of development 125381
for certification of an energy project as a qualified energy 125382
project on or before the following dates: 125383

(i) December 31, ~~2011~~ 2014, for an energy project using 125384

renewable energy resources; 125385

(ii) December 31, ~~2013~~ 2016, for an energy project using 125386
clean coal technology, advanced nuclear technology, or 125387
cogeneration technology. 125388

(b) The director shall forward a copy of each application for 125389
certification of an energy project with a nameplate capacity of 125390
five megawatts or greater to the board of county commissioners of 125391
each county in which the project is located and to each taxing 125392
unit with territory located in each of the affected counties. Any 125393
board that receives from the director a copy of an application 125394
submitted under this division shall adopt a resolution approving 125395
or rejecting the application unless it has adopted a resolution 125396
under division (E)(1)(c) of this section. A resolution adopted 125397
under division (E)(1)(b) or (c) of this section may require an 125398
annual service payment to be made in addition to the service 125399
payment required under division (G) of this section. The sum of 125400
the service payment required in the resolution and the service 125401
payment required under division (G) of this section shall not 125402
exceed nine thousand dollars per megawatt of nameplate capacity 125403
located in the county. The resolution shall specify the time and 125404
manner in which the payments required by the resolution shall be 125405
paid to the county treasurer. The county treasurer shall deposit 125406
the payment to the credit of the county's general fund to be used 125407
for any purpose for which money credited to that fund may be used. 125408

The board shall send copies of the resolution by certified 125409
mail to the owner of the facility and the director within thirty 125410
days after receipt of the application, or a longer period of time 125411
if authorized by the director. 125412

(c) A board of county commissioners may adopt a resolution 125413
declaring the county to be an alternative energy zone and 125414
declaring all applications submitted to the director of 125415
development under this division after the adoption of the 125416

resolution, and prior to its repeal, to be approved by the board. 125417

All tangible personal property and real property of an energy 125418
project with a nameplate capacity of five megawatts or greater is 125419
taxable if it is located in a county in which the board of county 125420
commissioners adopted a resolution rejecting the application 125421
submitted under this division or failed to adopt a resolution 125422
approving the application under division (E)(1)(b) or (c) of this 125423
section. 125424

(2) The director shall certify an energy project if all of 125425
the following circumstances exist: 125426

(a) The application was timely submitted. 125427

(b) For an energy project with a nameplate capacity of five 125428
megawatts or greater, a board of county commissioners of at least 125429
one county in which the project is located has adopted a 125430
resolution approving the application under division (E)(1)(b) or 125431
(c) of this section. 125432

(c) No portion of the project's facility was used to supply 125433
electricity before December 31, 2009. 125434

(3) The director shall deny a certification application if 125435
the director determines the person has failed to comply with any 125436
requirement under this section. The director may revoke a 125437
certification if the director determines the person, or subsequent 125438
owner or lessee pursuant to a sale and leaseback transaction of 125439
the qualified energy project, has failed to comply with any 125440
requirement under this section. Upon certification or revocation, 125441
the director shall notify the person, owner, or lessee, the tax 125442
commissioner, and the county auditor of a county in which the 125443
project is located of the certification or revocation. Notice 125444
shall be provided in a manner convenient to the director. 125445

(F) The owner or a lessee pursuant to a sale and leaseback 125446
transaction of a qualified energy project shall do each of the 125447

following: 125448

(1) Comply with all applicable regulations; 125449

(2) File with the director of development a certified 125450
construction progress report before the first day of March of each 125451
year during the energy facility's construction or installation 125452
indicating the percentage of the project completed, and the 125453
project's nameplate capacity, as of the preceding thirty-first day 125454
of December. Unless otherwise instructed by the director of 125455
development, the owner or lessee of an energy project shall file a 125456
report with the director on or before the first day of March each 125457
year after completion of the energy facility's construction or 125458
installation indicating the project's nameplate capacity as of the 125459
preceding thirty-first day of December. Not later than sixty days 125460
after ~~the effective date of this section~~ June 17, 2010, the owner 125461
or lessee of an energy project, the construction of which was 125462
completed before ~~the effective date of this section~~ June 17, 2010, 125463
shall file a certificate indicating the project's nameplate 125464
capacity. 125465

(3) File with the director of development, in a manner 125466
prescribed by the director, a report of the total number of 125467
full-time equivalent employees, and the total number of full-time 125468
equivalent employees domiciled in Ohio, who are employed in the 125469
construction or installation of the energy facility; 125470

(4) For energy projects with a nameplate capacity of five 125471
megawatts or greater, repair all roads, bridges, and culverts 125472
affected by construction as reasonably required to restore them to 125473
their preconstruction condition, as determined by the county 125474
engineer in consultation with the local jurisdiction responsible 125475
for the roads, bridges, and culverts. In the event that the county 125476
engineer deems any road, bridge, or culvert to be inadequate to 125477
support the construction or decommissioning of the energy 125478
facility, the road, bridge, or culvert shall be rebuilt or 125479

reinforced to the specifications established by the county 125480
engineer prior to the construction or decommissioning of the 125481
facility. The owner or lessee of the facility shall post a bond in 125482
an amount established by the county engineer and to be held by the 125483
board of county commissioners to ensure funding for repairs of 125484
roads, bridges, and culverts affected during the construction. The 125485
bond shall be released by the board not later than one year after 125486
the date the repairs are completed. The energy facility owner or 125487
lessee pursuant to a sale and leaseback transaction shall post a 125488
bond, as may be required by the Ohio power siting board in the 125489
certificate authorizing commencement of construction issued 125490
pursuant to section 4906.10 of the Revised Code, to ensure funding 125491
for repairs to roads, bridges, and culverts resulting from 125492
decommissioning of the facility. The energy facility owner or 125493
lessee and the county engineer may enter into an agreement 125494
regarding specific transportation plans, reinforcements, 125495
modifications, use and repair of roads, financial security to be 125496
provided, and any other relevant issue. 125497

(5) Provide or facilitate training for fire and emergency 125498
responders for response to emergency situations related to the 125499
energy project and, for energy projects with a nameplate capacity 125500
of five megawatts or greater, at the person's expense, equip the 125501
fire and emergency responders with proper equipment as reasonably 125502
required to enable them to respond to such emergency situations; 125503

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 125504
employees employed in the construction or installation of the 125505
energy project to total full-time equivalent employees employed in 125506
the construction or installation of the energy project of not less 125507
than eighty per cent in the case of a solar energy project, and 125508
not less than fifty per cent in the case of any other energy 125509
project. In the case of an energy project for which certification 125510
from the power siting board is required under section 4906.20 of 125511

the Revised Code, the number of full-time equivalent employees 125512
employed in the construction or installation of the energy project 125513
equals the number actually employed or the number projected to be 125514
employed in the certificate application, if such projection is 125515
required under regulations adopted pursuant to section 4906.03 of 125516
the Revised Code, whichever is greater. For all other energy 125517
projects, the number of full-time equivalent employees employed in 125518
the construction or installation of the energy project equals the 125519
number actually employed or the number projected to be employed by 125520
the director of development, whichever is greater. To estimate the 125521
number of employees to be employed in the construction or 125522
installation of an energy project, the director shall use a 125523
generally accepted job-estimating model in use for renewable 125524
energy projects, including but not limited to the job and economic 125525
development impact model. The director may adjust an estimate 125526
produced by a model to account for variables not accounted for by 125527
the model. 125528

(7) For energy projects with a nameplate capacity in excess 125529
of two megawatts, establish a relationship with a member of the 125530
university system of Ohio as defined in section 3345.011 of the 125531
Revised Code or with a person offering an apprenticeship program 125532
registered with the employment and training administration within 125533
the United States department of labor or with the apprenticeship 125534
council created by section 4139.02 of the Revised Code, to educate 125535
and train individuals for careers in the wind or solar energy 125536
industry. The relationship may include endowments, cooperative 125537
programs, internships, apprenticeships, research and development 125538
projects, and curriculum development. 125539

(8) Offer to sell power or renewable energy credits from the 125540
energy project to electric distribution utilities or electric 125541
service companies subject to renewable energy resource 125542
requirements under section 4928.64 of the Revised Code that have 125543

issued requests for proposal for such power or renewable energy 125544
credits. If no electric distribution utility or electric service 125545
company issues a request for proposal on or before December 31, 125546
2010, or accepts an offer for power or renewable energy credits 125547
within forty-five days after the offer is submitted, power or 125548
renewable energy credits from the energy project may be sold to 125549
other persons. Division (F)(8) of this section does not apply if: 125550

(a) The owner or lessee is a rural electric company or a 125551
municipal power agency as defined in section 3734.058 of the 125552
Revised Code. 125553

(b) The owner or lessee is a person that, before completion 125554
of the energy project, contracted for the sale of power or 125555
renewable energy credits with a rural electric company or a 125556
municipal power agency. 125557

(c) The owner or lessee contracts for the sale of power or 125558
renewable energy credits from the energy project before ~~the~~ 125559
~~effective date of this section as enacted by this act~~ June 17, 125560
2010. 125561

(9) Make annual service payments as required by division (G) 125562
of this section and as may be required in a resolution adopted by 125563
a board of county commissioners under division (E) of this 125564
section. 125565

(G) The owner or a lessee pursuant to a sale and leaseback 125566
transaction of a qualified energy project shall make annual 125567
service payments in lieu of taxes to the county treasurer on or 125568
before the final dates for payments of taxes on public utility 125569
personal property on the real and public utility personal property 125570
tax list for each tax year for which property of the energy 125571
project is exempt from taxation under this section. The county 125572
treasurer shall allocate the payment on the basis of the project's 125573
physical location. Upon receipt of a payment, or if timely payment 125574

has not been received, the county treasurer shall certify such 125575
receipt or non-receipt to the director of development and tax 125576
commissioner in a form determined by the director and 125577
commissioner, respectively. Each payment shall be in the following 125578
amount: 125579

(1) In the case of a solar energy project, seven thousand 125580
dollars per megawatt of nameplate capacity located in the county 125581
as of December 31, 2010, for tax year 2011, as of December 31, 125582
2011, for tax year 2012, ~~and~~ as of December 31, 2012, for tax year 125583
2013, as of December 31, 2013, for tax year 2014, as of December 125584
31, 2014, for tax year 2015, and as of December 31, 2015, for tax 125585
year 2016 and each tax year thereafter; 125586

(2) In the case of any other energy project using renewable 125587
energy resources, the following: 125588

(a) If the project maintains during the construction or 125589
installation of the energy facility a ratio of Ohio-domiciled 125590
full-time equivalent employees to total full-time equivalent 125591
employees of not less than seventy-five per cent, six thousand 125592
dollars per megawatt of nameplate capacity located in the county 125593
as of the thirty-first day of December of the preceding tax year; 125594

(b) If the project maintains during the construction or 125595
installation of the energy facility a ratio of Ohio-domiciled 125596
full-time equivalent employees to total full-time equivalent 125597
employees of less than seventy-five per cent but not less than 125598
sixty per cent, seven thousand dollars per megawatt of nameplate 125599
capacity located in the county as of the thirty-first day of 125600
December of the preceding tax year; 125601

(c) If the project maintains during the construction or 125602
installation of the energy facility a ratio of Ohio-domiciled 125603
full-time equivalent employees to total full-time equivalent 125604
employees of less than sixty per cent but not less than fifty per 125605

cent, eight thousand dollars per megawatt of nameplate capacity 125606
located in the county as of the thirty-first day of December of 125607
the preceding tax year. 125608

(3) In the case of an energy project using clean coal 125609
technology, advanced nuclear technology, or cogeneration 125610
technology, the following: 125611

(a) If the project maintains during the construction or 125612
installation of the energy facility a ratio of Ohio-domiciled 125613
full-time equivalent employees to total full-time equivalent 125614
employees of not less than seventy-five per cent, six thousand 125615
dollars per megawatt of nameplate capacity located in the county 125616
as of the thirty-first day of December of the preceding tax year; 125617

(b) If the project maintains during the construction or 125618
installation of the energy facility a ratio of Ohio-domiciled 125619
full-time equivalent employees to total full-time equivalent 125620
employees of less than seventy-five per cent but not less than 125621
sixty per cent, seven thousand dollars per megawatt of nameplate 125622
capacity located in the county as of the thirty-first day of 125623
December of the preceding tax year; 125624

(c) If the project maintains during the construction or 125625
installation of the energy facility a ratio of Ohio-domiciled 125626
full-time equivalent employees to total full-time equivalent 125627
employees of less than sixty per cent but not less than fifty per 125628
cent, eight thousand dollars per megawatt of nameplate capacity 125629
located in the county as of the thirty-first day of December of 125630
the preceding tax year. 125631

(H) The director of development in consultation with the tax 125632
commissioner shall adopt rules pursuant to Chapter 119. of the 125633
Revised Code to implement and enforce this section. 125634

Sec. 5727.84. (A) As used in this section and sections 125635

5727.85, 5727.86, and 5727.87 of the Revised Code: 125636

(1) "School district" means a city, local, or exempted 125637
village school district. 125638

(2) "Joint vocational school district" means a joint 125639
vocational school district created under section 3311.16 of the 125640
Revised Code, and includes a cooperative education school district 125641
created under section 3311.52 or 3311.521 of the Revised Code and 125642
a county school financing district created under section 3311.50 125643
of the Revised Code. 125644

(3) "Local taxing unit" means a subdivision or taxing unit, 125645
as defined in section 5705.01 of the Revised Code, a park district 125646
created under Chapter 1545. of the Revised Code, or a township 125647
park district established under section 511.23 of the Revised 125648
Code, but excludes school districts and joint vocational school 125649
districts. 125650

(4) "State education aid," for a school district, means the 125651
following: 125652

(a) For fiscal years prior to fiscal year 2010, the sum of 125653
state aid amounts computed for the district under the following 125654
provisions, as they existed for the applicable fiscal year: 125655
divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 125656
3317.022; divisions (B), (C), and (D) of section 3317.023; 125657
divisions (G), (L), and (N) of section 3317.024; and sections 125658
3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 125659
3317.053 of the Revised Code; and the adjustments required by: 125660
division (C) of section 3310.08; division (C)(2) of section 125661
3310.41; division (C) of section 3314.08; division (D)(2) of 125662
section 3314.091; division (D) of section 3314.13; divisions (E), 125663
(K), (L), (M), and (N) of section 3317.023; division (C) of 125664
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 125665
Code. However, when calculating state education aid for a school 125666

district for fiscal years 2008 and 2009, include the amount 125667
computed for the district under Section 269.20.80 of H.B. 119 of 125668
the 127th general assembly, as subsequently amended, instead of 125669
division (D) of section 3317.022 of the Revised Code; and include 125670
amounts calculated under Section 269.30.80 of ~~this act~~ H.B. 119 of 125671
the 127th general assembly, as subsequently amended. 125672

(b) For fiscal ~~year~~ years 2010 and ~~for each fiscal year~~ 125673
~~thereafter~~ 2011, the sum of the amounts computed for the district 125674
under former sections 3306.052, 3306.12, 3306.13, 3306.19, 125675
3306.191, and 3306.192; of the Revised Code and the following 125676
provisions, as they existed for the applicable fiscal year: 125677
division (G) of section 3317.024; sections 3317.05, 3317.052, and 125678
3317.053 of the Revised Code; and the adjustments required by 125679
division (C) of section 3310.08; division (C)(2) of section 125680
3310.41; division (C) of section 3314.08; division (D)(2) of 125681
section 3314.091; division (D) of section 3314.13; divisions (E), 125682
(K), (L), (M), and (N) of section 3317.023; division (C) of 125683
section 3317.20; and sections 3313.979 ~~and~~, 3313.981, and 3326.33 125684
of the Revised Code. 125685

(c) For fiscal years 2012 and 2013, the amount paid in 125686
accordance with the section of H.B. 153 of the 129th general 125687
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 125688
SCHOOL DISTRICTS" and the adjustments required by division (C) of 125689
section 3310.08; division (C)(2) of section 3310.41; section 125690
3310.55; division (C) of section 3314.08; division (D)(2) of 125691
section 3314.091; division (D) of section 3314.13; divisions (B), 125692
(H), (I), (J), and (K) of section 3317.023; division (C) of 125693
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 125694
Code. 125695

(5) "State education aid," for a joint vocational school 125696
district, means the following: 125697

(a) For fiscal years prior to fiscal year 2010, the sum of 125698

the state aid amounts computed for the district under division (N) 125699
of section 3317.024 and section 3317.16 of the Revised Code. 125700
However, when calculating state education aid for a joint 125701
vocational school district for fiscal years 2008 and 2009, include 125702
the amount computed for the district under Section 269.30.90 of 125703
H.B. 119 of the 127th general assembly, as subsequently amended. 125704

(b) For fiscal years 2010 and 2011, the amount computed for 125705
the district in accordance with the section of ~~this act~~ H.B. 1 of 125706
the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL 125707
SCHOOL DISTRICTS". 125708

(c) For fiscal years 2012 and 2013, the amount paid in 125709
accordance with the section of H.B. 153 of the 129th general 125710
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 125711

(6) "State education aid offset" means the amount determined 125712
for each school district or joint vocational school district under 125713
division (A)(1) of section 5727.85 of the Revised Code. 125714

(7) "Recognized valuation" has the same meaning as in section 125715
3317.02 of the Revised Code. 125716

(8) "Electric company tax value loss" means the amount 125717
determined under division (D) of this section. 125718

(9) "Natural gas company tax value loss" means the amount 125719
determined under division (E) of this section. 125720

(10) "Tax value loss" means the sum of the electric company 125721
tax value loss and the natural gas company tax value loss. 125722

(11) "Fixed-rate levy" means any tax levied on property other 125723
than a fixed-sum levy. 125724

(12) "Fixed-rate levy loss" means the amount determined under 125725
division (G) of this section. 125726

(13) "Fixed-sum levy" means a tax levied on property at 125727
whatever rate is required to produce a specified amount of tax 125728

money or levied in excess of the ten-mill limitation to pay debt 125729
charges, and includes school district emergency levies imposed 125730
pursuant to section 5705.194 of the Revised Code. 125731

(14) "Fixed-sum levy loss" means the amount determined under 125732
division (H) of this section. 125733

(15) "Consumer price index" means the consumer price index 125734
(all items, all urban consumers) prepared by the bureau of labor 125735
statistics of the United States department of labor. 125736

(16) "Total resources" has the same meaning as in section 125737
5751.20 of the Revised Code. 125738

(17) "2011 current expense S.B. 3 allocation" means the sum 125739
of payments received by a school district or joint vocational 125740
school district in fiscal year 2011 for current expense levy 125741
losses pursuant to division (C)(2) of section 5727.85 of the 125742
Revised Code. If a fixed-rate levy eligible for reimbursement is 125743
not imposed in any year after tax year 2010, "2011 current expense 125744
S.B. 3 allocation" used to compute payments to be made under 125745
division (C)(3) of section 5727.85 of the Revised Code in the tax 125746
years following the last year the levy is imposed shall be reduced 125747
by the amount of those payments attributable to the fixed-rate 125748
levy loss of that levy. 125749

(18) "2010 current expense S.B. 3 allocation" means the sum 125750
of payments received by a municipal corporation in calendar year 125751
2010 for current expense levy losses pursuant to division (A)(1) 125752
of section 5727.86 of the Revised Code. If a fixed-rate levy 125753
eligible for reimbursement is not imposed in any year after tax 125754
year 2010, "2010 current expense S.B. 3 allocation" used to 125755
compute payments to be made under division (A)(1)(d) of section 125756
5727.86 of the Revised Code in the tax years following the last 125757
year the levy is imposed shall be reduced by the amount of those 125758
payments attributable to the fixed-rate levy loss of that levy. 125759

(19) "2010 S.B. 3 allocation" means the sum of payments received by a local taxing unit during calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not imposed in any year after tax year 2010, "2010 S.B. 3 allocation" used to compute payments to be made under division (A)(1)(d) of section 5727.86 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of those payments attributable to the fixed-rate levy loss of that levy.

(20) "Total S.B. 3 allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(2) and (D) of section 5727.85 of the Revised Code. In the case of a local taxing unit, "total S.B. 3 allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1) and (4) of section 5727.86 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not imposed in any year after tax year 2010, "total S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 or division (A)(1)(d) of section 5727.86 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of those payments attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85 or division (A)(1)(b) of section 5727.86 of the Revised Code.

(21) "2011 non-current expense S.B. 3 allocation" means the difference of a school district's or joint vocational school district's total S.B. 3 allocation minus the sum of the school district's 2011 current expense S.B. 3 allocation and the portion of the school district's total S.B. 3 allocation constituting reimbursement for debt levies pursuant to division (D) of section 5727.85 of the Revised Code.

(22) "2010 non-current expense S.B. 3 allocation" means the 125792
difference of a municipal corporation's total S.B. 3 allocation 125793
minus the sum of its 2010 current expense S.B. 3 allocation and 125794
the portion of its total S.B. 3 allocation constituting 125795
reimbursement for debt levies pursuant to division (A)(4) of 125796
section 5727.86 of the Revised Code. 125797

(23) "Threshold per cent" means, in the case of a school 125798
district or joint vocational school district, two per cent for 125799
fiscal year 2012 and four per cent for fiscal years 2013 and 125800
thereafter. In the case of a local taxing unit, "threshold per 125801
cent" means two per cent for calendar year 2011, four per cent for 125802
calendar year 2012, and six per cent for calendar years 2013 and 125803
thereafter. 125804

(B) The kilowatt-hour tax receipts fund is hereby created in 125805
the state treasury and shall consist of money arising from the tax 125806
imposed by section 5727.81 of the Revised Code. All money in the 125807
kilowatt-hour tax receipts fund shall be credited as follows: 125808

~~(1) Sixty three per cent shall be credited to the general~~ 125809
~~revenue fund.~~ 125810

~~(2) Twenty five and four tenths per cent shall be credited to~~ 125811
~~the school district property tax replacement fund, which is hereby~~ 125812
~~created in the state treasury for the purpose of making the~~ 125813
~~payments described in section 5727.85 of the Revised Code.~~ 125814

~~(3) Eleven and six tenths per cent shall be credited to the~~ 125815
~~local government property tax replacement fund, which is hereby~~ 125816
~~created in the state treasury for the purpose of making the~~ 125817
~~payments described in section 5727.86 of the Revised Code.~~ 125818

<u>Fiscal Year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	
	<u>Fund</u>	<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	
<u>2001-2011</u>	<u>63.0%</u>	<u>25.4%</u>	<u>11.6%</u>	125820

2012 and 88.0% 9.0% 3.0% 125821
thereafter

(C) The natural gas tax receipts fund is hereby created in 125822
the state treasury and shall consist of money arising from the tax 125823
imposed by section 5727.811 of the Revised Code. All money in the 125824
fund shall be credited as follows: 125825

(1) For fiscal years before fiscal year 2012: 125826

(a) Sixty-eight and seven-tenths per cent shall be credited 125827
to the school district property tax replacement fund for the 125828
purpose of making the payments described in section 5727.85 of the 125829
Revised Code. 125830

~~(2)~~(b) Thirty-one and three-tenths per cent shall be credited 125831
to the local government property tax replacement fund for the 125832
purpose of making the payments described in section 5727.86 of the 125833
Revised Code. 125834

(2) For fiscal years 2012 and thereafter, one hundred per 125835
cent to the general revenue fund. 125836

(D) Not later than January 1, 2002, the tax commissioner 125837
shall determine for each taxing district its electric company tax 125838
value loss, which is the sum of the applicable amounts described 125839
in divisions (D)(1) to (4) of this section: 125840

(1) The difference obtained by subtracting the amount 125841
described in division (D)(1)(b) from the amount described in 125842
division (D)(1)(a) of this section. 125843

(a) The value of electric company and rural electric company 125844
tangible personal property as assessed by the tax commissioner for 125845
tax year 1998 on a preliminary assessment, or an amended 125846
preliminary assessment if issued prior to March 1, 1999, and as 125847
apportioned to the taxing district for tax year 1998; 125848

(b) The value of electric company and rural electric company 125849

tangible personal property as assessed by the tax commissioner for 125850
tax year 1998 had the property been apportioned to the taxing 125851
district for tax year 2001, and assessed at the rates in effect 125852
for tax year 2001. 125853

(2) The difference obtained by subtracting the amount 125854
described in division (D)(2)(b) from the amount described in 125855
division (D)(2)(a) of this section. 125856

(a) The three-year average for tax years 1996, 1997, and 1998 125857
of the assessed value from nuclear fuel materials and assemblies 125858
assessed against a person under Chapter 5711. of the Revised Code 125859
from the leasing of them to an electric company for those 125860
respective tax years, as reflected in the preliminary assessments; 125861

(b) The three-year average assessed value from nuclear fuel 125862
materials and assemblies assessed under division (D)(2)(a) of this 125863
section for tax years 1996, 1997, and 1998, as reflected in the 125864
preliminary assessments, using an assessment rate of twenty-five 125865
per cent. 125866

(3) In the case of a taxing district having a nuclear power 125867
plant within its territory, any amount, resulting in an electric 125868
company tax value loss, obtained by subtracting the amount 125869
described in division (D)(1) of this section from the difference 125870
obtained by subtracting the amount described in division (D)(3)(b) 125871
of this section from the amount described in division (D)(3)(a) of 125872
this section. 125873

(a) The value of electric company tangible personal property 125874
as assessed by the tax commissioner for tax year 2000 on a 125875
preliminary assessment, or an amended preliminary assessment if 125876
issued prior to March 1, 2001, and as apportioned to the taxing 125877
district for tax year 2000; 125878

(b) The value of electric company tangible personal property 125879
as assessed by the tax commissioner for tax year 2001 on a 125880

preliminary assessment, or an amended preliminary assessment if 125881
issued prior to March 1, 2002, and as apportioned to the taxing 125882
district for tax year 2001. 125883

(4) In the case of a taxing district having a nuclear power 125884
plant within its territory, the difference obtained by subtracting 125885
the amount described in division (D)(4)(b) of this section from 125886
the amount described in division (D)(4)(a) of this section, 125887
provided that such difference is greater than ten per cent of the 125888
amount described in division (D)(4)(a) of this section. 125889

(a) The value of electric company tangible personal property 125890
as assessed by the tax commissioner for tax year 2005 on a 125891
preliminary assessment, or an amended preliminary assessment if 125892
issued prior to March 1, 2006, and as apportioned to the taxing 125893
district for tax year 2005; 125894

(b) The value of electric company tangible personal property 125895
as assessed by the tax commissioner for tax year 2006 on a 125896
preliminary assessment, or an amended preliminary assessment if 125897
issued prior to March 1, 2007, and as apportioned to the taxing 125898
district for tax year 2006. 125899

(E) Not later than January 1, 2002, the tax commissioner 125900
shall determine for each taxing district its natural gas company 125901
tax value loss, which is the sum of the amounts described in 125902
divisions (E)(1) and (2) of this section: 125903

(1) The difference obtained by subtracting the amount 125904
described in division (E)(1)(b) from the amount described in 125905
division (E)(1)(a) of this section. 125906

(a) The value of all natural gas company tangible personal 125907
property, other than property described in division (E)(2) of this 125908
section, as assessed by the tax commissioner for tax year 1999 on 125909
a preliminary assessment, or an amended preliminary assessment if 125910
issued prior to March 1, 2000, and apportioned to the taxing 125911

district for tax year 1999; 125912

(b) The value of all natural gas company tangible personal 125913
property, other than property described in division (E)(2) of this 125914
section, as assessed by the tax commissioner for tax year 1999 had 125915
the property been apportioned to the taxing district for tax year 125916
2001, and assessed at the rates in effect for tax year 2001. 125917

(2) The difference in the value of current gas obtained by 125918
subtracting the amount described in division (E)(2)(b) from the 125919
amount described in division (E)(2)(a) of this section. 125920

(a) The three-year average assessed value of current gas as 125921
assessed by the tax commissioner for tax years 1997, 1998, and 125922
1999 on a preliminary assessment, or an amended preliminary 125923
assessment if issued prior to March 1, 2001, and as apportioned in 125924
the taxing district for those respective years; 125925

(b) The three-year average assessed value from current gas 125926
under division (E)(2)(a) of this section for tax years 1997, 1998, 125927
and 1999, as reflected in the preliminary assessment, using an 125928
assessment rate of twenty-five per cent. 125929

(F) The tax commissioner may request that natural gas 125930
companies, electric companies, and rural electric companies file a 125931
report to help determine the tax value loss under divisions (D) 125932
and (E) of this section. The report shall be filed within thirty 125933
days of the commissioner's request. A company that fails to file 125934
the report or does not timely file the report is subject to the 125935
penalty in section 5727.60 of the Revised Code. 125936

(G) Not later than January 1, 2002, the tax commissioner 125937
shall determine for each school district, joint vocational school 125938
district, and local taxing unit its fixed-rate levy loss, which is 125939
the sum of its electric company tax value loss multiplied by the 125940
tax rate in effect in tax year 1998 for fixed-rate levies and its 125941
natural gas company tax value loss multiplied by the tax rate in 125942

effect in tax year 1999 for fixed-rate levies. 125943

(H) Not later than January 1, 2002, the tax commissioner 125944
shall determine for each school district, joint vocational school 125945
district, and local taxing unit its fixed-sum levy loss, which is 125946
the amount obtained by subtracting the amount described in 125947
division (H)(2) of this section from the amount described in 125948
division (H)(1) of this section: 125949

(1) The sum of the electric company tax value loss multiplied 125950
by the tax rate in effect in tax year 1998, and the natural gas 125951
company tax value loss multiplied by the tax rate in effect in tax 125952
year 1999, for fixed-sum levies for all taxing districts within 125953
each school district, joint vocational school district, and local 125954
taxing unit. For the years 2002 through 2006, this computation 125955
shall include school district emergency levies that existed in 125956
1998 in the case of the electric company tax value loss, and 1999 125957
in the case of the natural gas company tax value loss, and all 125958
other fixed-sum levies that existed in 1998 in the case of the 125959
electric company tax value loss and 1999 in the case of the 125960
natural gas company tax value loss and continue to be charged in 125961
the tax year preceding the distribution year. For the years 2007 125962
through 2016 in the case of school district emergency levies, and 125963
for all years after 2006 in the case of all other fixed-sum 125964
levies, this computation shall exclude all fixed-sum levies that 125965
existed in 1998 in the case of the electric company tax value loss 125966
and 1999 in the case of the natural gas company tax value loss, 125967
but are no longer in effect in the tax year preceding the 125968
distribution year. For the purposes of this section, an emergency 125969
levy that existed in 1998 in the case of the electric company tax 125970
value loss, and 1999 in the case of the natural gas company tax 125971
value loss, continues to exist in a year beginning on or after 125972
January 1, 2007, but before January 1, 2017, if, in that year, the 125973
board of education levies a school district emergency levy for an 125974

annual sum at least equal to the annual sum levied by the board in 125975
tax year 1998 or 1999, respectively, less the amount of the 125976
payment certified under this division for 2002. 125977

(2) The total taxable value in tax year 1999 less the tax 125978
value loss in each school district, joint vocational school 125979
district, and local taxing unit multiplied by one-fourth of one 125980
mill. 125981

If the amount computed under division (H) of this section for 125982
any school district, joint vocational school district, or local 125983
taxing unit is greater than zero, that amount shall equal the 125984
fixed-sum levy loss reimbursed pursuant to division ~~(E)~~(F) of 125985
section 5727.85 of the Revised Code or division (A)(2) of section 125986
5727.86 of the Revised Code, and the one-fourth of one mill that 125987
is subtracted under division (H)(2) of this section shall be 125988
apportioned among all contributing fixed-sum levies in the 125989
proportion of each levy to the sum of all fixed-sum levies within 125990
each school district, joint vocational school district, or local 125991
taxing unit. 125992

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 125993
section, in computing the tax value loss, fixed-rate levy loss, 125994
and fixed-sum levy loss, the tax commissioner shall use the 125995
greater of the 1998 tax rate or the 1999 tax rate in the case of 125996
levy losses associated with the electric company tax value loss, 125997
but the 1999 tax rate shall not include for this purpose any tax 125998
levy approved by the voters after June 30, 1999, and the tax 125999
commissioner shall use the greater of the 1999 or the 2000 tax 126000
rate in the case of levy losses associated with the natural gas 126001
company tax value loss. 126002

(J) Not later than January 1, 2002, the tax commissioner 126003
shall certify to the department of education the tax value loss 126004
determined under divisions (D) and (E) of this section for each 126005
taxing district, the fixed-rate levy loss calculated under 126006

division (G) of this section, and the fixed-sum levy loss 126007
calculated under division (H) of this section. The calculations 126008
under divisions (G) and (H) of this section shall separately 126009
display the levy loss for each levy eligible for reimbursement. 126010

(K) Not later than September 1, 2001, the tax commissioner 126011
shall certify the amount of the fixed-sum levy loss to the county 126012
auditor of each county in which a school district with a fixed-sum 126013
levy loss has territory. 126014

Sec. 5727.85. (A) By the thirty-first day of July of each 126015
year, beginning in 2002 and ending in ~~2016~~ 2010, the department of 126016
education shall determine the following for each school district 126017
and each joint vocational school district: 126018

(1) The state education aid offset, which, except as provided 126019
in division (A)(1)(c) of this section, is the difference obtained 126020
by subtracting the amount described in division (A)(1)(b) of this 126021
section from the amount described in division (A)(1)(a) of this 126022
section: 126023

(a) The state education aid computed for the school district 126024
or joint vocational school district for the current fiscal year as 126025
of the thirty-first day of July; 126026

(b) The state education aid that would be computed for the 126027
school district or joint vocational school district for the 126028
current fiscal year as of the thirty-first day of July if the 126029
recognized valuation included the tax value loss for the school 126030
district or joint vocational school district; 126031

(c) The state education aid offset for fiscal year 2010 and 126032
fiscal year 2011 equals the greater of the state education aid 126033
offset calculated for that fiscal year under divisions (A)(1)(a) 126034
and (b) of this section or the state education aid offset 126035
calculated for fiscal year 2009. 126036

(2) ~~The~~ For fiscal years 2008 through 2011, the greater of 126037
zero or the difference obtained by subtracting the state education 126038
aid offset determined under division (A)(1) of this section from 126039
the fixed-rate levy loss certified under division (J) of section 126040
5727.84 of the Revised Code for all taxing districts in each 126041
school district and joint vocational school district. 126042

By the fifth day of August of each such year, the department 126043
of education shall certify the amount so determined under division 126044
(A)(1) of this section to the director of budget and management. 126045

(B) Not later than the thirty-first day of October of the 126046
years 2006 through ~~2016~~ 2010, the department of education shall 126047
determine all of the following for each school district: 126048

(1) The amount obtained by subtracting the district's state 126049
education aid computed for fiscal year 2002 from the district's 126050
state education aid computed for the current fiscal year as of the 126051
fifteenth day of July, by including in the definition of 126052
recognized valuation the machinery and equipment, inventory, 126053
furniture and fixtures, and telephone property tax value losses, 126054
as defined in section 5751.20 of the Revised Code, for the school 126055
district or joint vocational school district for the preceding tax 126056
year; 126057

(2) The inflation-adjusted property tax loss. The 126058
inflation-adjusted property tax loss equals the fixed-rate levy 126059
loss, excluding the tax loss from levies within the ten-mill 126060
limitation to pay debt charges, determined under division (G) of 126061
section 5727.84 of the Revised Code for all taxing districts in 126062
each school district, plus the product obtained by multiplying 126063
that loss by the cumulative percentage increase in the consumer 126064
price index from January 1, 2002, to the thirtieth day of June of 126065
the current year. 126066

(3) The difference obtained by subtracting the amount 126067

computed under division (B)(1) from the amount of the 126068
inflation-adjusted property tax loss. If this difference is zero 126069
or a negative number, no further payments shall be made under 126070
division (C) of this section to the school district from the 126071
school district property tax replacement fund. 126072

(C) The Beginning in 2002 for school districts and beginning 126073
in August 2011 for joint vocational school districts, the 126074
department of education shall pay from the school district 126075
property tax replacement fund to each school district all of the 126076
following: 126077

(1) In February 2002, one-half of the fixed-rate levy loss 126078
certified under division (J) of section 5727.84 of the Revised 126079
Code between the twenty-first and twenty-eighth days of February. 126080

(2) From August 2002 through ~~August 2017~~ February 2011, 126081
one-half of the amount calculated for that fiscal year under 126082
division (A)(2) of this section between the twenty-first and 126083
twenty-eighth days of August and of February, provided the 126084
difference computed under division (B)(3) of this section is not 126085
less than or equal to zero. 126086

~~For~~ (3) For fiscal years 2012 and thereafter, the sum of the 126087
amounts in divisions (C)(3)(a) or (b) and (c) of this section 126088
shall be paid on or before the thirty-first day of August and the 126089
twenty-eighth day of February: 126090

(a) If the ratio of 2011 current expense S.B. 3 allocation to 126091
total resources is equal to or less than the threshold per cent, 126092
zero; 126093

(b) If the ratio of 2011 current expense S.B. 3 allocation to 126094
total resources is greater than the threshold per cent, fifty per 126095
cent of the difference of 2011 current expense S.B. 3 allocation 126096
minus the product of total resources multiplied by the threshold 126097
per cent; 126098

(c) Fifty per cent of the product of 2011 non-current expense 126099
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 126100
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 126101

The department of education shall report to each school 126102
district the apportionment of the payments among the school 126103
district's funds based on the certifications under division (J) of 126104
section 5727.84 of the Revised Code. 126105

(D) For taxes levied within the ten-mill limitation for debt 126106
purposes in tax year 1998 in the case of electric company tax 126107
value losses, and in tax year 1999 in the case of natural gas 126108
company tax value losses, payments shall be made equal to one 126109
hundred per cent of the loss computed as if the tax were a 126110
fixed-rate levy, but those payments shall extend from fiscal year 126111
2006 through fiscal year 2016. 126112

~~The department of education shall report to each school~~ 126113
~~district the apportionment of the payments among the school~~ 126114
~~district's funds based on the certifications under division (J) of~~ 126115
~~section 5727.84 of the Revised Code.~~ 126116

~~(D)~~(E) Not later than January 1, 2002, for all taxing 126117
districts in each joint vocational school district, the tax 126118
commissioner shall certify to the department of education the 126119
fixed-rate levy loss determined under division (G) of section 126120
5727.84 of the Revised Code. From February 2002 ~~to August 2016~~ 126121
through February 2011, the department shall pay from the school 126122
district property tax replacement fund to the joint vocational 126123
school district one-half of the amount calculated for that fiscal 126124
year under division (A)(2) of this section between the 126125
twenty-first and twenty-eighth days of August and of February. 126126

~~(E)~~(F)(1) Not later than January 1, 2002, for each fixed-sum 126127
levy levied by each school district or joint vocational school 126128
district and for each year for which a determination is made under 126129

division (H) of section 5727.84 of the Revised Code that a 126130
fixed-sum levy loss is to be reimbursed, the tax commissioner 126131
shall certify to the department of education the fixed-sum levy 126132
loss determined under that division. The certification shall cover 126133
a time period sufficient to include all fixed-sum levies for which 126134
the tax commissioner made such a determination. The department 126135
shall pay from the school district property tax replacement fund 126136
to the school district or joint vocational school district 126137
one-half of the fixed-sum levy loss so certified for each year 126138
between the twenty-first and twenty-eighth days of August and of 126139
February. 126140

(2) Beginning in 2003, by the thirty-first day of January of 126141
each year, the tax commissioner shall review the certification 126142
originally made under division ~~(E)~~(F)(1) of this section. If the 126143
commissioner determines that a debt levy that had been scheduled 126144
to be reimbursed in the current year has expired, a revised 126145
certification for that and all subsequent years shall be made to 126146
the department of education. 126147

~~(F)~~(G) If the balance of the half-mill equalization fund 126148
created under section 3318.18 of the Revised Code is insufficient 126149
to make the full amount of payments required under division (D) of 126150
that section, the department of education, at the end of the third 126151
quarter of the fiscal year, shall certify to the director of 126152
budget and management the amount of the deficiency, and the 126153
director shall transfer an amount equal to the deficiency from the 126154
school district property tax replacement fund to the half-mill 126155
equalization fund. 126156

~~(G)~~(H) Beginning in August 2002, and ending in May ~~2017~~ 2011, 126157
the director of budget and management shall transfer from the 126158
school district property tax replacement fund to the general 126159
revenue fund each of the following: 126160

(1) Between the twenty-eighth day of August and the fifth day 126161

of September, the lesser of one-half of the amount certified for 126162
that fiscal year under division (A)(2) of this section or the 126163
balance in the school district property tax replacement fund; 126164

(2) Between the first and fifth days of May, the lesser of 126165
one-half of the amount certified for that fiscal year under 126166
division (A)(2) of this section or the balance in the school 126167
district property tax replacement fund. 126168

~~(H)~~(I) On the first day of June each year, the director of 126169
budget and management shall transfer any balance remaining in the 126170
school district property tax replacement fund after the payments 126171
have been made under divisions (C), (D), (E), (F), ~~and~~ (G), and 126172
(H) of this section to the half-mill equalization fund created 126173
under section 3318.18 of the Revised Code to the extent required 126174
to make any payments in the current fiscal year under that 126175
section, and shall transfer the remaining balance to the general 126176
revenue fund. 126177

~~(I)~~ From (J) After fiscal year 2002 ~~through fiscal year 2016~~, 126178
if the total amount in the school district property tax 126179
replacement fund is insufficient to make all payments under 126180
divisions (C), (D), (E), ~~and~~ (F), and (G) of this section at the 126181
time the payments are to be made, the director of budget and 126182
management shall transfer from the general revenue fund to the 126183
school district property tax replacement fund the difference 126184
between the total amount to be paid and the total amount in the 126185
school district property tax replacement fund, except that no 126186
transfer shall be made by reason of a deficiency to the extent 126187
that it results from the amendment of section 5727.84 of the 126188
Revised Code by Amended Substitute House Bill No. 95 of the 125th 126189
general assembly. 126190

~~(J)~~(K) If all of the territory of a school district or joint 126191
vocational school district is merged with an existing district, or 126192
if a part of the territory of a school district or joint 126193

vocational school district is transferred to an existing or new district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For the merger of all of the territory of two or more districts, the ~~fixed rate levy loss and the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and~~ fixed-sum levy loss of the successor district shall be equal to the sum of the ~~fixed rate levy losses and the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and~~ fixed-sum levy ~~losses~~ loss for each of the districts involved in the merger.

(2) For the transfer of a part of one district's territory to an existing district, the amount of the ~~fixed rate levy loss total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation~~ that is transferred to the recipient district shall be an amount equal to the transferring district's ~~total fixed rate levy loss total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation~~ times a fraction, the numerator of which is the ~~value of electric company tangible personal property located in the part of the territory that was~~ number of pupils being transferred to the recipient district, measured, in the case of a school district, by average daily membership as reported under division (A) of section 3317.03 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as reported in division (D) of that section, and the denominator of which is the ~~total value of electric company tangible personal property located in the entire district from which the territory was transferred. The value of electric company tangible personal property under this division~~

shall be determined for the most recent year for which data is available average daily membership or formula ADM of the transferor district. Fixed-sum levy losses for both districts shall be determined under division ~~(J)~~(K)(4) of this section.

(3) For the transfer of a part of the territory of one or more districts to create a new district:

(a) If the new district is created on or after January 1, 2000, but before January 1, 2005, the new district shall be paid its current fixed-rate levy loss through August 2009. ~~From~~ In February 2010 ~~to~~, August 2016 2010, and February 2011, the new district shall be paid fifty per cent of the lesser of: (i) the amount calculated under division (C)(2) of this section or (ii) an amount equal to seventy per cent of the new district's fixed-rate levy loss ~~multiplied by the percentage prescribed by the following schedule:~~

YEAR	PERCENTAGE
2010	70%
2011	70%
2012	60%
2013	50%
2014	40%
2015	24%
2016	11.5%
2017 and thereafter	0%.

Beginning in fiscal year 2012, the new district shall be paid as provided in division (C) of this section.

Fixed-sum levy losses for the districts shall be determined under division ~~(J)~~(K)(4) of this section.

(b) If the new district is created on or after January 1, 2005, the new district shall be deemed not to have any fixed-rate levy loss or, except as provided in division ~~(J)~~(K)(4) of this

section, fixed-sum levy loss. The district or districts from which 126257
the territory was transferred shall have no reduction in their 126258
fixed-rate levy loss, or, except as provided in division ~~(J)~~(K)(4) 126259
of this section, their fixed-sum levy loss. 126260

(4) If a recipient district under division ~~(J)~~(K)(2) of this 126261
section or a new district under division ~~(J)~~(K)(3)(a) or (b) of 126262
this section takes on debt from one or more of the districts from 126263
which territory was transferred, and any of the districts 126264
transferring the territory had fixed-sum levy losses, the 126265
department of education, in consultation with the tax 126266
commissioner, shall make an equitable division of the fixed-sum 126267
levy losses. 126268

~~(K) There is hereby created the public utility property tax 126269
study committee, effective January 1, 2011. The committee shall 126270
consist of the following seven members: the tax commissioner, 126271
three members of the senate appointed by the president of the 126272
senate, and three members of the house of representatives 126273
appointed by the speaker of the house of representatives. The 126274
appointments shall be made not later than January 31, 2011. The 126275
tax commissioner shall be the chairperson of the committee. 126276~~

~~The committee shall study the extent to which each school 126277
district or joint vocational school district has been compensated, 126278
under sections 5727.84 and 5727.85 of the Revised Code as enacted 126279
by Substitute Senate Bill No. 3 of the 123rd general assembly and 126280
any subsequent acts, for the property tax loss caused by the 126281
reduction in the assessment rates for natural gas, electric, and 126282
rural electric company tangible personal property. Not later than 126283
June 30, 2011, the committee shall issue a report of its findings, 126284
including any recommendations for providing additional 126285
compensation for the property tax loss or regarding remedial 126286
legislation, to the president of the senate and the speaker of the 126287
house of representatives, at which time the committee shall cease 126288~~

~~to exist.~~ 126289

~~The department of taxation and department of education shall~~ 126290
~~provide such information and assistance as is required for the~~ 126291
~~committee to carry out its duties.~~ 126292

Sec. 5727.86. (A) Not later than January 1, 2002, the tax 126293
commissioner shall compute the payments to be made to each local 126294
taxing unit for each year according to divisions (A)(1), (2), (3), 126295
and (4) and division (E) of this section, and shall distribute the 126296
payments in the manner prescribed by division (C) of this section. 126297
The calculation of the fixed-sum levy loss shall cover a time 126298
period sufficient to include all fixed-sum levies for which the 126299
tax commissioner determined, pursuant to division (H) of section 126300
5727.84 of the Revised Code, that a fixed-sum levy loss is to be 126301
reimbursed. 126302

(1) Except as provided in divisions (A)(3) and (4) of this 126303
section, ~~for fixed rate levy losses determined under division (G)~~ 126304
~~of section 5727.84 of the Revised Code, payments shall be made in~~ 126305
~~each of the following years at the following percentage of the~~ 126306
~~fixed rate levy loss certified under division (A) of this section:~~ 126307

YEAR	PERCENTAGE	
2002	100%	126309
2003	100%	126310
2004	100%	126311
2005	100%	126312
2006	100%	126313
2007	80%	126314
2008	80%	126315
2009	80%	126316
2010	80%	126317
2011	80%	126318
2012	66.7%	126319

2013	53.4%	126320
2014	40.1%	126321
2015	26.8%	126322
2016	13.5%	126323
2017 and thereafter	0%	126324

the following amounts shall be paid on or before the thirty-first day of August and the twenty-eighth day of February: 126325
126326

(a) For years 2002 through 2006, fifty per cent of the fixed-rate levy loss computed under division (G) of section 5727.84 of the Revised Code; 126327
126328
126329

(b) For years 2007 through 2010, forty per cent of the fixed rate levy loss computed under division (G) of section 5727.84 of the Revised Code; 126330
126331
126332

(c) For the payment in 2011 to be made on or before the twentieth day of February, the amount required to be paid in 2010 on or before the twentieth day of February; 126333
126334
126335

(d) For the payment in 2011 to be made on or before the thirty-first day of August and for all payments to be made in years 2012 and thereafter, the sum of the amounts in divisions (A)(1)(d)(i) or (ii) and (iii) of this section: 126336
126337
126338
126339

(i) If the ratio of fifty per cent of the taxing unit's 2010 S.B. 3 allocation to its total resources is equal to or less than the threshold per cent, zero; 126340
126341
126342

(ii) If the ratio of fifty per cent of the taxing unit's 2010 S.B. 3 allocation to its total resources is greater than the threshold per cent, the difference of fifty per cent of the 2010 S.B. 3 allocation minus the product of total resources multiplied by the threshold per cent; 126343
126344
126345
126346
126347

(iii) In the case of a municipal corporation, fifty per cent of the product of its 2010 non-current expense S.B. 3 allocation multiplied by seventy-five per cent for year 2011, fifty per cent 126348
126349
126350

for year 2012, and twenty-five percent for years 2013 and 126351
thereafter. 126352

(2) For fixed-sum levy losses determined under division (H) 126353
of section 5727.84 of the Revised Code, payments shall be made in 126354
the amount of one hundred per cent of the fixed-sum levy loss for 126355
payments required to be made in 2002 and thereafter. 126356

(3) A local taxing unit in a county of less than two hundred 126357
fifty square miles that receives eighty per cent or more of its 126358
combined general fund and bond retirement fund revenues from 126359
property taxes and rollbacks based on 1997 actual revenues as 126360
presented in its 1999 tax budget, and in which electric companies 126361
and rural electric companies comprise over twenty per cent of its 126362
property valuation, shall receive one hundred per cent of its 126363
fixed-rate levy losses from electric company tax value losses 126364
certified under division (A) of this section in years 2002 to ~~2016~~ 126365
2010. Beginning in 2011, payments for such local taxing units 126366
shall be determined under division (A)(1) of this section. 126367

(4) For taxes levied within the ten-mill limitation or 126368
pursuant to a municipal charter for debt purposes in tax year 1998 126369
in the case of electric company tax value losses, and in tax year 126370
1999 in the case of natural gas company tax value losses, payments 126371
shall be made equal to one hundred per cent of the loss computed 126372
as if the tax were a fixed-rate levy, but those payments shall 126373
extend from ~~fiscal year 2006~~ 2011 through ~~fiscal year~~ 2016 if the 126374
levy was imposed for debt purposes in tax year 2010. If the levy 126375
is not imposed for debt purposes in tax year 2010 or any following 126376
tax year before tax year 2016, payments for that levy shall be 126377
made under division (A)(1) of this section beginning with the 126378
first year after the year the levy is imposed for a purpose other 126379
than debt. For the purposes of this division, taxes levied 126380
pursuant to a municipal charter refer to taxes levied pursuant to 126381
a provision of a municipal charter that permits the tax to be 126382

levied without prior voter approval. 126383

(B) Beginning in 2003, by the thirty-first day of January of 126384
each year, the tax commissioner shall review the calculation 126385
originally made under division (A) of this section of the 126386
fixed-sum levy loss determined under division (H) of section 126387
5727.84 of the Revised Code. If the commissioner determines that a 126388
fixed-sum levy that had been scheduled to be reimbursed in the 126389
current year has expired, a revised calculation for that and all 126390
subsequent years shall be made. 126391

(C) Payments to local taxing units required to be made under 126392
divisions (A) and (E) of this section shall be paid from the local 126393
government property tax replacement fund to the county undivided 126394
income tax fund in the proper county treasury. ~~One half of the~~ 126395
~~amount certified under those divisions shall be paid between the~~ 126396
~~twenty first and twenty eighth days of August and of February.~~ The 126397
county treasurer shall distribute amounts paid under division (A) 126398
of this section to the proper local taxing unit as if they had 126399
been levied and collected as taxes, and the local taxing unit 126400
shall apportion the amounts so received among its funds in the 126401
same proportions as if those amounts had been levied and collected 126402
as taxes. Except in the case of amounts distributed to the county 126403
as a local taxing unit, amounts distributed under division (E)(2) 126404
of this section shall be credited to the general fund of the local 126405
taxing unit that receives them. Amounts distributed to each county 126406
as a local taxing unit under division (E)(2) of this section shall 126407
be credited in the proportion that the current taxes charged and 126408
payable from each levy of or by the county bears to the total 126409
current taxes charged and payable from all levies of or by the 126410
county. 126411

(D) By February 5, 2002, the tax commissioner shall estimate 126412
the amount of money in the local government property tax 126413
replacement fund in excess of the amount necessary to make 126414

payments in that month under division (C) of this section. 126415
Notwithstanding division (A) of this section, the tax commissioner 126416
may pay any local taxing unit, from those excess funds, nine and 126417
four-tenths times the amount computed for 2002 under division 126418
(A)(1) of this section. A payment made under this division shall 126419
be in lieu of the payment to be made in February 2002 under 126420
division (A)(1) of this section. A local taxing unit receiving a 126421
payment under this division will no longer be entitled to any 126422
further payments under division (A)(1) of this section. A payment 126423
made under this division shall be paid from the local government 126424
property tax replacement fund to the county undivided income tax 126425
fund in the proper county treasury. The county treasurer shall 126426
distribute the payment to the proper local taxing unit as if it 126427
had been levied and collected as taxes, and the local taxing unit 126428
shall apportion the amounts so received among its funds in the 126429
same proportions as if those amounts had been levied and collected 126430
as taxes. 126431

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 126432
2005, and 2006, and on the thirty-first day of January and July of 126433
2007 ~~and each year thereafter~~ through January 2011, if the amount 126434
credited to the local government property tax replacement fund 126435
exceeds the amount needed to be distributed from the fund under 126436
division (A) of this section in the following month, the tax 126437
commissioner shall distribute the excess to each county as 126438
follows: 126439

(a) One-half shall be distributed to each county in 126440
proportion to each county's population. 126441

(b) One-half shall be distributed to each county in the 126442
proportion that the amounts determined under divisions (G) and (H) 126443
of section 5727.84 of the Revised Code for all local taxing units 126444
in the county is of the total amounts so determined for all local 126445
taxing units in the state. 126446

(2) The amounts distributed to each county under division (E) 126447
of this section shall be distributed by the county auditor to each 126448
local taxing unit in the county in the proportion that the unit's 126449
current taxes charged and payable are of the total current taxes 126450
charged and payable of all the local taxing units in the county. 126451
If the amount that the county auditor determines to be distributed 126452
to a local taxing unit is less than five dollars, that amount 126453
shall not be distributed, and the amount not distributed shall 126454
remain credited to the county undivided income tax fund. At the 126455
time of the next distribution under division (E)(2) of this 126456
section, any amount that had not been distributed in the prior 126457
distribution shall be added to the amount available for the next 126458
distribution prior to calculation of the amount to be distributed. 126459
As used in this division, "current taxes charged and payable" 126460
means the taxes charged and payable as most recently determined 126461
for local taxing units in the county. 126462

~~(3) If, in the opinion of the tax commissioner, the excess 126463
remaining in the local government property tax replacement fund in 126464
any year is not sufficient to warrant distribution After January 126465
2011, any amount that exceeds the amount needed to be distributed
from the fund under division ~~(E)(A)~~ of this section, ~~the excess 126467
shall remain to the credit of~~ in the following month shall be
transferred to the general revenue fund. 126468
126469~~

~~(F) From fiscal year 2002 through fiscal year 2016, if If the 126470
total amount in the local government property tax replacement fund 126471
is insufficient to make all payments under division (C) of this 126472
section at the times the payments are to be made, the director of 126473
budget and management shall transfer from the general revenue fund 126474
to the local government property tax replacement fund the 126475
difference between the total amount to be paid and the amount in 126476
the local government property tax replacement fund, except that no 126477
transfer shall be made by reason of a deficiency to the extent 126478~~

that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill 95 of the 125th general assembly.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the ~~tax value less~~ square mileage apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the tax commissioner not later than the first day of June of the calendar year in which the payment is to be made.

Sec. 5729.17. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5729.03 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate and in the order required under section 5729.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the company but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The company may carry forward any balance

of the credit in excess of the amount claimed in that year for not 126510
more than five ensuing years, and shall deduct any amount claimed 126511
in any such year from the amount claimed in an ensuing year. 126512

(C) An insurance company claiming a credit under this section 126513
shall retain the rehabilitation tax credit certificate for four 126514
years following the end of the year in which the credit was 126515
claimed, and shall make the certificate available for inspection 126516
by the tax commissioner upon the request of the tax commissioner 126517
during that period. 126518

Sec. 5729.98. (A) To provide a uniform procedure for 126519
calculating the amount of tax due under this chapter, a taxpayer 126520
shall claim any credits and offsets against tax liability to which 126521
it is entitled in the following order: 126522

(1) The credit for an insurance company or insurance company 126523
group under section 5729.031 of the Revised Code; 126524

(2) The credit for eligible employee training costs under 126525
section 5729.07 of the Revised Code; 126526

(3) The credit for purchases of qualified low-income 126527
community investments under section 5729.16 of the Revised Code; 126528

(4) The nonrefundable job retention credit under division 126529
(B)(1) of section 122.171 of the Revised Code; 126530

(5) The offset of assessments by the Ohio life and health 126531
insurance guaranty association against tax liability permitted by 126532
section 3956.20 of the Revised Code; 126533

(6) The refundable credit for rehabilitating a historic 126534
building under section 5729.17 of the Revised Code. 126535

(7) The refundable credit for Ohio job retention under 126536
division (B)(2) or (3) of section 122.171 of the Revised Code; 126537

~~(7)~~(8) The refundable credit for Ohio job creation under 126538

section 5729.032 of the Revised Code; 126539

~~(8)~~(9) The refundable credit under section 5729.08 of the 126540
Revised Code for losses on loans made under the Ohio venture 126541
capital program under sections 150.01 to 150.10 of the Revised 126542
Code. 126543

(B) For any credit except the refundable credits enumerated 126544
in this section, the amount of the credit for a taxable year shall 126545
not exceed the tax due after allowing for any other credit that 126546
precedes it in the order required under this section. Any excess 126547
amount of a particular credit may be carried forward if authorized 126548
under the section creating that credit. Nothing in this chapter 126549
shall be construed to allow a taxpayer to claim, directly or 126550
indirectly, a credit more than once for a taxable year. 126551

Sec. 5731.02. (A) A tax is hereby levied on the transfer of 126552
the taxable estate, determined as provided in section 5731.14 of 126553
the Revised Code, of every person dying on or after July 1, 1968, 126554
and before January 1, 2013, who at the time of death was a 126555
resident of this state, as follows: 126556

If the taxable estate is:	The tax shall be:	
Not over \$40,000	2% of the taxable estate	126557
Over \$40,000 but not over \$100,000	\$800 plus 3% of the excess over \$40,000	126558
Over \$100,000 but not over \$200,000	\$2,600 plus 4% of the excess over \$100,000	126559
Over \$200,000 but not over \$300,000	\$6,600 plus 5% of the excess over \$200,000	126560
Over \$300,000 but not over \$500,000	\$11,600 plus 6% of the excess over \$300,000	126561
Over \$500,000	\$23,600 plus 7% of the excess over \$500,000.	126562

(B) A credit shall be allowed against the tax imposed by 126563

division (A) of this section equal to the lesser of five hundred 126565
dollars or the amount of the tax for persons dying on or after 126566
July 1, 1968, but before January 1, 2001; the lesser of six 126567
thousand six hundred dollars or the amount of the tax for persons 126568
dying on or after January 1, 2001, but before January 1, 2002; or 126569
the lesser of thirteen thousand nine hundred dollars or the amount 126570
of the tax for persons dying on or after January 1, 2002. 126571

Sec. 5731.19. (A) A tax is hereby levied upon the transfer of 126572
so much of the taxable estate of every person dying on or after 126573
July 1, 1968, and before January 1, 2013, who, at the time of ~~his~~ 126574
death, was not a resident of this state, as consists of real 126575
property situated in this state, tangible personal property having 126576
an actual situs in this state, and intangible personal property 126577
employed in carrying on a business within this state unless 126578
exempted from tax under the provisions of section 5731.34 of the 126579
Revised Code. 126580

(B) The amount of the tax on such real and tangible personal 126581
property shall be determined as follows: 126582

(1) Determine the amount of tax which would be payable under 126583
Chapter 5731. of the Revised Code if the decedent had died a 126584
resident of this state with all ~~his~~ the decedent's property 126585
situated or located within this state; 126586

(2) Multiply the tax so determined by a fraction, the 126587
denominator of which shall be the value of the gross estate 126588
wherever situated and the numerator of which shall be the said 126589
gross estate value of the real property situated and the tangible 126590
personal property having an actual situs in this state and 126591
intangible personal property employed in carrying on a business 126592
within this state and not exempted from tax under section 5731.34 126593
of the Revised Code. The product shall be the amount of tax 126594
payable to this state. 126595

(C) In addition to the tax levied by division (A) of this section, an additional tax is hereby levied on such real and tangible personal property determined as follows:

(1) Determine the amount of tax which would be payable under division (A) of section 5731.18 of the Revised Code, if the decedent had died a resident of this state with all ~~his~~ the decedent's property situated or located within this state;

(2) Multiply the tax so determined by a fraction, the denominator of which shall be the value of the gross estate wherever situated and the numerator of which shall be the said gross estate value of the real property situated and the tangible property having an actual situs in this state and intangible personal property employed in carrying on a business within this state and not exempted from tax under section 5731.34 of the Revised Code. The product so derived shall be credited with the amount of the tax determined under division (B) of this section.

Sec. 5731.21. (A)(1)(a) Except as provided under division (A)(3) of this section, the executor or administrator, or, if no executor or administrator has been appointed, another person in possession of property the transfer of which is subject to estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, shall file an estate tax return, within nine months of the date of the decedent's death, in the form prescribed by the tax commissioner, in duplicate, with the probate court of the county. The return shall include all property the transfer of which is subject to estate taxes, whether that property is transferred under the last will and testament of the decedent or otherwise. The time for filing the return may be extended by the tax commissioner.

(b) The estate tax return described in division (A)(1)(a) of this section shall be accompanied by a certificate, in the form

prescribed by the tax commissioner, that is signed by the 126627
executor, administrator, or other person required to file the 126628
return, and that states all of the following: 126629

(i) The fact that the return was filed; 126630

(ii) The date of the filing of the return; 126631

(iii) The fact that the estate taxes under section 5731.02 or 126632
division (A) of section 5731.19 of the Revised Code, that are 126633
shown to be due in the return, have been paid in full; 126634

(iv) If applicable, the fact that real property listed in the 126635
inventory for the decedent's estate is included in the return; 126636

(v) If applicable, the fact that real property not listed in 126637
the inventory for the decedent's estate, including, but not 126638
limited to, survivorship tenancy property as described in section 126639
5302.17 of the Revised Code or transfer on death property as 126640
described in sections 5302.22 and 5302.23 of the Revised Code, 126641
also is included in the return. In this regard, the certificate 126642
additionally shall describe that real property by the same 126643
description used in the return. 126644

(2) The probate court shall forward one copy of the estate 126645
tax return described in division (A)(1)(a) of this section to the 126646
tax commissioner. 126647

(3) A person shall not be required to file a return under 126648
division (A) of this section if the decedent was a resident of 126649
this state and the value of the decedent's gross estate is 126650
twenty-five thousand dollars or less in the case of a decedent 126651
dying on or after July 1, 1968, but before January 1, 2001; two 126652
hundred thousand dollars or less in the case of a decedent dying 126653
on or after January 1, 2001, but before January 1, 2002; or three 126654
hundred thirty-eight thousand three hundred thirty-three dollars 126655
or less in the case of a decedent dying on or after January 1, 126656
2002. No return shall be filed for estates of decedents dying on 126657

or after January 1, 2013. 126658

(4)(a) Upon receipt of the estate tax return described in 126659
division (A)(1)(a) of this section and the accompanying 126660
certificate described in division (A)(1)(b) of this section, the 126661
probate court promptly shall give notice of the return, by a form 126662
prescribed by the tax commissioner, to the county auditor. The 126663
auditor then shall make a charge based upon the notice and shall 126664
certify a duplicate of the charge to the county treasurer. The 126665
treasurer then shall collect, subject to division (A) of section 126666
5731.25 of the Revised Code or any other statute extending the 126667
time for payment of an estate tax, the tax so charged. 126668

(b) Upon receipt of the return and the accompanying 126669
certificate, the probate court also shall forward the certificate 126670
to the auditor. When satisfied that the estate taxes under section 126671
5731.02 or division (A) of section 5731.19 of the Revised Code, 126672
that are shown to be due in the return, have been paid in full, 126673
the auditor shall stamp the certificate so forwarded to verify 126674
that payment. The auditor then shall return the stamped 126675
certificate to the probate court. 126676

(5)(a) The certificate described in division (A)(1)(b) of 126677
this section is a public record subject to inspection and copying 126678
in accordance with section 149.43 of the Revised Code. It shall be 126679
kept in the records of the probate court pertaining to the 126680
decedent's estate and is not subject to the confidentiality 126681
provisions of section 5731.90 of the Revised Code. 126682

(b) All persons are entitled to rely on the statements 126683
contained in a certificate as described in division (A)(1)(b) of 126684
this section if it has been filed in accordance with that 126685
division, forwarded to a county auditor and stamped in accordance 126686
with division (A)(4) of this section, and placed in the records of 126687
the probate court pertaining to the decedent's estate in 126688
accordance with division (A)(5)(a) of this section. The real 126689

property referred to in the certificate shall be free of, and may 126690
be regarded by all persons as being free of, any lien for estate 126691
taxes under section 5731.02 and division (A) of section 5731.19 of 126692
the Revised Code. 126693

(B) An estate tax return filed under this section, in the 126694
form prescribed by the tax commissioner, and showing that no 126695
estate tax is due shall result in a determination that no estate 126696
tax is due, if the tax commissioner within three months after the 126697
receipt of the return by the department of taxation, fails to file 126698
exceptions to the return in the probate court of the county in 126699
which the return was filed. A copy of exceptions to a return of 126700
that nature, when the tax commissioner files them within that 126701
period, shall be sent by ordinary mail to the person who filed the 126702
return. The tax commissioner is not bound under this division by a 126703
determination that no estate tax is due, with respect to property 126704
not disclosed in the return. 126705

(C) If the executor, administrator, or other person required 126706
to file an estate tax return fails to file it within nine months 126707
of the date of the decedent's death, the tax commissioner may 126708
determine the estate tax in that estate and issue a certificate of 126709
determination in the same manner as is provided in division (B) of 126710
section 5731.27 of the Revised Code. A certificate of 126711
determination of that nature has the same force and effect as 126712
though a return had been filed and a certificate of determination 126713
issued with respect to the return. 126714

Sec. 5731.39. (A) No corporation organized or existing under 126715
the laws of this state shall transfer on its books or issue a new 126716
certificate for any share of its capital stock registered in the 126717
name of a decedent, or in trust for a decedent, or in the name of 126718
a decedent and another person or persons, without the written 126719
consent of the tax commissioner. 126720

(B) No safe deposit company, trust company, financial institution as defined in division (A) of section 5725.01 of the Revised Code or other corporation or person, having in possession, control, or custody a deposit standing in the name of a decedent, or in trust for a decedent, or in the name of a decedent and another person or persons, shall deliver or transfer an amount in excess of three-fourths of the total value of such deposit, including accrued interest and dividends, as of the date of decedent's death, without the written consent of the tax commissioner. The written consent of the tax commissioner need not be obtained prior to the delivery or transfer of amounts having a value of three-fourths or less of said total value.

(C) No life insurance company shall pay the proceeds of an annuity or matured endowment contract, or of a life insurance contract payable to the estate of a decedent, or of any other insurance contract taxable under Chapter 5731. of the Revised Code, without the written consent of the tax commissioner. Any life insurance company may pay the proceeds of any insurance contract not specified in this division (C) without the written consent of the tax commissioner.

(D) No trust company or other corporation or person shall pay the proceeds of any death benefit, retirement, pension or profit sharing plan in excess of two thousand dollars, without the written consent of the tax commissioner. Such trust company or other corporation or person, however, may pay the proceeds of any death benefit, retirement, pension, or profit-sharing plan which consists of insurance on the life of the decedent payable to a beneficiary other than the estate of the insured without the written consent of the tax commissioner.

(E) No safe deposit company, trust company, financial institution as defined in division (A) of section 5725.01 of the Revised Code, or other corporation or person, having in

possession, control, or custody securities, assets, or other 126753
property (including the shares of the capital stock of, or other 126754
interest in, such safe deposit company, trust company, financial 126755
institution as defined in division (A) of section 5725.01 of the 126756
Revised Code, or other corporation), standing in the name of a 126757
decedent, or in trust for a decedent, or in the name of a decedent 126758
and another person or persons, and the transfer of which is 126759
taxable under Chapter 5731. of the Revised Code, shall deliver or 126760
transfer any such securities, assets, or other property which have 126761
a value as of the date of decedent's death in excess of 126762
three-fourths of the total value thereof, without the written 126763
consent of the tax commissioner. The written consent of the tax 126764
commissioner need not be obtained prior to the delivery or 126765
transfer of any such securities, assets, or other property having 126766
a value of three-fourths or less of said total value. 126767

(F) No safe deposit company, financial institution as defined 126768
in division (A) of section 5725.01 of the Revised Code, or other 126769
corporation or person having possession or control of a safe 126770
deposit box or similar receptacle standing in the name of a 126771
decedent or in the name of the decedent and another person or 126772
persons, or to which the decedent had a right of access, except 126773
when such safe deposit box or other receptacle stands in the name 126774
of a corporation or partnership, or in the name of the decedent as 126775
guardian or executor, shall deliver any of the contents thereof 126776
unless the safe deposit box or similar receptacle has been opened 126777
and inventoried in the presence of the tax commissioner or the 126778
commissioner's agent, and a written consent to transfer issued; 126779
provided, however, that a safe deposit company, financial 126780
institution, or other corporation or person having possession or 126781
control of a safe deposit box may deliver wills, deeds to burial 126782
lots, and insurance policies to a representative of the decedent, 126783
but that a representative of the safe deposit company, financial 126784
institution, or other corporation or person must supervise the 126785

opening of the box and make a written record of the wills, deeds, 126786
and policies removed. Such written record shall be included in the 126787
tax commissioner's inventory records. 126788

(G) Notwithstanding any provision of this section: 126789

(1) The tax commissioner may authorize any delivery or 126790
transfer or waive any of the foregoing requirements under such 126791
terms and conditions as the commissioner may prescribe; 126792

(2) An adult care facility, as defined in section ~~3722.01~~ 126793
5119.70 of the Revised Code, or a home, as defined in section 126794
3721.10 of the Revised Code, may transfer or use the money in a 126795
personal needs allowance account in accordance with section 126796
5111.113 of the Revised Code without the written consent of the 126797
tax commissioner, and without the account having been opened and 126798
inventoried in the presence of the commissioner or the 126799
commissioner's agent. 126800

Failure to comply with this section shall render such safe 126801
deposit company, trust company, life insurance company, financial 126802
institution as defined in division (A) of section 5725.01 of the 126803
Revised Code, or other corporation or person liable for the amount 126804
of the taxes and interest due under the provisions of Chapter 126805
5731. of the Revised Code on the transfer of such stock, deposit, 126806
proceeds of an annuity or matured endowment contract or of a life 126807
insurance contract payable to the estate of a decedent, or other 126808
insurance contract taxable under Chapter 5731. of the Revised 126809
Code, proceeds of any death benefit, retirement, pension, or 126810
profit sharing plan in excess of two thousand dollars, or 126811
securities, assets, or other property of any resident decedent, 126812
and in addition thereto, to a penalty of not less than five 126813
hundred or more than five thousand dollars. 126814

Sec. 5733.0610. (A) A refundable corporation franchise tax 126815
credit granted by the tax credit authority under section 122.17 or 126816

division (B)(2) or (3) of section 122.171 of the Revised Code may 126817
be claimed under this chapter in the order required under section 126818
5733.98 of the Revised Code. For purposes of making tax payments 126819
under this chapter, taxes equal to the amount of the refundable 126820
credit shall be considered to be paid to this state on the first 126821
day of the tax year. The refundable credit shall not be claimed 126822
for any tax years following the calendar year in which a 126823
relocation of employment positions occurs in violation of an 126824
agreement entered into under section 122.171 of the Revised Code. 126825

(B) A nonrefundable corporation franchise tax credit granted 126826
by the tax credit authority under division (B)(1) of section 126827
122.171 of the Revised Code may be claimed under this chapter in 126828
the order required under section 5733.98 of the Revised Code. 126829

Sec. 5733.23. In addition to all other remedies for the 126830
collection of any taxes or penalties due under law, whenever any 126831
taxes, fees, or penalties due from any corporation have remained 126832
unpaid for a period of ninety days, or whenever any corporation 126833
has failed for a period of ninety days to make any report or 126834
return required by law, or to pay any penalty for failure to make 126835
or file such report or return, the attorney general, upon the 126836
request of the tax commissioner, shall file a petition in the 126837
court of common pleas in the county of the state in which such 126838
corporation has its principal place of business for a judgment for 126839
the amount of the taxes or penalties appearing to be due, the 126840
enforcement of any lien in favor of the state, and an injunction 126841
to restrain such corporation and its officers, directors, and 126842
managing agents from the transaction of any business within this 126843
state, other than such acts as are incidental to liquidation or 126844
winding up, until the payment of such taxes, fees, and penalties, 126845
and the costs of the proceeding which shall be fixed by the court, 126846
or the making and filing of such report or return. 126847

Such petition shall be in the name of the state. All or any 126848
of the corporations having their principal places of business in 126849
the county may be joined in one suit. On the motion of the 126850
attorney general, the court of common pleas shall enter an order 126851
requiring all defendants to answer by a day certain, and may 126852
appoint a special master commissioner to take testimony, with such 126853
other power and authority as the court confers, and permitting 126854
process to be served by registered mail and by publication in a 126855
newspaper of general circulation ~~published~~ in the county, which 126856
publication need not be made more than once, setting forth the 126857
name of each delinquent corporation, the matter in which such 126858
corporation is delinquent, the names of its officers, directors, 126859
and managing agents, if set forth in the petition, and the amount 126860
of any taxes, fees, or penalties claimed to be owing by said 126861
corporation. 126862

All or any of the officers, directors, shareholders, or 126863
managing agents of any corporation may be joined as defendants 126864
with such corporation. 126865

If it appears to the court upon hearing that any corporation 126866
which is a party to such proceeding is indebted to the state for 126867
taxes, fees, or penalties, judgment shall be entered therefor with 126868
interest; and if it appears that any corporation has failed to 126869
make or file any report or return, a mandatory injunction may be 126870
issued against such corporation, its officers, directors, and 126871
managing agents, enjoining them from the transaction of any 126872
business within this state, other than acts incidental to 126873
liquidation or winding up, until the making and filing of all 126874
proper reports or returns and until the payment in full of all 126875
taxes, fees, and penalties. 126876

If the officers, directors, shareholders, or managing agents 126877
of a corporation are not made parties in the first instance, and a 126878
judgment or an injunction is rendered or issued against such 126879

corporation, such officers, directors, shareholders, or managing 126880
agents may be made parties to such proceedings upon the motion of 126881
the attorney general, and, upon notice to them of the form and 126882
terms of such injunction, they shall be bound thereby as fully as 126883
if they had been made parties in the first instance. 126884

In any action authorized by this section, a statement of the 126885
commissioner, or the secretary of state, when duly certified, 126886
shall be prima-facie evidence of the amount of taxes, fees, or 126887
penalties due from any corporation, or of the failure of any 126888
corporation to file with the commissioner or the secretary of 126889
state any report required by law, and any such certificate of the 126890
commissioner or the secretary of state may be required in evidence 126891
in any such proceeding. 126892

On the application of any defendant and for good cause shown, 126893
the court may order a separate hearing of the issues as to any 126894
defendant. 126895

The costs of the proceeding shall be apportioned among the 126896
parties as the court deems proper. 126897

The court in such proceeding may make, enter, and enforce 126898
such other judgments and orders and grant such other relief as is 126899
necessary or incidental to the enforcement of the claims and lien 126900
of the state. 126901

In the performance of the duties enjoined upon ~~him~~ the 126902
attorney general by this section the attorney general may direct 126903
any prosecuting attorney to bring an action, as authorized by this 126904
section, in the name of the state with respect to any delinquent 126905
corporations within ~~his~~ the prosecuting attorney's county, and 126906
like proceedings and orders shall be had as if such action were 126907
instituted by the attorney general. 126908

Sec. 5733.351. (A) As used in this section, "qualified 126909

research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B)(1) A nonrefundable credit is allowed against the tax imposed by section 5733.06 of the Revised Code for tax year 2002 for a taxpayer whose taxable year for tax year 2002 ended before July 1, 2001. The credit shall equal seven per cent of the excess of qualified research expenses incurred in this state by the taxpayer between January 1, 2001, and the end of the taxable year, over the taxpayer's average annual qualified research expenses incurred in this state for the three preceding taxable years.

(2) A nonrefundable credit also is allowed against the tax imposed by section 5733.06 of the Revised Code for each tax year, commencing with tax year 2004, and in the case of a corporation subject to division (G)(2) of section 5733.01 of the Revised Code ending with tax year 2008. The credit shall equal seven per cent of the excess of qualified research expenses incurred in this state by the taxpayer for the taxable year over the taxpayer's average annual qualified research expenses incurred in this state for the three preceding taxable years.

(3) The taxpayer shall claim the credit allowed under division (B)(1) or (2) of this section in the order required by section 5733.98 of the Revised Code. Any credit amount in excess of the tax due under section 5733.06 of the Revised Code, after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, may be carried forward for seven taxable years, but the amount of the excess credit allowed in any such year shall be deducted from the balance carried forward to the next year. A corporation subject to division (G)(2) of section 5733.01 of the Revised Code may carry forward any credit not fully utilized by tax year 2008 and apply it against the tax levied by Chapter 5751. of the Revised Code to the extent allowed under section 5751.51 of

the Revised Code, provided that the total number of taxable years 126942
under this section and calendar years under Chapter 5751. of the 126943
Revised Code for which the credit is carried forward shall not 126944
exceed seven. 126945

(C) In the case of a qualifying controlled group, the credit 126946
allowed under division (B)(1) or (2) of this section to taxpayers 126947
in the qualifying controlled group shall be computed as if all 126948
corporations in the qualifying controlled group were a 126949
consolidated, single taxpayer. For purposes of this division, an 126950
insurance company subject to the tax levied under section 5727.18 126951
or Chapter 5729. of the Revised Code may be considered a member of 126952
a qualifying controlled group by the group, even though the 126953
insurance company is not subject to the tax levied under section 126954
5733.06 of the Revised Code. The credit shall be allocated to such 126955
taxpayers in any amount elected for the taxable year by the 126956
qualifying controlled group. The election shall be revocable and 126957
amendable during the period prescribed by division (B) of section 126958
5733.12 of the Revised Code. 126959

Sec. 5739.01. As used in this chapter: 126960

(A) "Person" includes individuals, receivers, assignees, 126961
trustees in bankruptcy, estates, firms, partnerships, 126962
associations, joint-stock companies, joint ventures, clubs, 126963
societies, corporations, the state and its political subdivisions, 126964
and combinations of individuals of any form. 126965

(B) "Sale" and "selling" include all of the following 126966
transactions for a consideration in any manner, whether absolutely 126967
or conditionally, whether for a price or rental, in money or by 126968
exchange, and by any means whatsoever: 126969

(1) All transactions by which title or possession, or both, 126970
of tangible personal property, is or is to be transferred, or a 126971
license to use or consume tangible personal property is or is to 126972

be granted;	126973
(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	126974 126975
(3) All transactions by which:	126976
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	126977 126978 126979
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	126980 126981 126982 126983 126984 126985
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	126986 126987
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	126988 126989 126990
(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one	126991 126992 126993 126994 126995 126996 126997 126998 126999 127000 127001 127002 127003

corporation owns or controls another if it owns more than fifty 127004
per cent of the other corporation's common stock with voting 127005
rights. 127006

(f) Telecommunications service, including prepaid calling 127007
service, prepaid wireless calling service, or ancillary service, 127008
is or is to be provided, but not including coin-operated telephone 127009
service; 127010

(g) Landscaping and lawn care service is or is to be 127011
provided; 127012

(h) Private investigation and security service is or is to be 127013
provided; 127014

(i) Information services or tangible personal property is 127015
provided or ordered by means of a nine hundred telephone call; 127016

(j) Building maintenance and janitorial service is or is to 127017
be provided; 127018

(k) Employment service is or is to be provided; 127019

(l) Employment placement service is or is to be provided; 127020

(m) Exterminating service is or is to be provided; 127021

(n) Physical fitness facility service is or is to be 127022
provided; 127023

(o) Recreation and sports club service is or is to be 127024
provided; 127025

(p) On and after August 1, 2003, satellite broadcasting 127026
service is or is to be provided; 127027

(q) On and after August 1, 2003, personal care service is or 127028
is to be provided to an individual. As used in this division, 127029
"personal care service" includes skin care, the application of 127030
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 127031
piercing, tanning, massage, and other similar services. "Personal 127032

care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either

directly or indirectly the materials used in the production of 127064
fabrication work; and include the furnishing, preparing, or 127065
serving for a consideration of any tangible personal property 127066
consumed on the premises of the person furnishing, preparing, or 127067
serving such tangible personal property. Except as provided in 127068
section 5739.03 of the Revised Code, a construction contract 127069
pursuant to which tangible personal property is or is to be 127070
incorporated into a structure or improvement on and becoming a 127071
part of real property is not a sale of such tangible personal 127072
property. The construction contractor is the consumer of such 127073
tangible personal property, provided that the sale and 127074
installation of carpeting, the sale and installation of 127075
agricultural land tile, the sale and erection or installation of 127076
portable grain bins, or the provision of landscaping and lawn care 127077
service and the transfer of property as part of such service is 127078
never a construction contract. 127079

As used in division (B)(5) of this section: 127080

(a) "Agricultural land tile" means fired clay or concrete 127081
tile, or flexible or rigid perforated plastic pipe or tubing, 127082
incorporated or to be incorporated into a subsurface drainage 127083
system appurtenant to land used or to be used ~~directly~~ primarily 127084
in production by farming, agriculture, horticulture, or 127085
floriculture. The term does not include such materials when they 127086
are or are to be incorporated into a drainage system appurtenant 127087
to a building or structure even if the building or structure is 127088
used or to be used in such production. 127089

(b) "Portable grain bin" means a structure that is used or to 127090
be used by a person engaged in farming or agriculture to shelter 127091
the person's grain and that is designed to be disassembled without 127092
significant damage to its component parts. 127093

(6) All transactions in which all of the shares of stock of a 127094
closely held corporation are transferred, if the corporation is 127095

not engaging in business and its entire assets consist of boats, 127096
planes, motor vehicles, or other tangible personal property 127097
operated primarily for the use and enjoyment of the shareholders; 127098

(7) All transactions in which a warranty, maintenance or 127099
service contract, or similar agreement by which the vendor of the 127100
warranty, contract, or agreement agrees to repair or maintain the 127101
tangible personal property of the consumer is or is to be 127102
provided; 127103

(8) The transfer of copyrighted motion picture films used 127104
solely for advertising purposes, except that the transfer of such 127105
films for exhibition purposes is not a sale; 127106

(9) On and after August 1, 2003, all transactions by which 127107
tangible personal property is or is to be stored, except such 127108
property that the consumer of the storage holds for sale in the 127109
regular course of business; 127110

(10) All transactions in which "guaranteed auto protection" 127111
is provided whereby a person promises to pay to the consumer the 127112
difference between the amount the consumer receives from motor 127113
vehicle insurance and the amount the consumer owes to a person 127114
holding title to or a lien on the consumer's motor vehicle in the 127115
event the consumer's motor vehicle suffers a total loss under the 127116
terms of the motor vehicle insurance policy or is stolen and not 127117
recovered, if the protection and its price are included in the 127118
purchase or lease agreement; 127119

(11)(a) Except as provided in division (B)(11)(b) of this 127120
section, on and after October 1, 2009, all transactions by which 127121
health care services are paid for, reimbursed, provided, 127122
delivered, arranged for, or otherwise made available by a medicaid 127123
health insuring corporation pursuant to the corporation's contract 127124
with the state. 127125

(b) If the centers for medicare and medicaid services of the 127126

United States department of health and human services determines 127127
that the taxation of transactions described in division (B)(11)(a) 127128
of this section constitutes an impermissible health care-related 127129
tax under section 1903(w) of the "Social Security Act," 49 Stat. 127130
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 127131
adopted thereunder, the director of job and family services shall 127132
notify the tax commissioner of that determination. Beginning with 127133
the first day of the month following that notification, the 127134
transactions described in division (B)(11)(a) of this section are 127135
not sales for the purposes of this chapter or Chapter 5741. of the 127136
Revised Code. The tax commissioner shall order that the collection 127137
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 127138
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 127139
shall cease for transactions occurring on or after that date. 127140

Except as provided in this section, "sale" and "selling" do 127141
not include transfers of interest in leased property where the 127142
original lessee and the terms of the original lease agreement 127143
remain unchanged, or professional, insurance, or personal service 127144
transactions that involve the transfer of tangible personal 127145
property as an inconsequential element, for which no separate 127146
charges are made. 127147

(C) "Vendor" means the person providing the service or by 127148
whom the transfer effected or license given by a sale is or is to 127149
be made or given and, for sales described in division (B)(3)(i) of 127150
this section, the telecommunications service vendor that provides 127151
the nine hundred telephone service; if two or more persons are 127152
engaged in business at the same place of business under a single 127153
trade name in which all collections on account of sales by each 127154
are made, such persons shall constitute a single vendor. 127155

Physicians, dentists, hospitals, and veterinarians who are 127156
engaged in selling tangible personal property as received from 127157
others, such as eyeglasses, mouthwashes, dentifrices, or similar 127158

articles, are vendors. Veterinarians who are engaged in 127159
transferring to others for a consideration drugs, the dispensing 127160
of which does not require an order of a licensed veterinarian or 127161
physician under federal law, are vendors. 127162

(D)(1) "Consumer" means the person for whom the service is 127163
provided, to whom the transfer effected or license given by a sale 127164
is or is to be made or given, to whom the service described in 127165
division (B)(3)(f) or (i) of this section is charged, or to whom 127166
the admission is granted. 127167

(2) Physicians, dentists, hospitals, and blood banks operated 127168
by nonprofit institutions and persons licensed to practice 127169
veterinary medicine, surgery, and dentistry are consumers of all 127170
tangible personal property and services purchased by them in 127171
connection with the practice of medicine, dentistry, the rendition 127172
of hospital or blood bank service, or the practice of veterinary 127173
medicine, surgery, and dentistry. In addition to being consumers 127174
of drugs administered by them or by their assistants according to 127175
their direction, veterinarians also are consumers of drugs that 127176
under federal law may be dispensed only by or upon the order of a 127177
licensed veterinarian or physician, when transferred by them to 127178
others for a consideration to provide treatment to animals as 127179
directed by the veterinarian. 127180

(3) A person who performs a facility management, or similar 127181
service contract for a contractee is a consumer of all tangible 127182
personal property and services purchased for use in connection 127183
with the performance of such contract, regardless of whether title 127184
to any such property vests in the contractee. The purchase of such 127185
property and services is not subject to the exception for resale 127186
under division (E)(1) of this section. 127187

(4)(a) In the case of a person who purchases printed matter 127188
for the purpose of distributing it or having it distributed to the 127189
public or to a designated segment of the public, free of charge, 127190

that person is the consumer of that printed matter, and the 127191
purchase of that printed matter for that purpose is a sale. 127192

(b) In the case of a person who produces, rather than 127193
purchases, printed matter for the purpose of distributing it or 127194
having it distributed to the public or to a designated segment of 127195
the public, free of charge, that person is the consumer of all 127196
tangible personal property and services purchased for use or 127197
consumption in the production of that printed matter. That person 127198
is not entitled to claim exemption under division (B)(42)(f) of 127199
section 5739.02 of the Revised Code for any material incorporated 127200
into the printed matter or any equipment, supplies, or services 127201
primarily used to produce the printed matter. 127202

(c) The distribution of printed matter to the public or to a 127203
designated segment of the public, free of charge, is not a sale to 127204
the members of the public to whom the printed matter is 127205
distributed or to any persons who purchase space in the printed 127206
matter for advertising or other purposes. 127207

(5) A person who makes sales of any of the services listed in 127208
division (B)(3) of this section is the consumer of any tangible 127209
personal property used in performing the service. The purchase of 127210
that property is not subject to the resale exception under 127211
division (E)(1) of this section. 127212

(6) A person who engages in highway transportation for hire 127213
is the consumer of all packaging materials purchased by that 127214
person and used in performing the service, except for packaging 127215
materials sold by such person in a transaction separate from the 127216
service. 127217

(7) In the case of a transaction for health care services 127218
under division (B)(11) of this section, a medicaid health insuring 127219
corporation is the consumer of such services. The purchase of such 127220
services by a medicaid health insuring corporation is not subject 127221

to the exception for resale under division (E)(1) of this section 127222
or to the exemptions provided under divisions (B)(12), (18), (19), 127223
and (22) of section 5739.02 of the Revised Code. 127224

(E) "Retail sale" and "sales at retail" include all sales, 127225
except those in which the purpose of the consumer is to resell the 127226
thing transferred or benefit of the service provided, by a person 127227
engaging in business, in the form in which the same is, or is to 127228
be, received by the person. 127229

(F) "Business" includes any activity engaged in by any person 127230
with the object of gain, benefit, or advantage, either direct or 127231
indirect. "Business" does not include the activity of a person in 127232
managing and investing the person's own funds. 127233

(G) "Engaging in business" means commencing, conducting, or 127234
continuing in business, and liquidating a business when the 127235
liquidator thereof holds itself out to the public as conducting 127236
such business. Making a casual sale is not engaging in business. 127237

(H)(1)(a) "Price," except as provided in divisions (H)(2), 127238
(3), and (4) of this section, means the total amount of 127239
consideration, including cash, credit, property, and services, for 127240
which tangible personal property or services are sold, leased, or 127241
rented, valued in money, whether received in money or otherwise, 127242
without any deduction for any of the following: 127243

(i) The vendor's cost of the property sold; 127244

(ii) The cost of materials used, labor or service costs, 127245
interest, losses, all costs of transportation to the vendor, all 127246
taxes imposed on the vendor, including the tax imposed under 127247
Chapter 5751. of the Revised Code, and any other expense of the 127248
vendor; 127249

(iii) Charges by the vendor for any services necessary to 127250
complete the sale; 127251

(iv) On and after August 1, 2003, delivery charges. As used	127252
in this division, "delivery charges" means charges by the vendor	127253
for preparation and delivery to a location designated by the	127254
consumer of tangible personal property or a service, including	127255
transportation, shipping, postage, handling, crating, and packing.	127256
(v) Installation charges;	127257
(vi) Credit for any trade-in.	127258
(b) "Price" includes consideration received by the vendor	127259
from a third party, if the vendor actually receives the	127260
consideration from a party other than the consumer, and the	127261
consideration is directly related to a price reduction or discount	127262
on the sale; the vendor has an obligation to pass the price	127263
reduction or discount through to the consumer; the amount of the	127264
consideration attributable to the sale is fixed and determinable	127265
by the vendor at the time of the sale of the item to the consumer;	127266
and one of the following criteria is met:	127267
(i) The consumer presents a coupon, certificate, or other	127268
document to the vendor to claim a price reduction or discount	127269
where the coupon, certificate, or document is authorized,	127270
distributed, or granted by a third party with the understanding	127271
that the third party will reimburse any vendor to whom the coupon,	127272
certificate, or document is presented;	127273
(ii) The consumer identifies the consumer's self to the	127274
seller as a member of a group or organization entitled to a price	127275
reduction or discount. A preferred customer card that is available	127276
to any patron does not constitute membership in such a group or	127277
organization.	127278
(iii) The price reduction or discount is identified as a	127279
third party price reduction or discount on the invoice received by	127280
the consumer, or on a coupon, certificate, or other document	127281
presented by the consumer.	127282

(c) "Price" does not include any of the following:	127283
(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;	127284 127285 127286
(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;	127287 127288 127289 127290
(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.	127291 127292 127293 127294 127295 127296
(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.	127297 127298 127299 127300
<u>(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.</u>	127301 127302 127303 127304 127305 127306 127307 127308 127309 127310 127311
(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised	127312 127313

Code, in which another motor vehicle is accepted by the dealer as 127314
part of the consideration received, "price" has the same meaning 127315
as in division (H)(1) of this section, reduced by the credit 127316
afforded the consumer by the dealer for the motor vehicle received 127317
in trade. 127318

(3) In the case of a sale of any watercraft or outboard motor 127319
by a watercraft dealer licensed in accordance with section 127320
1547.543 of the Revised Code, in which another watercraft, 127321
watercraft and trailer, or outboard motor is accepted by the 127322
dealer as part of the consideration received, "price" has the same 127323
meaning as in division (H)(1) of this section, reduced by the 127324
credit afforded the consumer by the dealer for the watercraft, 127325
watercraft and trailer, or outboard motor received in trade. As 127326
used in this division, "watercraft" includes an outdrive unit 127327
attached to the watercraft. 127328

(4) In the case of transactions for health care services 127329
under division (B)(11) of this section, "price" means the amount 127330
of managed care premiums received each month by a medicaid health 127331
insuring corporation. 127332

(I) "Receipts" means the total amount of the prices of the 127333
sales of vendors, provided that the dollar value of gift cards 127334
distributed pursuant to an awards, loyalty, or promotional 127335
program, and cash discounts allowed and taken on sales at the time 127336
they are consummated are not included, minus any amount deducted 127337
as a bad debt pursuant to section 5739.121 of the Revised Code. 127338
"Receipts" does not include the sale price of property returned or 127339
services rejected by consumers when the full sale price and tax 127340
are refunded either in cash or by credit. 127341

(J) "Place of business" means any location at which a person 127342
engages in business. 127343

(K) "Premises" includes any real property or portion thereof 127344

upon which any person engages in selling tangible personal 127345
property at retail or making retail sales and also includes any 127346
real property or portion thereof designated for, or devoted to, 127347
use in conjunction with the business engaged in by such person. 127348

(L) "Casual sale" means a sale of an item of tangible 127349
personal property that was obtained by the person making the sale, 127350
through purchase or otherwise, for the person's own use and was 127351
previously subject to any state's taxing jurisdiction on its sale 127352
or use, and includes such items acquired for the seller's use that 127353
are sold by an auctioneer employed directly by the person for such 127354
purpose, provided the location of such sales is not the 127355
auctioneer's permanent place of business. As used in this 127356
division, "permanent place of business" includes any location 127357
where such auctioneer has conducted more than two auctions during 127358
the year. 127359

(M) "Hotel" means every establishment kept, used, maintained, 127360
advertised, or held out to the public to be a place where sleeping 127361
accommodations are offered to guests, in which five or more rooms 127362
are used for the accommodation of such guests, whether the rooms 127363
are in one or several structures, except as otherwise provided in 127364
division (G) of section 5739.09 of the Revised Code. 127365

(N) "Transient guests" means persons occupying a room or 127366
rooms for sleeping accommodations for less than thirty consecutive 127367
days. 127368

(O) "Making retail sales" means the effecting of transactions 127369
wherein one party is obligated to pay the price and the other 127370
party is obligated to provide a service or to transfer title to or 127371
possession of the item sold. "Making retail sales" does not 127372
include the preliminary acts of promoting or soliciting the retail 127373
sales, other than the distribution of printed matter which 127374
displays or describes and prices the item offered for sale, nor 127375
does it include delivery of a predetermined quantity of tangible 127376

personal property or transportation of property or personnel to or 127377
from a place where a service is performed, regardless of whether 127378
the vendor is a delivery vendor. 127379

(P) "Used directly in the rendition of a public utility 127380
service" means that property that is to be incorporated into and 127381
will become a part of the consumer's production, transmission, 127382
transportation, or distribution system and that retains its 127383
classification as tangible personal property after such 127384
incorporation; fuel or power used in the production, transmission, 127385
transportation, or distribution system; and tangible personal 127386
property used in the repair and maintenance of the production, 127387
transmission, transportation, or distribution system, including 127388
only such motor vehicles as are specially designed and equipped 127389
for such use. Tangible personal property and services used 127390
primarily in providing highway transportation for hire are not 127391
used directly in the rendition of a public utility service. In 127392
this definition, "public utility" includes a citizen of the United 127393
States holding, and required to hold, a certificate of public 127394
convenience and necessity issued under 49 U.S.C. 41102. 127395

(Q) "Refining" means removing or separating a desirable 127396
product from raw or contaminated materials by distillation or 127397
physical, mechanical, or chemical processes. 127398

(R) "Assembly" and "assembling" mean attaching or fitting 127399
together parts to form a product, but do not include packaging a 127400
product. 127401

(S) "Manufacturing operation" means a process in which 127402
materials are changed, converted, or transformed into a different 127403
state or form from which they previously existed and includes 127404
refining materials, assembling parts, and preparing raw materials 127405
and parts by mixing, measuring, blending, or otherwise committing 127406
such materials or parts to the manufacturing process. 127407
"Manufacturing operation" does not include packaging. 127408

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 127440
together with verification thereof, or providing access to 127441
computer equipment for the purpose of processing data. 127442

(b) "Computer services" means providing services consisting 127443
of specifying computer hardware configurations and evaluating 127444
technical processing characteristics, computer programming, and 127445
training of computer programmers and operators, provided in 127446
conjunction with and to support the sale, lease, or operation of 127447
taxable computer equipment or systems. 127448

(c) "Electronic information services" means providing access 127449
to computer equipment by means of telecommunications equipment for 127450
the purpose of either of the following: 127451

(i) Examining or acquiring data stored in or accessible to 127452
the computer equipment; 127453

(ii) Placing data into the computer equipment to be retrieved 127454
by designated recipients with access to the computer equipment. 127455

For transactions occurring on or after the effective date of 127456
the amendment of this section by H.B. 157 of the 127th general 127457
assembly, December 21, 2007, "electronic information services" 127458
does not include electronic publishing as defined in division 127459
(LLL) of this section. 127460

(d) "Automatic data processing, computer services, or 127461
electronic information services" shall not include personal or 127462
professional services. 127463

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 127464
section, "personal and professional services" means all services 127465
other than automatic data processing, computer services, or 127466
electronic information services, including but not limited to: 127467

(a) Accounting and legal services such as advice on tax 127468
matters, asset management, budgetary matters, quality control, 127469

information security, and auditing and any other situation where	127470
the service provider receives data or information and studies,	127471
alters, analyzes, interprets, or adjusts such material;	127472
(b) Analyzing business policies and procedures;	127473
(c) Identifying management information needs;	127474
(d) Feasibility studies, including economic and technical	127475
analysis of existing or potential computer hardware or software	127476
needs and alternatives;	127477
(e) Designing policies, procedures, and custom software for	127478
collecting business information, and determining how data should	127479
be summarized, sequenced, formatted, processed, controlled, and	127480
reported so that it will be meaningful to management;	127481
(f) Developing policies and procedures that document how	127482
business events and transactions are to be authorized, executed,	127483
and controlled;	127484
(g) Testing of business procedures;	127485
(h) Training personnel in business procedure applications;	127486
(i) Providing credit information to users of such information	127487
by a consumer reporting agency, as defined in the "Fair Credit	127488
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	127489
as hereafter amended, including but not limited to gathering,	127490
organizing, analyzing, recording, and furnishing such information	127491
by any oral, written, graphic, or electronic medium;	127492
(j) Providing debt collection services by any oral, written,	127493
graphic, or electronic means.	127494
The services listed in divisions (Y)(2)(a) to (j) of this	127495
section are not automatic data processing or computer services.	127496
(Z) "Highway transportation for hire" means the	127497
transportation of personal property belonging to others for	127498
consideration by any of the following:	127499

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare; 127500
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(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section; 127505
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(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section. 127512
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(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following: 127514
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(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information; 127526
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(b) Installation or maintenance of wiring or equipment on a customer's premises;	127531 127532
(c) Tangible personal property;	127533
(d) Advertising, including directory advertising;	127534
(e) Billing and collection services provided to third parties;	127535 127536
(f) Internet access service;	127537
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	127538 127539 127540 127541 127542 127543 127544 127545
(h) Ancillary service;	127546
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	127547 127548
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	127549 127550 127551 127552 127553
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	127554 127555 127556 127557 127558
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to	127559 127560

individual calls on a customer's billing statement. 127561

(c) "Directory assistance" means an ancillary service of 127562
providing telephone number or address information. 127563

(d) "Vertical service" means an ancillary service that is 127564
offered in connection with one or more telecommunications 127565
services, which offers advanced calling features that allow 127566
customers to identify callers and manage multiple calls and call 127567
connections, including conference bridging service. 127568

(e) "Voice mail service" means an ancillary service that 127569
enables the customer to store, send, or receive recorded messages. 127570
"Voice mail service" does not include any vertical services that 127571
the customer may be required to have in order to utilize the voice 127572
mail service. 127573

(3) "900 service" means an inbound toll telecommunications 127574
service purchased by a subscriber that allows the subscriber's 127575
customers to call in to the subscriber's prerecorded announcement 127576
or live service, and which is typically marketed under the name 127577
"900" service and any subsequent numbers designated by the federal 127578
communications commission. "900 service" does not include the 127579
charge for collection services provided by the seller of the 127580
telecommunications service to the subscriber, or services or 127581
products sold by the subscriber to the subscriber's customer. 127582

(4) "Prepaid calling service" means the right to access 127583
exclusively telecommunications services, which must be paid for in 127584
advance and which enables the origination of calls using an access 127585
number or authorization code, whether manually or electronically 127586
dialed, and that is sold in predetermined units of dollars of 127587
which the number declines with use in a known amount. 127588

(5) "Prepaid wireless calling service" means a 127589
telecommunications service that provides the right to utilize 127590
mobile telecommunications service as well as other 127591

non-telecommunications services, including the download of digital 127592
products delivered electronically, and content and ancillary 127593
services, that must be paid for in advance and that is sold in 127594
predetermined units of dollars of which the number declines with 127595
use in a known amount. 127596

(6) "Value-added non-voice data service" means a 127597
telecommunications service in which computer processing 127598
applications are used to act on the form, content, code, or 127599
protocol of the information or data primarily for a purpose other 127600
than transmission, conveyance, or routing. 127601

(7) "Coin-operated telephone service" means a 127602
telecommunications service paid for by inserting money into a 127603
telephone accepting direct deposits of money to operate. 127604

(8) "Customer" has the same meaning as in section 5739.034 of 127605
the Revised Code. 127606

(BB) "Laundry and dry cleaning services" means removing soil 127607
or dirt from towels, linens, articles of clothing, or other fabric 127608
items that belong to others and supplying towels, linens, articles 127609
of clothing, or other fabric items. "Laundry and dry cleaning 127610
services" does not include the provision of self-service 127611
facilities for use by consumers to remove soil or dirt from 127612
towels, linens, articles of clothing, or other fabric items. 127613

(CC) "Magazines distributed as controlled circulation 127614
publications" means magazines containing at least twenty-four 127615
pages, at least twenty-five per cent editorial content, issued at 127616
regular intervals four or more times a year, and circulated 127617
without charge to the recipient, provided that such magazines are 127618
not owned or controlled by individuals or business concerns which 127619
conduct such publications as an auxiliary to, and essentially for 127620
the advancement of the main business or calling of, those who own 127621
or control them. 127622

(DD) "Landscaping and lawn care service" means the services 127623
of planting, seeding, sodding, removing, cutting, trimming, 127624
pruning, mulching, aerating, applying chemicals, watering, 127625
fertilizing, and providing similar services to establish, promote, 127626
or control the growth of trees, shrubs, flowers, grass, ground 127627
cover, and other flora, or otherwise maintaining a lawn or 127628
landscape grown or maintained by the owner for ornamentation or 127629
other nonagricultural purpose. However, "landscaping and lawn care 127630
service" does not include the providing of such services by a 127631
person who has less than five thousand dollars in sales of such 127632
services during the calendar year. 127633

(EE) "Private investigation and security service" means the 127634
performance of any activity for which the provider of such service 127635
is required to be licensed pursuant to Chapter 4749. of the 127636
Revised Code, or would be required to be so licensed in performing 127637
such services in this state, and also includes the services of 127638
conducting polygraph examinations and of monitoring or overseeing 127639
the activities on or in, or the condition of, the consumer's home, 127640
business, or other facility by means of electronic or similar 127641
monitoring devices. "Private investigation and security service" 127642
does not include special duty services provided by off-duty police 127643
officers, deputy sheriffs, and other peace officers regularly 127644
employed by the state or a political subdivision. 127645

(FF) "Information services" means providing conversation, 127646
giving consultation or advice, playing or making a voice or other 127647
recording, making or keeping a record of the number of callers, 127648
and any other service provided to a consumer by means of a nine 127649
hundred telephone call, except when the nine hundred telephone 127650
call is the means by which the consumer makes a contribution to a 127651
recognized charity. 127652

(GG) "Research and development" means designing, creating, or 127653
formulating new or enhanced products, equipment, or manufacturing 127654

processes, and also means conducting scientific or technological 127655
inquiry and experimentation in the physical sciences with the goal 127656
of increasing scientific knowledge which may reveal the bases for 127657
new or enhanced products, equipment, or manufacturing processes. 127658

(HH) "Qualified research and development equipment" means 127659
capitalized tangible personal property, and leased personal 127660
property that would be capitalized if purchased, used by a person 127661
primarily to perform research and development. Tangible personal 127662
property primarily used in testing, as defined in division (A)(4) 127663
of section 5739.011 of the Revised Code, or used for recording or 127664
storing test results, is not qualified research and development 127665
equipment unless such property is primarily used by the consumer 127666
in testing the product, equipment, or manufacturing process being 127667
created, designed, or formulated by the consumer in the research 127668
and development activity or in recording or storing such test 127669
results. 127670

(II) "Building maintenance and janitorial service" means 127671
cleaning the interior or exterior of a building and any tangible 127672
personal property located therein or thereon, including any 127673
services incidental to such cleaning for which no separate charge 127674
is made. However, "building maintenance and janitorial service" 127675
does not include the providing of such service by a person who has 127676
less than five thousand dollars in sales of such service during 127677
the calendar year. 127678

(JJ) "Employment service" means providing or supplying 127679
personnel, on a temporary or long-term basis, to perform work or 127680
labor under the supervision or control of another, when the 127681
personnel so provided or supplied receive their wages, salary, or 127682
other compensation from the provider or supplier of the employment 127683
service or from a third party that provided or supplied the 127684
personnel to the provider or supplier. "Employment service" does 127685
not include: 127686

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.	127687 127688 127689
(2) Medical and health care services.	127690
(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.	127691 127692 127693 127694
(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.	127695 127696
(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.	127697 127698 127699 127700 127701
(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.	127702 127703 127704
(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.	127705 127706 127707 127708 127709
(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.	127710 127711 127712 127713 127714 127715 127716

(NN) "Recreation and sports club service" means all 127717
transactions by which a membership is granted, maintained, or 127718
renewed, including initiation fees, membership dues, renewal fees, 127719
monthly minimum fees, and other similar fees and dues, by a 127720
recreation and sports club, which entitles the member to use the 127721
facilities of the organization. "Recreation and sports club" means 127722
an organization that has ownership of, or controls or leases on a 127723
continuing, long-term basis, the facilities used by its members 127724
and includes an aviation club, gun or shooting club, yacht club, 127725
card club, swimming club, tennis club, golf club, country club, 127726
riding club, amateur sports club, or similar organization. 127727

(OO) "Livestock" means farm animals commonly raised for food 127728
~~or~~, food production, ~~and includes~~ or other agricultural purposes, 127729
including, but ~~is~~ not limited to, cattle, sheep, goats, swine, ~~and~~ 127730
poultry, and captive deer. "Livestock" does not include 127731
invertebrates, ~~fish,~~ amphibians, reptiles, ~~horses,~~ domestic pets, 127732
animals for use in laboratories or for exhibition, or other 127733
animals not commonly raised for food or food production. 127734

(PP) "Livestock structure" means a building or structure used 127735
exclusively for the housing, raising, feeding, or sheltering of 127736
livestock, and includes feed storage or handling structures and 127737
structures for livestock waste handling. 127738

(QQ) "Horticulture" means the growing, cultivation, and 127739
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 127740
and nursery stock. As used in this division, "nursery stock" has 127741
the same meaning as in section 927.51 of the Revised Code. 127742

(RR) "Horticulture structure" means a building or structure 127743
used exclusively for the commercial growing, raising, or 127744
overwintering of horticultural products, and includes the area 127745
used for stocking, storing, and packing horticultural products 127746
when done in conjunction with the production of those products. 127747

(SS) "Newspaper" means an unbound publication bearing a title 127748
or name that is regularly published, at least as frequently as 127749
biweekly, and distributed from a fixed place of business to the 127750
public in a specific geographic area, and that contains a 127751
substantial amount of news matter of international, national, or 127752
local events of interest to the general public. 127753

(TT) "Professional racing team" means a person that employs 127754
at least twenty full-time employees for the purpose of conducting 127755
a motor vehicle racing business for profit. The person must 127756
conduct the business with the purpose of racing one or more motor 127757
racing vehicles in at least ten competitive professional racing 127758
events each year that comprise all or part of a motor racing 127759
series sanctioned by one or more motor racing sanctioning 127760
organizations. A "motor racing vehicle" means a vehicle for which 127761
the chassis, engine, and parts are designed exclusively for motor 127762
racing, and does not include a stock or production model vehicle 127763
that may be modified for use in racing. For the purposes of this 127764
division: 127765

(1) A "competitive professional racing event" is a motor 127766
vehicle racing event sanctioned by one or more motor racing 127767
sanctioning organizations, at which aggregate cash prizes in 127768
excess of eight hundred thousand dollars are awarded to the 127769
competitors. 127770

(2) "Full-time employee" means an individual who is employed 127771
for consideration for thirty-five or more hours a week, or who 127772
renders any other standard of service generally accepted by custom 127773
or specified by contract as full-time employment. 127774

(UU)(1) "Lease" or "rental" means any transfer of the 127775
possession or control of tangible personal property for a fixed or 127776
indefinite term, for consideration. "Lease" or "rental" includes 127777
future options to purchase or extend, and agreements described in 127778
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 127779

the amount of consideration may be increased or decreased by 127780
reference to the amount realized upon the sale or disposition of 127781
the property. "Lease" or "rental" does not include: 127782

(a) A transfer of possession or control of tangible personal 127783
property under a security agreement or a deferred payment plan 127784
that requires the transfer of title upon completion of the 127785
required payments; 127786

(b) A transfer of possession or control of tangible personal 127787
property under an agreement that requires the transfer of title 127788
upon completion of required payments and payment of an option 127789
price that does not exceed the greater of one hundred dollars or 127790
one per cent of the total required payments; 127791

(c) Providing tangible personal property along with an 127792
operator for a fixed or indefinite period of time, if the operator 127793
is necessary for the property to perform as designed. For purposes 127794
of this division, the operator must do more than maintain, 127795
inspect, or set-up the tangible personal property. 127796

(2) "Lease" and "rental," as defined in division (UU) of this 127797
section, shall not apply to leases or rentals that exist before 127798
June 26, 2003. 127799

(3) "Lease" and "rental" have the same meaning as in division 127800
(UU)(1) of this section regardless of whether a transaction is 127801
characterized as a lease or rental under generally accepted 127802
accounting principles, the Internal Revenue Code, Title XIII of 127803
the Revised Code, or other federal, state, or local laws. 127804

(VV) "Mobile telecommunications service" has the same meaning 127805
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 127806
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 127807
on and after August 1, 2003, includes related fees and ancillary 127808
services, including universal service fees, detailed billing 127809
service, directory assistance, service initiation, voice mail 127810

service, and vertical services, such as caller ID and three-way 127811
calling. 127812

(WW) "Certified service provider" has the same meaning as in 127813
section 5740.01 of the Revised Code. 127814

(XX) "Satellite broadcasting service" means the distribution 127815
or broadcasting of programming or services by satellite directly 127816
to the subscriber's receiving equipment without the use of ground 127817
receiving or distribution equipment, except the subscriber's 127818
receiving equipment or equipment used in the uplink process to the 127819
satellite, and includes all service and rental charges, premium 127820
channels or other special services, installation and repair 127821
service charges, and any other charges having any connection with 127822
the provision of the satellite broadcasting service. 127823

(YY) "Tangible personal property" means personal property 127824
that can be seen, weighed, measured, felt, or touched, or that is 127825
in any other manner perceptible to the senses. For purposes of 127826
this chapter and Chapter 5741. of the Revised Code, "tangible 127827
personal property" includes motor vehicles, electricity, water, 127828
gas, steam, and prewritten computer software. 127829

(ZZ) "Direct mail" means printed material delivered or 127830
distributed by United States mail or other delivery service to a 127831
mass audience or to addressees on a mailing list provided by the 127832
consumer or at the direction of the consumer when the cost of the 127833
items are not billed directly to the recipients. "Direct mail" 127834
includes tangible personal property supplied directly or 127835
indirectly by the consumer to the direct mail vendor for inclusion 127836
in the package containing the printed material. "Direct mail" does 127837
not include multiple items of printed material delivered to a 127838
single address. 127839

(AAA) "Computer" means an electronic device that accepts 127840
information in digital or similar form and manipulates it for a 127841

result based on a sequence of instructions. 127842

(BBB) "Computer software" means a set of coded instructions 127843
designed to cause a computer or automatic data processing 127844
equipment to perform a task. 127845

(CCC) "Delivered electronically" means delivery of computer 127846
software from the seller to the purchaser by means other than 127847
tangible storage media. 127848

(DDD) "Prewritten computer software" means computer software, 127849
including prewritten upgrades, that is not designed and developed 127850
by the author or other creator to the specifications of a specific 127851
purchaser. The combining of two or more prewritten computer 127852
software programs or prewritten portions thereof does not cause 127853
the combination to be other than prewritten computer software. 127854
"Prewritten computer software" includes software designed and 127855
developed by the author or other creator to the specifications of 127856
a specific purchaser when it is sold to a person other than the 127857
purchaser. If a person modifies or enhances computer software of 127858
which the person is not the author or creator, the person shall be 127859
deemed to be the author or creator only of such person's 127860
modifications or enhancements. Prewritten computer software or a 127861
prewritten portion thereof that is modified or enhanced to any 127862
degree, where such modification or enhancement is designed and 127863
developed to the specifications of a specific purchaser, remains 127864
prewritten computer software; provided, however, that where there 127865
is a reasonable, separately stated charge or an invoice or other 127866
statement of the price given to the purchaser for the modification 127867
or enhancement, the modification or enhancement shall not 127868
constitute prewritten computer software. 127869

(EEE)(1) "Food" means substances, whether in liquid, 127870
concentrated, solid, frozen, dried, or dehydrated form, that are 127871
sold for ingestion or chewing by humans and are consumed for their 127872
taste or nutritional value. "Food" does not include alcoholic 127873

beverages, dietary supplements, soft drinks, or tobacco. 127874

(2) As used in division (EEE)(1) of this section: 127875

(a) "Alcoholic beverages" means beverages that are suitable 127876
for human consumption and contain one-half of one per cent or more 127877
of alcohol by volume. 127878

(b) "Dietary supplements" means any product, other than 127879
tobacco, that is intended to supplement the diet and that is 127880
intended for ingestion in tablet, capsule, powder, softgel, 127881
gelcap, or liquid form, or, if not intended for ingestion in such 127882
a form, is not represented as conventional food for use as a sole 127883
item of a meal or of the diet; that is required to be labeled as a 127884
dietary supplement, identifiable by the "supplement facts" box 127885
found on the label, as required by 21 C.F.R. 101.36; and that 127886
contains one or more of the following dietary ingredients: 127887

(i) A vitamin; 127888

(ii) A mineral; 127889

(iii) An herb or other botanical; 127890

(iv) An amino acid; 127891

(v) A dietary substance for use by humans to supplement the 127892
diet by increasing the total dietary intake; 127893

(vi) A concentrate, metabolite, constituent, extract, or 127894
combination of any ingredient described in divisions 127895
(EEE)(2)(b)(i) to (v) of this section. 127896

(c) "Soft drinks" means nonalcoholic beverages that contain 127897
natural or artificial sweeteners. "Soft drinks" does not include 127898
beverages that contain milk or milk products, soy, rice, or 127899
similar milk substitutes, or that contains greater than fifty per 127900
cent vegetable or fruit juice by volume. 127901

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 127902
tobacco, or any other item that contains tobacco. 127903

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a

missing portion of the body, prevent or correct physical deformity 127936
or malfunction, or support a weak or deformed portion of the body. 127937
As used in this division, "prosthetic device" does not include 127938
corrective eyeglasses, contact lenses, or dental prosthesis. 127939

(KKK)(1) "Fractional aircraft ownership program" means a 127940
program in which persons within an affiliated group sell and 127941
manage fractional ownership program aircraft, provided that at 127942
least one hundred airworthy aircraft are operated in the program 127943
and the program meets all of the following criteria: 127944

(a) Management services are provided by at least one program 127945
manager within an affiliated group on behalf of the fractional 127946
owners. 127947

(b) Each program aircraft is owned or possessed by at least 127948
one fractional owner. 127949

(c) Each fractional owner owns or possesses at least a 127950
one-sixteenth interest in at least one fixed-wing program 127951
aircraft. 127952

(d) A dry-lease aircraft interchange arrangement is in effect 127953
among all of the fractional owners. 127954

(e) Multi-year program agreements are in effect regarding the 127955
fractional ownership, management services, and dry-lease aircraft 127956
interchange arrangement aspects of the program. 127957

(2) As used in division (KKK)(1) of this section: 127958

(a) "Affiliated group" has the same meaning as in division 127959
(B)(3)(e) of this section. 127960

(b) "Fractional owner" means a person that owns or possesses 127961
at least a one-sixteenth interest in a program aircraft and has 127962
entered into the agreements described in division (KKK)(1)(e) of 127963
this section. 127964

(c) "Fractional ownership program aircraft" or "program 127965

aircraft" means a turbojet aircraft that is owned or possessed by 127966
a fractional owner and that has been included in a dry-lease 127967
aircraft interchange arrangement and agreement under divisions 127968
(KKK)(1)(d) and (e) of this section, or an aircraft a program 127969
manager owns or possesses primarily for use in a fractional 127970
aircraft ownership program. 127971

(d) "Management services" means administrative and aviation 127972
support services furnished under a fractional aircraft ownership 127973
program in accordance with a management services agreement under 127974
division (KKK)(1)(e) of this section, and offered by the program 127975
manager to the fractional owners, including, at a minimum, the 127976
establishment and implementation of safety guidelines; the 127977
coordination of the scheduling of the program aircraft and crews; 127978
program aircraft maintenance; program aircraft insurance; crew 127979
training for crews employed, furnished, or contracted by the 127980
program manager or the fractional owner; the satisfaction of 127981
record-keeping requirements; and the development and use of an 127982
operations manual and a maintenance manual for the fractional 127983
aircraft ownership program. 127984

(e) "Program manager" means the person that offers management 127985
services to fractional owners pursuant to a management services 127986
agreement under division (KKK)(1)(e) of this section. 127987

(LLL) "Electronic publishing" means providing access to one 127988
or more of the following primarily for business customers, 127989
including the federal government or a state government or a 127990
political subdivision thereof, to conduct research: news; 127991
business, financial, legal, consumer, or credit materials; 127992
editorials, columns, reader commentary, or features; photos or 127993
images; archival or research material; legal notices, identity 127994
verification, or public records; scientific, educational, 127995
instructional, technical, professional, trade, or other literary 127996
materials; or other similar information which has been gathered 127997

and made available by the provider to the consumer in an 127998
electronic format. Providing electronic publishing includes the 127999
functions necessary for the acquisition, formatting, editing, 128000
storage, and dissemination of data or information that is the 128001
subject of a sale. 128002

(MMM) "Medicaid health insuring corporation" means a health 128003
insuring corporation that holds a certificate of authority under 128004
Chapter 1751. of the Revised Code and is under contract with the 128005
department of job and family services pursuant to section 5111.17 128006
of the Revised Code. 128007

(NNN) "Managed care premium" means any premium, capitation, 128008
or other payment a medicaid health insuring corporation receives 128009
for providing or arranging for the provision of health care 128010
services to its members or enrollees residing in this state. 128011

(OOO) "Captive deer" means deer and other cervidae that have 128012
been legally acquired, or their offspring, that are privately 128013
owned for agricultural or farming purposes. 128014

(PPP) "Gift card" means a document, card, certificate, or 128015
other record, whether tangible or intangible, that may be redeemed 128016
by a consumer for a dollar value when making a purchase of 128017
tangible personal property or services. 128018

Sec. 5739.02. For the purpose of providing revenue with which 128019
to meet the needs of the state, for the use of the general revenue 128020
fund of the state, for the purpose of securing a thorough and 128021
efficient system of common schools throughout the state, for the 128022
purpose of affording revenues, in addition to those from general 128023
property taxes, permitted under constitutional limitations, and 128024
from other sources, for the support of local governmental 128025
functions, and for the purpose of reimbursing the state for the 128026
expense of administering this chapter, an excise tax is hereby 128027
levied on each retail sale made in this state. 128028

(A)(1) The tax shall be collected as provided in section 128029
5739.025 of the Revised Code. The rate of the tax shall be five 128030
and one-half per cent. The tax applies and is collectible when the 128031
sale is made, regardless of the time when the price is paid or 128032
delivered. 128033

(2) In the case of the lease or rental, with a fixed term of 128034
more than thirty days or an indefinite term with a minimum period 128035
of more than thirty days, of any motor vehicles designed by the 128036
manufacturer to carry a load of not more than one ton, watercraft, 128037
outboard motor, or aircraft, or of any tangible personal property, 128038
other than motor vehicles designed by the manufacturer to carry a 128039
load of more than one ton, to be used by the lessee or renter 128040
primarily for business purposes, the tax shall be collected by the 128041
vendor at the time the lease or rental is consummated and shall be 128042
calculated by the vendor on the basis of the total amount to be 128043
paid by the lessee or renter under the lease agreement. If the 128044
total amount of the consideration for the lease or rental includes 128045
amounts that are not calculated at the time the lease or rental is 128046
executed, the tax shall be calculated and collected by the vendor 128047
at the time such amounts are billed to the lessee or renter. In 128048
the case of an open-end lease or rental, the tax shall be 128049
calculated by the vendor on the basis of the total amount to be 128050
paid during the initial fixed term of the lease or rental, and for 128051
each subsequent renewal period as it comes due. As used in this 128052
division, "motor vehicle" has the same meaning as in section 128053
4501.01 of the Revised Code, and "watercraft" includes an outdrive 128054
unit attached to the watercraft. 128055

A lease with a renewal clause and a termination penalty or 128056
similar provision that applies if the renewal clause is not 128057
exercised is presumed to be a sham transaction. In such a case, 128058
the tax shall be calculated and paid on the basis of the entire 128059
length of the lease period, including any renewal periods, until 128060

the termination penalty or similar provision no longer applies. 128061
The taxpayer shall bear the burden, by a preponderance of the 128062
evidence, that the transaction or series of transactions is not a 128063
sham transaction. 128064

(3) Except as provided in division (A)(2) of this section, in 128065
the case of a sale, the price of which consists in whole or in 128066
part of the lease or rental of tangible personal property, the tax 128067
shall be measured by the installments of that lease or rental. 128068

(4) In the case of a sale of a physical fitness facility 128069
service or recreation and sports club service, the price of which 128070
consists in whole or in part of a membership for the receipt of 128071
the benefit of the service, the tax applicable to the sale shall 128072
be measured by the installments thereof. 128073

(B) The tax does not apply to the following: 128074

(1) Sales to the state or any of its political subdivisions, 128075
or to any other state or its political subdivisions if the laws of 128076
that state exempt from taxation sales made to this state and its 128077
political subdivisions; 128078

(2) Sales of food for human consumption off the premises 128079
where sold; 128080

(3) Sales of food sold to students only in a cafeteria, 128081
dormitory, fraternity, or sorority maintained in a private, 128082
public, or parochial school, college, or university; 128083

(4) Sales of newspapers and of magazine subscriptions and 128084
sales or transfers of magazines distributed as controlled 128085
circulation publications; 128086

(5) The furnishing, preparing, or serving of meals without 128087
charge by an employer to an employee provided the employer records 128088
the meals as part compensation for services performed or work 128089
done; 128090

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided

in division (B)(9)(b) of this section. If the number of days on 128123
which such sales are made exceeds six in any calendar year, the 128124
church or organization shall be considered to be engaged in 128125
business and all subsequent sales by it shall be subject to the 128126
tax. In counting the number of days, all sales by groups within a 128127
church or within an organization shall be considered to be sales 128128
of that church or organization. 128129

(b) The limitation on the number of days on which tax-exempt 128130
sales may be made by a church or organization under division 128131
(B)(9)(a) of this section does not apply to sales made by student 128132
clubs and other groups of students of a primary or secondary 128133
school, or a parent-teacher association, booster group, or similar 128134
organization that raises money to support or fund curricular or 128135
extracurricular activities of a primary or secondary school. 128136

(c) Divisions (B)(9)(a) and (b) of this section do not apply 128137
to sales by a noncommercial educational radio or television 128138
broadcasting station. 128139

(10) Sales not within the taxing power of this state under 128140
the Constitution of the United States; 128141

(11) Except for transactions that are sales under division 128142
(B)(3)(r) of section 5739.01 of the Revised Code, the 128143
transportation of persons or property, unless the transportation 128144
is by a private investigation and security service; 128145

(12) Sales of tangible personal property or services to 128146
churches, to organizations exempt from taxation under section 128147
501(c)(3) of the Internal Revenue Code of 1986, and to any other 128148
nonprofit organizations operated exclusively for charitable 128149
purposes in this state, no part of the net income of which inures 128150
to the benefit of any private shareholder or individual, and no 128151
substantial part of the activities of which consists of carrying 128152
on propaganda or otherwise attempting to influence legislation; 128153

sales to offices administering one or more homes for the aged or 128154
one or more hospital facilities exempt under section 140.08 of the 128155
Revised Code; and sales to organizations described in division (D) 128156
of section 5709.12 of the Revised Code. 128157

"Charitable purposes" means the relief of poverty; the 128158
improvement of health through the alleviation of illness, disease, 128159
or injury; the operation of an organization exclusively for the 128160
provision of professional, laundry, printing, and purchasing 128161
services to hospitals or charitable institutions; the operation of 128162
a home for the aged, as defined in section 5701.13 of the Revised 128163
Code; the operation of a radio or television broadcasting station 128164
that is licensed by the federal communications commission as a 128165
noncommercial educational radio or television station; the 128166
operation of a nonprofit animal adoption service or a county 128167
humane society; the promotion of education by an institution of 128168
learning that maintains a faculty of qualified instructors, 128169
teaches regular continuous courses of study, and confers a 128170
recognized diploma upon completion of a specific curriculum; the 128171
operation of a parent-teacher association, booster group, or 128172
similar organization primarily engaged in the promotion and 128173
support of the curricular or extracurricular activities of a 128174
primary or secondary school; the operation of a community or area 128175
center in which presentations in music, dramatics, the arts, and 128176
related fields are made in order to foster public interest and 128177
education therein; the production of performances in music, 128178
dramatics, and the arts; or the promotion of education by an 128179
organization engaged in carrying on research in, or the 128180
dissemination of, scientific and technological knowledge and 128181
information primarily for the public. 128182

Nothing in this division shall be deemed to exempt sales to 128183
any organization for use in the operation or carrying on of a 128184
trade or business, or sales to a home for the aged for use in the 128185

operation of independent living facilities as defined in division 128186
(A) of section 5709.12 of the Revised Code. 128187

(13) Building and construction materials and services sold to 128188
construction contractors for incorporation into a structure or 128189
improvement to real property under a construction contract with 128190
this state or a political subdivision of this state, or with the 128191
United States government or any of its agencies; building and 128192
construction materials and services sold to construction 128193
contractors for incorporation into a structure or improvement to 128194
real property that are accepted for ownership by this state or any 128195
of its political subdivisions, or by the United States government 128196
or any of its agencies at the time of completion of the structures 128197
or improvements; building and construction materials sold to 128198
construction contractors for incorporation into a horticulture 128199
structure or livestock structure for a person engaged in the 128200
business of horticulture or producing livestock; building 128201
materials and services sold to a construction contractor for 128202
incorporation into a house of public worship or religious 128203
education, or a building used exclusively for charitable purposes 128204
under a construction contract with an organization whose purpose 128205
is as described in division (B)(12) of this section; building 128206
materials and services sold to a construction contractor for 128207
incorporation into a building under a construction contract with 128208
an organization exempt from taxation under section 501(c)(3) of 128209
the Internal Revenue Code of 1986 when the building is to be used 128210
exclusively for the organization's exempt purposes; building and 128211
construction materials sold for incorporation into the original 128212
construction of a sports facility under section 307.696 of the 128213
Revised Code; building and construction materials and services 128214
sold to a construction contractor for incorporation into real 128215
property outside this state if such materials and services, when 128216
sold to a construction contractor in the state in which the real 128217
property is located for incorporation into real property in that 128218

state, would be exempt from a tax on sales levied by that state; 128219
and, until one calendar year after the construction of a 128220
convention center that qualifies for property tax exemption under 128221
section 5709.084 of the Revised Code is completed, building and 128222
construction materials and services sold to a construction 128223
contractor for incorporation into the real property comprising 128224
that convention center; 128225

(14) Sales of ships or vessels or rail rolling stock used or 128226
to be used principally in interstate or foreign commerce, and 128227
repairs, alterations, fuel, and lubricants for such ships or 128228
vessels or rail rolling stock; 128229

(15) Sales to persons primarily engaged in any of the 128230
activities mentioned in division (B)(42)(a) ~~or~~, (g), or (h) of 128231
this section, to persons engaged in making retail sales, or to 128232
persons who purchase for sale from a manufacturer tangible 128233
personal property that was produced by the manufacturer in 128234
accordance with specific designs provided by the purchaser, of 128235
packages, including material, labels, and parts for packages, and 128236
of machinery, equipment, and material for use primarily in 128237
packaging tangible personal property produced for sale, including 128238
any machinery, equipment, and supplies used to make labels or 128239
packages, to prepare packages or products for labeling, or to 128240
label packages or products, by or on the order of the person doing 128241
the packaging, or sold at retail. "Packages" includes bags, 128242
baskets, cartons, crates, boxes, cans, bottles, bindings, 128243
wrappings, and other similar devices and containers, but does not 128244
include motor vehicles or bulk tanks, trailers, or similar devices 128245
attached to motor vehicles. "Packaging" means placing in a 128246
package. Division (B)(15) of this section does not apply to 128247
persons engaged in highway transportation for hire. 128248

(16) Sales of food to persons using supplemental nutrition 128249
assistance program benefits to purchase the food. As used in this 128250

division, "food" has the same meaning as in 7 U.S.C. 2012 and 128251
federal regulations adopted pursuant to the Food and Nutrition Act 128252
of 2008. 128253

(17) Sales to persons engaged in farming, agriculture, 128254
horticulture, or floriculture, of tangible personal property for 128255
use or consumption ~~directly~~ primarily in the production by 128256
farming, agriculture, horticulture, or floriculture of other 128257
tangible personal property for use or consumption ~~directly~~ 128258
primarily in the production of tangible personal property for sale 128259
by farming, agriculture, horticulture, or floriculture; or 128260
material and parts for incorporation into any such tangible 128261
personal property for use or consumption in production; and of 128262
tangible personal property for such use or consumption in the 128263
conditioning or holding of products produced by and for such use, 128264
consumption, or sale by persons engaged in farming, agriculture, 128265
horticulture, or floriculture, except where such property is 128266
incorporated into real property; 128267

(18) Sales of drugs for a human being that may be dispensed 128268
only pursuant to a prescription; insulin as recognized in the 128269
official United States pharmacopoeia; urine and blood testing 128270
materials when used by diabetics or persons with hypoglycemia to 128271
test for glucose or acetone; hypodermic syringes and needles when 128272
used by diabetics for insulin injections; epoetin alfa when 128273
purchased for use in the treatment of persons with medical 128274
disease; hospital beds when purchased by hospitals, nursing homes, 128275
or other medical facilities; and medical oxygen and medical 128276
oxygen-dispensing equipment when purchased by hospitals, nursing 128277
homes, or other medical facilities; 128278

(19) Sales of prosthetic devices, durable medical equipment 128279
for home use, or mobility enhancing equipment, when made pursuant 128280
to a prescription and when such devices or equipment are for use 128281
by a human being. 128282

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats,

cartons, closure materials, labels, and labeling materials, and	128315
"packaging" means placing therein.	128316
(25)(a) Sales of water to a consumer for residential use,	128317
except the sale of bottled water, distilled water, mineral water,	128318
carbonated water, or ice;	128319
(b) Sales of water by a nonprofit corporation engaged	128320
exclusively in the treatment, distribution, and sale of water to	128321
consumers, if such water is delivered to consumers through pipes	128322
or tubing.	128323
(26) Fees charged for inspection or reinspection of motor	128324
vehicles under section 3704.14 of the Revised Code;	128325
(27) Sales to persons licensed to conduct a food service	128326
operation pursuant to section 3717.43 of the Revised Code, of	128327
tangible personal property primarily used directly for the	128328
following:	128329
(a) To prepare food for human consumption for sale;	128330
(b) To preserve food that has been or will be prepared for	128331
human consumption for sale by the food service operator, not	128332
including tangible personal property used to display food for	128333
selection by the consumer;	128334
(c) To clean tangible personal property used to prepare or	128335
serve food for human consumption for sale.	128336
(28) Sales of animals by nonprofit animal adoption services	128337
or county humane societies;	128338
(29) Sales of services to a corporation described in division	128339
(A) of section 5709.72 of the Revised Code, and sales of tangible	128340
personal property that qualifies for exemption from taxation under	128341
section 5709.72 of the Revised Code;	128342
(30) Sales and installation of agricultural land tile, as	128343
defined in division (B)(5)(a) of section 5739.01 of the Revised	128344

Code;	128345
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	128346 128347 128348
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	128349 128350 128351 128352 128353 128354
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	128355 128356 128357 128358 128359
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) <u>or</u> <u>(n)</u> of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.	128360 128361 128362 128363 128364 128365 128366 128367 128368 128369 128370 128371 128372 128373 128374
(35)(a) Sales where the purpose of the consumer is to use or	128375

consume the things transferred in making retail sales and 128376
consisting of newspaper inserts, catalogues, coupons, flyers, gift 128377
certificates, or other advertising material that prices and 128378
describes tangible personal property offered for retail sale. 128379

(b) Sales to direct marketing vendors of preliminary 128380
materials such as photographs, artwork, and typesetting that will 128381
be used in printing advertising material; of printed matter that 128382
offers free merchandise or chances to win sweepstake prizes and 128383
that is mailed to potential customers with advertising material 128384
described in division (B)(35)(a) of this section; and of equipment 128385
such as telephones, computers, facsimile machines, and similar 128386
tangible personal property primarily used to accept orders for 128387
direct marketing retail sales. 128388

(c) Sales of automatic food vending machines that preserve 128389
food with a shelf life of forty-five days or less by refrigeration 128390
and dispense it to the consumer. 128391

For purposes of division (B)(35) of this section, "direct 128392
marketing" means the method of selling where consumers order 128393
tangible personal property by United States mail, delivery 128394
service, or telecommunication and the vendor delivers or ships the 128395
tangible personal property sold to the consumer from a warehouse, 128396
catalogue distribution center, or similar fulfillment facility by 128397
means of the United States mail, delivery service, or common 128398
carrier. 128399

(36) Sales to a person engaged in the business of 128400
horticulture or producing livestock of materials to be 128401
incorporated into a horticulture structure or livestock structure; 128402

(37) Sales of personal computers, computer monitors, computer 128403
keyboards, modems, and other peripheral computer equipment to an 128404
individual who is licensed or certified to teach in an elementary 128405
or a secondary school in this state for use by that individual in 128406

preparation for teaching elementary or secondary school students; 128407

(38) Sales to a professional racing team of any of the 128408
following: 128409

(a) Motor racing vehicles; 128410

(b) Repair services for motor racing vehicles; 128411

(c) Items of property that are attached to or incorporated in 128412
motor racing vehicles, including engines, chassis, and all other 128413
components of the vehicles, and all spare, replacement, and 128414
rebuilt parts or components of the vehicles; except not including 128415
tires, consumable fluids, paint, and accessories consisting of 128416
instrumentation sensors and related items added to the vehicle to 128417
collect and transmit data by means of telemetry and other forms of 128418
communication. 128419

(39) Sales of used manufactured homes and used mobile homes, 128420
as defined in section 5739.0210 of the Revised Code, made on or 128421
after January 1, 2000; 128422

(40) Sales of tangible personal property and services to a 128423
provider of electricity used or consumed directly and primarily in 128424
generating, transmitting, or distributing electricity for use by 128425
others, including property that is or is to be incorporated into 128426
and will become a part of the consumer's production, transmission, 128427
or distribution system and that retains its classification as 128428
tangible personal property after incorporation; fuel or power used 128429
in the production, transmission, or distribution of electricity; 128430
energy conversion equipment as defined in section 5727.01 of the 128431
Revised Code; and tangible personal property and services used in 128432
the repair and maintenance of the production, transmission, or 128433
distribution system, including only those motor vehicles as are 128434
specially designed and equipped for such use. The exemption 128435
provided in this division shall be in lieu of all other exemptions 128436
in division (B)(42)(a) or (n) of this section to which a provider 128437

of electricity may otherwise be entitled based on the use of the 128438
tangible personal property or service purchased in generating, 128439
transmitting, or distributing electricity. 128440

(41) Sales to a person providing services under division 128441
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 128442
personal property and services used directly and primarily in 128443
providing taxable services under that section. 128444

(42) Sales where the purpose of the purchaser is to do any of 128445
the following: 128446

(a) To incorporate the thing transferred as a material or a 128447
part into tangible personal property to be produced for sale by 128448
manufacturing, assembling, processing, or refining; or to use or 128449
consume the thing transferred directly in producing tangible 128450
personal property for sale by mining, including, without 128451
limitation, the extraction from the earth of all substances that 128452
are classed geologically as minerals, production of crude oil and 128453
natural gas, ~~farming, agriculture, horticulture, or floriculture,~~ 128454
or directly in the rendition of a public utility service, except 128455
that the sales tax levied by this section shall be collected upon 128456
all meals, drinks, and food for human consumption sold when 128457
transporting persons. Persons engaged in rendering ~~farming,~~ 128458
~~agricultural, horticultural, or floricultural services, and~~ 128459
services in the exploration for, and production of, crude oil and 128460
natural gas, for others are deemed engaged directly in ~~farming,~~ 128461
~~agriculture, horticulture, and floriculture, or the~~ exploration 128462
for, and production of, crude oil and natural gas. This paragraph 128463
does not exempt from "retail sale" or "sales at retail" the sale 128464
of tangible personal property that is to be incorporated into a 128465
structure or improvement to real property. 128466

(b) To hold the thing transferred as security for the 128467
performance of an obligation of the vendor; 128468

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	128469 128470
(d) To use or consume the thing directly in commercial fishing;	128471 128472
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	128473 128474 128475 128476
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	128477 128478 128479 128480 128481
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	128482 128483 128484
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	128485 128486 128487 128488 128489 128490
(i) To use the thing transferred as qualified research and development equipment;	128491 128492
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	128493 128494 128495 128496 128497 128498 128499

by means of direct marketing. This division does not apply to 128500
motor vehicles registered for operation on the public highways. As 128501
used in this division, "affiliated group" has the same meaning as 128502
in division (B)(3)(e) of section 5739.01 of the Revised Code and 128503
"direct marketing" has the same meaning as in division (B)(35) of 128504
this section. 128505

(k) To use or consume the thing transferred to fulfill a 128506
contractual obligation incurred by a warrantor pursuant to a 128507
warranty provided as a part of the price of the tangible personal 128508
property sold or by a vendor of a warranty, maintenance or service 128509
contract, or similar agreement the provision of which is defined 128510
as a sale under division (B)(7) of section 5739.01 of the Revised 128511
Code; 128512

(l) To use or consume the thing transferred in the production 128513
of a newspaper for distribution to the public; 128514

(m) To use tangible personal property to perform a service 128515
listed in division (B)(3) of section 5739.01 of the Revised Code, 128516
if the property is or is to be permanently transferred to the 128517
consumer of the service as an integral part of the performance of 128518
the service; 128519

(n) To use or consume the thing transferred primarily in 128520
producing tangible personal property for sale by farming, 128521
agriculture, horticulture, or floriculture. Persons engaged in 128522
rendering farming, agriculture, horticulture, or floriculture 128523
services for others are deemed engaged primarily in farming, 128524
agriculture, horticulture, or floriculture. This paragraph does 128525
not exempt from "retail sale" or "sales at retail" the sale of 128526
tangible personal property that is to be incorporated into a 128527
structure or improvement to real property. 128528

(o) To use or consume the thing transferred in acquiring, 128529
formatting, editing, storing, and disseminating data or 128530

information by electronic publishing. 128531

As used in division (B)(42) of this section, "thing" includes 128532
all transactions included in divisions (B)(3)(a), (b), and (e) of 128533
section 5739.01 of the Revised Code. 128534

(43) Sales conducted through a coin operated device that 128535
activates vacuum equipment or equipment that dispenses water, 128536
whether or not in combination with soap or other cleaning agents 128537
or wax, to the consumer for the consumer's use on the premises in 128538
washing, cleaning, or waxing a motor vehicle, provided no other 128539
personal property or personal service is provided as part of the 128540
transaction. 128541

(44) Sales of replacement and modification parts for engines, 128542
airframes, instruments, and interiors in, and paint for, aircraft 128543
used primarily in a fractional aircraft ownership program, and 128544
sales of services for the repair, modification, and maintenance of 128545
such aircraft, and machinery, equipment, and supplies primarily 128546
used to provide those services. 128547

(45) Sales of telecommunications service that is used 128548
directly and primarily to perform the functions of a call center. 128549
As used in this division, "call center" means any physical 128550
location where telephone calls are placed or received in high 128551
volume for the purpose of making sales, marketing, customer 128552
service, technical support, or other specialized business 128553
activity, and that employs at least fifty individuals that engage 128554
in call center activities on a full-time basis, or sufficient 128555
individuals to fill fifty full-time equivalent positions. 128556

(46) Sales by a telecommunications service vendor of 900 128557
service to a subscriber. This division does not apply to 128558
information services, as defined in division (FF) of section 128559
5739.01 of the Revised Code. 128560

(47) Sales of value-added non-voice data service. This 128561

division does not apply to any similar service that is not 128562
otherwise a telecommunications service. 128563

(48)(a) Sales of machinery, equipment, and software to a 128564
qualified direct selling entity for use in a warehouse or 128565
distribution center primarily for storing, transporting, or 128566
otherwise handling inventory that is held for sale to independent 128567
salespersons who operate as direct sellers and that is held 128568
primarily for distribution outside this state; 128569

(b) As used in division (B)(48)(a) of this section: 128570

(i) "Direct seller" means a person selling consumer products 128571
to individuals for personal or household use and not from a fixed 128572
retail location, including selling such product at in-home product 128573
demonstrations, parties, and other one-on-one selling. 128574

(ii) "Qualified direct selling entity" means an entity 128575
selling to direct sellers at the time the entity enters into a tax 128576
credit agreement with the tax credit authority pursuant to section 128577
122.17 of the Revised Code, provided that the agreement was 128578
entered into on or after January 1, 2007. Neither contingencies 128579
relevant to the granting of, nor later developments with respect 128580
to, the tax credit shall impair the status of the qualified direct 128581
selling entity under division (B)(48) of this section after 128582
execution of the tax credit agreement by the tax credit authority. 128583

(c) Division (B)(48) of this section is limited to machinery, 128584
equipment, and software first stored, used, or consumed in this 128585
state within the period commencing June 24, 2008, and ending on 128586
the date that is five years after that date. 128587

(49) Sales of materials, parts, equipment, or engines used in 128588
the repair or maintenance of aircraft or avionics systems of such 128589
aircraft, and sales of repair, remodeling, replacement, or 128590
maintenance services in this state performed on aircraft or on an 128591
aircraft's avionics, engine, or component materials or parts. As 128592

used in division (B)(49) of this section, "aircraft" means 128593
aircraft of more than six thousand pounds maximum certified 128594
takeoff weight or used exclusively in general aviation. 128595

(50) Sales of full flight simulators that are used for pilot 128596
or flight-crew training, sales of repair or replacement parts or 128597
components, and sales of repair or maintenance services for such 128598
full flight simulators. "Full flight simulator" means a replica of 128599
a specific type, or make, model, and series of aircraft cockpit. 128600
It includes the assemblage of equipment and computer programs 128601
necessary to represent aircraft operations in ground and flight 128602
conditions, a visual system providing an out-of-the-cockpit view, 128603
and a system that provides cues at least equivalent to those of a 128604
three-degree-of-freedom motion system, and has the full range of 128605
capabilities of the systems installed in the device as described 128606
in appendices A and B of part 60 of chapter 1 of title 14 of the 128607
Code of Federal Regulations. 128608

(51) Any transfer or lease of tangible personal property 128609
between the state and a successful proposer in accordance with 128610
sections 126.60 to 126.605 of the Revised Code, provided the 128611
property is part of a project as defined in section 126.60 of the 128612
Revised Code and the state retains ownership of the project or 128613
part thereof that is being transferred or leased, between the 128614
state and JobsOhio in accordance with section 4313.02 of the 128615
Revised Code. 128616

(C) For the purpose of the proper administration of this 128617
chapter, and to prevent the evasion of the tax, it is presumed 128618
that all sales made in this state are subject to the tax until the 128619
contrary is established. 128620

(D) The levy of this tax on retail sales of recreation and 128621
sports club service shall not prevent a municipal corporation from 128622
levying any tax on recreation and sports club dues or on any 128623
income generated by recreation and sports club dues. 128624

(E) The tax collected by the vendor from the consumer under 128625
this chapter is not part of the price, but is a tax collection for 128626
the benefit of the state, and of counties levying an additional 128627
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 128628
Code and of transit authorities levying an additional sales tax 128629
pursuant to section 5739.023 of the Revised Code. Except for the 128630
discount authorized under section 5739.12 of the Revised Code and 128631
the effects of any rounding pursuant to section 5703.055 of the 128632
Revised Code, no person other than the state or such a county or 128633
transit authority shall derive any benefit from the collection or 128634
payment of the tax levied by this section or section 5739.021, 128635
5739.023, or 5739.026 of the Revised Code. 128636

Sec. 5739.021. (A) For the purpose of providing additional 128637
general revenues for the county or supporting criminal and 128638
administrative justice services in the county, or both, and to pay 128639
the expenses of administering such levy, any county may levy a tax 128640
at the rate of not more than one per cent at any multiple of 128641
one-fourth of one per cent upon every retail sale made in the 128642
county, except sales of watercraft and outboard motors required to 128643
be titled pursuant to Chapter 1548. of the Revised Code and sales 128644
of motor vehicles, and may increase the rate of an existing tax to 128645
not more than one per cent at any multiple of one-fourth of one 128646
per cent. 128647

The tax shall be levied and the rate increased pursuant to a 128648
resolution of the board of county commissioners. The resolution 128649
shall state the purpose for which the tax is to be levied and the 128650
number of years for which the tax is to be levied, or that it is 128651
for a continuing period of time. If the tax is to be levied for 128652
the purpose of providing additional general revenues and for the 128653
purpose of supporting criminal and administrative justice 128654
services, the resolution shall state the rate or amount of the tax 128655
to be apportioned to each such purpose. The rate or amount may be 128656

different for each year the tax is to be levied, but the rates or 128657
amounts actually apportioned each year shall not be different from 128658
that stated in the resolution for that year. If the resolution is 128659
adopted as an emergency measure necessary for the immediate 128660
preservation of the public peace, health, or safety, it must 128661
receive an affirmative vote of all of the members of the board of 128662
county commissioners and shall state the reasons for such 128663
necessity. The board shall deliver a certified copy of the 128664
resolution to the tax commissioner, not later than the sixty-fifth 128665
day prior to the date on which the tax is to become effective, 128666
which shall be the first day of the calendar quarter. 128667

Prior to the adoption of any resolution under this section, 128668
the board of county commissioners shall conduct two public 128669
hearings on the resolution, the second hearing to be not less than 128670
three nor more than ten days after the first. Notice of the date, 128671
time, and place of the hearings shall be given by publication in a 128672
newspaper of general circulation in the county, or as provided in 128673
section 7.16 of the Revised Code, once a week on the same day of 128674
the week for two consecutive weeks, the second publication being 128675
not less than ten nor more than thirty days prior to the first 128676
hearing. 128677

Except as provided in division (B)(3) of this section, the 128678
resolution shall be subject to a referendum as provided in 128679
sections 305.31 to 305.41 of the Revised Code. 128680

If a petition for a referendum is filed, the county auditor 128681
with whom the petition was filed shall, within five days, notify 128682
the board of county commissioners and the tax commissioner of the 128683
filing of the petition by certified mail. If the board of 128684
elections with which the petition was filed declares the petition 128685
invalid, the board of elections, within five days, shall notify 128686
the board of county commissioners and the tax commissioner of that 128687
declaration by certified mail. If the petition is declared to be 128688

invalid, the effective date of the tax or increased rate of tax 128689
levied by this section shall be the first day of a calendar 128690
quarter following the expiration of sixty-five days from the date 128691
the commissioner receives notice from the board of elections that 128692
the petition is invalid. 128693

(B)(1) A resolution that is not adopted as an emergency 128694
measure may direct the board of elections to submit the question 128695
of levying the tax or increasing the rate of tax to the electors 128696
of the county at a special election held on the date specified by 128697
the board of county commissioners in the resolution, provided that 128698
the election occurs not less than ninety days after a certified 128699
copy of such resolution is transmitted to the board of elections 128700
and the election is not held in February or August of any year. 128701
Upon transmission of the resolution to the board of elections, the 128702
board of county commissioners shall notify the tax commissioner in 128703
writing of the levy question to be submitted to the electors. No 128704
resolution adopted under this division shall go into effect unless 128705
approved by a majority of those voting upon it, and, except as 128706
provided in division (B)(3) of this section, shall become 128707
effective on the first day of a calendar quarter following the 128708
expiration of sixty-five days from the date the tax commissioner 128709
receives notice from the board of elections of the affirmative 128710
vote. 128711

(2) A resolution that is adopted as an emergency measure 128712
shall go into effect as provided in division (A) of this section, 128713
but may direct the board of elections to submit the question of 128714
repealing the tax or increase in the rate of the tax to the 128715
electors of the county at the next general election in the county 128716
occurring not less than ninety days after a certified copy of the 128717
resolution is transmitted to the board of elections. Upon 128718
transmission of the resolution to the board of elections, the 128719
board of county commissioners shall notify the tax commissioner in 128720

writing of the levy question to be submitted to the electors. The 128721
ballot question shall be the same as that prescribed in section 128722
5739.022 of the Revised Code. The board of elections shall notify 128723
the board of county commissioners and the tax commissioner of the 128724
result of the election immediately after the result has been 128725
declared. If a majority of the qualified electors voting on the 128726
question of repealing the tax or increase in the rate of the tax 128727
vote for repeal of the tax or repeal of the increase, the board of 128728
county commissioners, on the first day of a calendar quarter 128729
following the expiration of sixty-five days after the date the 128730
board and tax commissioner receive notice of the result of the 128731
election, shall, in the case of a repeal of the tax, cease to levy 128732
the tax, or, in the case of a repeal of an increase in the rate of 128733
the tax, cease to levy the increased rate and levy the tax at the 128734
rate at which it was imposed immediately prior to the increase in 128735
rate. 128736

(3) If a vendor that is registered with the central 128737
electronic registration system provided for in section 5740.05 of 128738
the Revised Code makes a sale in this state by printed catalog and 128739
the consumer computed the tax on the sale based on local rates 128740
published in the catalog, any tax levied or repealed or rate 128741
changed under this section shall not apply to such a sale until 128742
the first day of a calendar quarter following the expiration of 128743
one hundred twenty days from the date of notice by the tax 128744
commissioner pursuant to division (H) of this section. 128745

(C) If a resolution is rejected at a referendum or if a 128746
resolution adopted after January 1, 1982, as an emergency measure 128747
is repealed by the electors pursuant to division (B)(2) of this 128748
section or section 5739.022 of the Revised Code, then for one year 128749
after the date of the election at which the resolution was 128750
rejected or repealed the board of county commissioners may not 128751
adopt any resolution authorized by this section as an emergency 128752

measure. 128753

(D) The board of county commissioners, at any time while a 128754
tax levied under this section is in effect, may by resolution 128755
reduce the rate at which the tax is levied to a lower rate 128756
authorized by this section. Any reduction in the rate at which the 128757
tax is levied shall be made effective on the first day of a 128758
calendar quarter next following the sixty-fifth day after a 128759
certified copy of the resolution is delivered to the tax 128760
commissioner. 128761

(E) The tax on every retail sale subject to a tax levied 128762
pursuant to this section shall be in addition to the tax levied by 128763
section 5739.02 of the Revised Code and any tax levied pursuant to 128764
section 5739.023 or 5739.026 of the Revised Code. 128765

A county that levies a tax pursuant to this section shall 128766
levy a tax at the same rate pursuant to section 5741.021 of the 128767
Revised Code. 128768

The additional tax levied by the county shall be collected 128769
pursuant to section 5739.025 of the Revised Code. If the 128770
additional tax or some portion thereof is levied for the purpose 128771
of criminal and administrative justice services, the revenue from 128772
the tax, or the amount or rate apportioned to that purpose, shall 128773
be credited to a special fund created in the county treasury for 128774
receipt of that revenue. 128775

Any tax levied pursuant to this section is subject to the 128776
exemptions provided in section 5739.02 of the Revised Code and in 128777
addition shall not be applicable to sales not within the taxing 128778
power of a county under the Constitution of the United States or 128779
the Ohio Constitution. 128780

(F) For purposes of this section, a copy of a resolution is 128781
"certified" when it contains a written statement attesting that 128782
the copy is a true and exact reproduction of the original 128783

resolution. 128784

(G) If a board of commissioners intends to adopt a resolution 128785
to levy a tax in whole or in part for the purpose of criminal and 128786
administrative justice services, the board shall prepare and make 128787
available at the first public hearing at which the resolution is 128788
considered a statement containing the following information: 128789

(1) For each of the two preceding fiscal years, the amount of 128790
expenditures made by the county from the county general fund for 128791
the purpose of criminal and administrative justice services; 128792

(2) For the fiscal year in which the resolution is adopted, 128793
the board's estimate of the amount of expenditures to be made by 128794
the county from the county general fund for the purpose of 128795
criminal and administrative justice services; 128796

(3) For each of the two fiscal years after the fiscal year in 128797
which the resolution is adopted, the board's preliminary plan for 128798
expenditures to be made from the county general fund for the 128799
purpose of criminal and administrative justice services, both 128800
under the assumption that the tax will be imposed for that purpose 128801
and under the assumption that the tax would not be imposed for 128802
that purpose, and for expenditures to be made from the special 128803
fund created under division (E) of this section under the 128804
assumption that the tax will be imposed for that purpose. 128805

The board shall prepare the statement and the preliminary 128806
plan using the best information available to the board at the time 128807
the statement is prepared. Neither the statement nor the 128808
preliminary plan shall be used as a basis to challenge the 128809
validity of the tax in any court of competent jurisdiction, nor 128810
shall the statement or preliminary plan limit the authority of the 128811
board to appropriate, pursuant to section 5705.38 of the Revised 128812
Code, an amount different from that specified in the preliminary 128813
plan. 128814

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

(I) As used in this section, "criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility, as defined in section 2921.01 of the Revised Code; and the construction, acquisition, equipping, or repair of such a detention facility, including the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.

Sec. 5739.022. (A) The question of repeal of either a county 128848
permissive tax or an increase in the rate of a county permissive 128849
tax that was adopted as an emergency measure pursuant to section 128850
5739.021 or 5739.026 of the Revised Code may be initiated by 128851
filing with the board of elections of the county not less than 128852
ninety days before the general election in any year a petition 128853
requesting that an election be held on the question. The question 128854
of repealing an increase in the rate of the county permissive tax 128855
shall be submitted to the electors as a separate question from the 128856
repeal of the tax in effect prior to the increase in the rate. Any 128857
petition filed under this section shall be signed by qualified 128858
electors residing in the county equal in number to ten per cent of 128859
those voting for governor at the most recent gubernatorial 128860
election. 128861

After determination by it that the petition is valid, the 128862
board of elections shall submit the question to the electors of 128863
the county at the next general election. The election shall be 128864
conducted, canvassed, and certified in the same manner as regular 128865
elections for county offices in the county. The board of elections 128866
shall notify the tax commissioner, in writing, of the election 128867
upon determining that the petition is valid. Notice of the 128868
election shall also be published in a newspaper of general 128869
circulation in the district once a week for two consecutive weeks, 128870
or as provided in section 7.16 of the Revised Code, prior to the 128871
election, and, if, If the board of elections operates and 128872
maintains a web site, the board of elections shall post notice of 128873
the election on its web site for thirty days prior to the 128874
election. The notice shall state the purpose, time, and place of 128875
the election. The form of the ballot cast at the election shall be 128876
prescribed by the secretary of state; however, the ballot question 128877
shall read, "shall the tax (or, increase in the rate of the tax) 128878
be retained? 128879

	Yes
	No

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The question covered by the petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

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

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(C) Upon receipt from a board of elections of a notice of the results of an election required by division (B) of this section, the tax commissioner shall provide notice of a tax repeal or rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

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(D) If a vendor that is registered with the central

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electronic registration system provided for in section 5740.05 of 128911
the Revised Code makes a sale in this state by printed catalog and 128912
the consumer computed the tax on the sale based on local rates 128913
published in the catalog, any tax repealed or rate changed under 128914
this section shall not apply to such a sale until the first day of 128915
a calendar quarter following the expiration of one hundred twenty 128916
days from the date of notice by the tax commissioner pursuant to 128917
division (C) of this section. 128918

Sec. 5739.026. (A) A board of county commissioners may levy a 128919
tax of one-fourth or one-half of one per cent on every retail sale 128920
in the county, except sales of watercraft and outboard motors 128921
required to be titled pursuant to Chapter 1548. of the Revised 128922
Code and sales of motor vehicles, and may increase an existing 128923
rate of one-fourth of one per cent to one-half of one per cent, to 128924
pay the expenses of administering the tax and, except as provided 128925
in division (A)(6) of this section, for any one or more of the 128926
following purposes provided that the aggregate levy for all such 128927
purposes does not exceed one-half of one per cent: 128928

(1) To provide additional revenues for the payment of bonds 128929
or notes issued in anticipation of bonds issued by a convention 128930
facilities authority established by the board of county 128931
commissioners under Chapter 351. of the Revised Code and to 128932
provide additional operating revenues for the convention 128933
facilities authority; 128934

(2) To provide additional revenues for a transit authority 128935
operating in the county; 128936

(3) To provide additional revenue for the county's general 128937
fund; 128938

(4) To provide additional revenue for permanent improvements 128939
within the county to be distributed by the community improvements 128940
board in accordance with section 307.283 and to pay principal, 128941

interest, and premium on bonds issued under section 307.284 of the Revised Code; 128942
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(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; 128944
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(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. 128954
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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 of the purposes described in divisions (A)(1) to (5) of this section and shall prescribe the method for allocating the revenues from the tax each year in the manner required by division (C) of this section. 128966
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(7) To provide additional revenue for the operation or 128973

maintenance of a detention facility, as that term is defined under 128974
division (F) of section 2921.01 of the Revised Code; 128975

(8) To provide revenue to finance the construction or 128976
renovation of a sports facility, but only if the tax is levied for 128977
that purpose in the manner prescribed by section 5739.028 of the 128978
Revised Code. 128979

As used in division (A)(8) of this section: 128980

(a) "Sports facility" means a facility intended to house 128981
major league professional athletic teams. 128982

(b) "Constructing" or "construction" includes providing 128983
fixtures, furnishings, and equipment. 128984

(9) To provide additional revenue for the acquisition of 128985
agricultural easements, as defined in section 5301.67 of the 128986
Revised Code; to pay principal, interest, and premium on bonds 128987
issued under section 133.60 of the Revised Code; and for the 128988
supervision and enforcement of agricultural easements held by the 128989
county; 128990

(10) To provide revenue for the provision of ambulance, 128991
paramedic, or other emergency medical services; 128992

(11) To provide revenue for the operation of a lake 128993
facilities authority and the remediation of a distressed watershed 128994
by a lake facilities authority, as provided in Chapter 353. of the 128995
Revised Code. 128996

Pursuant to section 755.171 of the Revised Code, a board of 128997
county commissioners may pledge and contribute revenue from a tax 128998
levied for the purpose of division (A)(5) of this section to the 128999
payment of debt charges on bonds issued under section 755.17 of 129000
the Revised Code. 129001

The rate of tax shall be a multiple of one-fourth of one per 129002
cent, unless a portion of the rate of an existing tax levied under 129003

section 5739.023 of the Revised Code has been reduced, and the 129004
rate of tax levied under this section has been increased, pursuant 129005
to section 5739.028 of the Revised Code, in which case the 129006
aggregate of the rates of tax levied under this section and 129007
section 5739.023 of the Revised Code shall be a multiple of 129008
one-fourth of one per cent. The tax shall be levied and the rate 129009
increased pursuant to a resolution adopted by a majority of the 129010
members of the board. The board shall deliver a certified copy of 129011
the resolution to the tax commissioner, not later than the 129012
sixty-fifth day prior to the date on which the tax is to become 129013
effective, which shall be the first day of a calendar quarter. 129014

Prior to the adoption of any resolution to levy the tax or to 129015
increase the rate of tax exclusively for the purpose set forth in 129016
division (A)(3) of this section, the board of county commissioners 129017
shall conduct two public hearings on the resolution, the second 129018
hearing to be no fewer than three nor more than ten days after the 129019
first. Notice of the date, time, and place of the hearings shall 129020
be given by publication in a newspaper of general circulation in 129021
the county, or as provided in section 7.16 of the Revised Code, 129022
once a week on the same day of the week for two consecutive weeks, 129023
~~the.~~ The second publication being shall be no fewer than ten nor 129024
more than thirty days prior to the first hearing. Except as 129025
provided in division (E) of this section, the resolution shall be 129026
subject to a referendum as provided in sections 305.31 to 305.41 129027
of the Revised Code. If the resolution is adopted as an emergency 129028
measure necessary for the immediate preservation of the public 129029
peace, health, or safety, it must receive an affirmative vote of 129030
all of the members of the board of county commissioners and shall 129031
state the reasons for the necessity. 129032

If the tax is for more than one of the purposes set forth in 129033
divisions (A)(1) to (7), (9), and (10) of this section, or is 129034
exclusively for one of the purposes set forth in division (A)(1), 129035

(2), (4), (5), (6), (7), (9), or (10) of this section, the 129036
resolution shall not go into effect unless it is approved by a 129037
majority of the electors voting on the question of the tax. 129038

(B) The board of county commissioners shall adopt a 129039
resolution under section 351.02 of the Revised Code creating the 129040
convention facilities authority, or under section 307.283 of the 129041
Revised Code creating the community improvements board, before 129042
adopting a resolution levying a tax for the purpose of a 129043
convention facilities authority under division (A)(1) of this 129044
section or for the purpose of a community improvements board under 129045
division (A)(4) of this section. 129046

(C)(1) If the tax is to be used for more than one of the 129047
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 129048
this section, the board of county commissioners shall establish 129049
the method that will be used to determine the amount or proportion 129050
of the tax revenue received by the county during each year that 129051
will be distributed for each of those purposes, including, if 129052
applicable, provisions governing the reallocation of a convention 129053
facilities authority's allocation if the authority is dissolved 129054
while the tax is in effect. The allocation method may provide that 129055
different proportions or amounts of the tax shall be distributed 129056
among the purposes in different years, but it shall clearly 129057
describe the method that will be used for each year. Except as 129058
otherwise provided in division (C)(2) of this section, the 129059
allocation method established by the board is not subject to 129060
amendment during the life of the tax. 129061

(2) Subsequent to holding a public hearing on the proposed 129062
amendment, the board of county commissioners may amend the 129063
allocation method established under division (C)(1) of this 129064
section for any year, if the amendment is approved by the 129065
governing board of each entity whose allocation for the year would 129066
be reduced by the proposed amendment. In the case of a tax that is 129067

levied for a continuing period of time, the board may not so amend 129068
the allocation method for any year before the sixth year that the 129069
tax is in effect. 129070

(a) If the additional revenues provided to the convention 129071
facilities authority are pledged by the authority for the payment 129072
of convention facilities authority revenue bonds for as long as 129073
such bonds are outstanding, no reduction of the authority's 129074
allocation of the tax shall be made for any year except to the 129075
extent that the reduced authority allocation, when combined with 129076
the authority's other revenues pledged for that purpose, is 129077
sufficient to meet the debt service requirements for that year on 129078
such bonds. 129079

(b) If the additional revenues provided to the county are 129080
pledged by the county for the payment of bonds or notes described 129081
in division (A)(4) or (5) of this section, for as long as such 129082
bonds or notes are outstanding, no reduction of the county's or 129083
the community improvements board's allocation of the tax shall be 129084
made for any year, except to the extent that the reduced county or 129085
community improvements board allocation is sufficient to meet the 129086
debt service requirements for that year on such bonds or notes. 129087

(c) If the additional revenues provided to the transit 129088
authority are pledged by the authority for the payment of revenue 129089
bonds issued under section 306.37 of the Revised Code, for as long 129090
as such bonds are outstanding, no reduction of the authority's 129091
allocation of tax shall be made for any year, except to the extent 129092
that the authority's reduced allocation, when combined with the 129093
authority's other revenues pledged for that purpose, is sufficient 129094
to meet the debt service requirements for that year on such bonds. 129095

(d) If the additional revenues provided to the county are 129096
pledged by the county for the payment of bonds or notes issued 129097
under section 133.60 of the Revised Code, for so long as the bonds 129098
or notes are outstanding, no reduction of the county's allocation 129099

of the tax shall be made for any year, except to the extent that 129100
the reduced county allocation is sufficient to meet the debt 129101
service requirements for that year on the bonds or notes. 129102

(D)(1) The resolution levying the tax or increasing the rate 129103
of tax shall state the rate of the tax or the rate of the 129104
increase; the purpose or purposes for which it is to be levied; 129105
the number of years for which it is to be levied or that it is for 129106
a continuing period of time; the allocation method required by 129107
division (C) of this section; and if required to be submitted to 129108
the electors of the county under division (A) of this section, the 129109
date of the election at which the proposal shall be submitted to 129110
the electors of the county, which shall be not less than ninety 129111
days after the certification of a copy of the resolution to the 129112
board of elections and, if the tax is to be levied exclusively for 129113
the purpose set forth in division (A)(3) of this section, shall 129114
not occur in February or August of any year. Upon certification of 129115
the resolution to the board of elections, the board of county 129116
commissioners shall notify the tax commissioner in writing of the 129117
levy question to be submitted to the electors. If approved by a 129118
majority of the electors, the tax shall become effective on the 129119
first day of a calendar quarter next following the sixty-fifth day 129120
following the date the board of county commissioners and tax 129121
commissioner receive from the board of elections the certification 129122
of the results of the election, except as provided in division (E) 129123
of this section. 129124

(2)(a) A resolution specifying that the tax is to be used 129125
exclusively for the purpose set forth in division (A)(3) of this 129126
section that is not adopted as an emergency measure may direct the 129127
board of elections to submit the question of levying the tax or 129128
increasing the rate of the tax to the electors of the county at a 129129
special election held on the date specified by the board of county 129130
commissioners in the resolution, provided that the election occurs 129131

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

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

result of the election, shall, in the case of a repeal of the tax, 129165
cease to levy the tax, or, in the case of a repeal of an increase 129166
in the rate of the tax, cease to levy the increased rate and levy 129167
the tax at the rate at which it was imposed immediately prior to 129168
the increase in rate. 129169

(c) A board of county commissioners, by resolution, may 129170
reduce the rate of a tax levied exclusively for the purpose set 129171
forth in division (A)(3) of this section to a lower rate 129172
authorized by this section. Any such reduction shall be made 129173
effective on the first day of the calendar quarter next following 129174
the sixty-fifth day after the tax commissioner receives a 129175
certified copy of the resolution from the board. 129176

(E) If a vendor that is registered with the central 129177
electronic registration system provided for in section 5740.05 of 129178
the Revised Code makes a sale in this state by printed catalog and 129179
the consumer computed the tax on the sale based on local rates 129180
published in the catalog, any tax levied or repealed or rate 129181
changed under this section shall not apply to such a sale until 129182
the first day of a calendar quarter following the expiration of 129183
one hundred twenty days from the date of notice by the tax 129184
commissioner pursuant to division (G) of this section. 129185

(F) The tax levied pursuant to this section shall be in 129186
addition to the tax levied by section 5739.02 of the Revised Code 129187
and any tax levied pursuant to section 5739.021 or 5739.023 of the 129188
Revised Code. 129189

A county that levies a tax pursuant to this section shall 129190
levy a tax at the same rate pursuant to section 5741.023 of the 129191
Revised Code. 129192

The additional tax levied by the county shall be collected 129193
pursuant to section 5739.025 of the Revised Code. 129194

Any tax levied pursuant to this section is subject to the 129195

exemptions provided in section 5739.02 of the Revised Code and in 129196
addition shall not be applicable to sales not within the taxing 129197
power of a county under the Constitution of the United States or 129198
the Ohio Constitution. 129199

(G) Upon receipt from a board of county commissioners of a 129200
certified copy of a resolution required by division (A) of this 129201
section, or from the board of elections a notice of the results of 129202
an election required by division (D)(1), (2)(a), (b), or (c) of 129203
this section, the tax commissioner shall provide notice of a tax 129204
rate change in a manner that is reasonably accessible to all 129205
affected vendors. The commissioner shall provide this notice at 129206
least sixty days prior to the effective date of the rate change. 129207
The commissioner, by rule, may establish the method by which 129208
notice will be provided. 129209

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 129210
has paid taxes to the treasurer of state or the treasurer of 129211
state's agent, or to the tax commissioner or the commissioner's 129212
agent, the commissioner shall refund to the vendor the amount of 129213
taxes paid if the vendor has refunded to the consumer the full 129214
amount of taxes the consumer paid illegally or erroneously or if 129215
the vendor has illegally or erroneously billed the consumer but 129216
has not collected the taxes from the consumer. 129217

(B) When, pursuant to this chapter, a consumer has paid taxes 129218
directly to the treasurer of state or the treasurer of state's 129219
agent, or to the tax commissioner or the commissioner's agent, and 129220
the payment or assessment was illegal or erroneous, the 129221
commissioner shall refund to the consumer the full amount of 129222
illegal or erroneous taxes paid. 129223

(C) The commissioner shall refund to the consumer taxes paid 129224
illegally or erroneously to a vendor only if: 129225

(1) The commissioner has not refunded the tax to the vendor 129226

and the vendor has not refunded the tax to the consumer; or 129227

(2) The consumer has received a refund from a manufacturer or 129228
other person, other than the vendor, of the full purchase price, 129229
but not the tax, paid to the vendor in settlement of a complaint 129230
by the consumer about the property or service purchased. 129231

The commissioner may require the consumer to obtain or the 129232
vendor to provide a written statement confirming that the vendor 129233
has not refunded the tax to the consumer and has not filed an 129234
application for refund of the tax with the commissioner. 129235

(D) An Subject to division (E) of this section, an 129236
application for refund shall be filed with the tax commissioner on 129237
the form prescribed by the commissioner within four years from the 129238
date of the illegal or erroneous payment of the tax, unless the 129239
vendor or consumer waives the time limitation under division 129240
(A)(3) of section 5739.16 of the Revised Code. If the time 129241
limitation is waived, the refund application period shall be 129242
extended for the same period as the waiver. 129243

(E) An application for refund shall be filed in accordance 129244
with division (D) of this section unless a person is subject to an 129245
assessment that is subject to the time limit of division (B) of 129246
section 5703.58 of the Revised Code for a tax not reported and 129247
paid between the four-year time limit described in division (D) of 129248
this section and the seven-year limit described in division (B) of 129249
section 5703.58 of the Revised Code, in which case the person may 129250
file an application for refund for the year in which the 129251
assessment is issued or any following year. 129252

(F) On the filing of an application for a refund, the 129253
commissioner shall determine the amount of refund to which the 129254
applicant is entitled. If the amount is not less than that 129255
claimed, the commissioner shall certify that amount to the 129256
director of budget and management and the treasurer of state for 129257

payment from the tax refund fund created by section 5703.052 of 129258
the Revised Code. If the amount is less than that claimed, the 129259
commissioner shall proceed in accordance with section 5703.70 of 129260
the Revised Code. 129261

~~(F)~~(G) When a refund is granted under this section, it shall 129262
include interest thereon as provided by section 5739.132 of the 129263
Revised Code. 129264

Sec. 5739.101. (A) The legislative authority of a municipal 129265
corporation, by ordinance, or of a township, by resolution, may 129266
declare the municipal corporation or township to be a resort area 129267
for the purposes of this section, if all of the following criteria 129268
are met: 129269

(1) According to statistics published by the federal 129270
government based on data compiled during the most recent decennial 129271
census of the United States, at least sixty-two per cent of total 129272
housing units in the municipal corporation or township are 129273
classified as "for seasonal, recreational, or occasional use"; 129274

(2) Entertainment and recreation facilities are provided 129275
within the municipal corporation or township that are primarily 129276
intended to provide seasonal leisure time activities for persons 129277
other than permanent residents of the municipal corporation or 129278
township; 129279

(3) The municipal corporation or township experiences 129280
seasonal peaks of employment and demand for government services as 129281
a direct result of the seasonal population increase. 129282

(B) For the purpose of providing revenue for its general 129283
fund, the legislative authority of a municipal corporation or 129284
township, in its ordinance or resolution declaring itself a resort 129285
area under this section, may levy a tax on the privilege of 129286
engaging in the business of either of the following: 129287

(1) Making sales in the municipal corporation or township, 129288
whether wholesale or retail, but including sales of food only to 129289
the extent such sales are subject to the tax levied under section 129290
5739.02 of the Revised Code; 129291

(2) Intrastate transportation of passengers or property 129292
primarily to or from the municipal corporation or township by a 129293
railroad, watercraft, or motor vehicle subject to regulation by 129294
the public utilities commission, except not including 129295
transportation of passengers as part of a tour or cruise in which 129296
the passengers will stay in the municipal corporation or township 129297
for no more than one hour. 129298

The tax is imposed upon and shall be paid by the person 129299
making the sales or transporting the passengers or property. The 129300
rate of the tax shall be one-half, one, or one and one-half per 129301
cent of the person's gross receipts derived from making the sales 129302
or transporting the passengers or property to or from the 129303
municipal corporation or township. 129304

(C) The tax shall take effect on the first day of the month 129305
that begins at least sixty days after the effective date of the 129306
ordinance or resolution in which it is levied. The legislative 129307
authority shall certify copies of the ordinance or resolution to 129308
the tax commissioner and treasurer of state within five days after 129309
its adoption. In addition, one time each week during the two weeks 129310
following the adoption of the ordinance or resolution, the 129311
legislative authority shall cause to be published in a newspaper 129312
of general circulation in the municipal corporation or township or 129313
as provided in section 7.16 of the Revised Code, a notice 129314
explaining the tax and stating the rate of the tax, the date it 129315
will take effect, and that persons subject to the tax must 129316
register with the tax commissioner under section 5739.103 of the 129317
Revised Code. 129318

(D) No more than once a year, and subject to the rates 129319

prescribed in division (B) of this section, the legislative 129320
authority of the municipal corporation or township, by ordinance 129321
or resolution, may increase or decrease the rate of a tax levied 129322
under this section. The legislative authority, by ordinance or 129323
resolution, at any time may repeal such a tax. The legislative 129324
authority shall certify to the tax commissioner and treasurer of 129325
state copies of the ordinance or resolution repealing or changing 129326
the rate of the tax within five days after its adoption. In 129327
addition, one time each week during the two weeks following the 129328
adoption of the ordinance or resolution, the legislative authority 129329
shall cause to be published in a newspaper of general circulation 129330
in the municipal corporation or township or as provided in section 129331
7.16 of the Revised Code, notice of the repeal or change. 129332

Sec. 5739.19. The tax commissioner may revoke any retail 129333
vendor's license upon ascertaining that the vendor has no need for 129334
the license because the vendor is not engaged in making taxable 129335
retail sales. Notice of the revocation shall be delivered to the 129336
vendor personally or by certified mail, ~~return receipt requested~~ 129337
or by an alternative delivery service as authorized under section 129338
5703.37 of the Revised Code. The revocation shall be effective on 129339
the first day of the month following the expiration of fifteen 129340
days after the vendor received the notice of the revocation. 129341

The revocation of the vendor's license shall be stayed if, 129342
within fifteen days after receiving notice of the revocation, the 129343
vendor objects, in writing, to the revocation. The commissioner 129344
shall consider the written objections of the vendor and issue a 129345
final determination on the revocation of the vendor's license. The 129346
commissioner's final determination may be appealed to the board of 129347
tax appeals pursuant to section 5717.02 of the Revised Code. The 129348
revocation shall be effective on the first day of the month 129349
following the expiration of all time limits for appeal. 129350

Sec. 5739.30. (A) No person, including any officer, employee, 129351
or trustee of a corporation or business trust, shall fail to file 129352
any return or report required to be filed by this chapter, or file 129353
or cause to be filed any incomplete, false or fraudulent return, 129354
report, or statement, or aid or abet another in the filing of any 129355
false or fraudulent return, report, or statement. 129356

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(B) If any vendor required to file monthly returns under 129358
section 5739.12 of the Revised Code fails, on two consecutive 129359
months or on three or more months within a twelve-month period, to 129360
file such returns when due or to pay the tax thereon, or if any 129361
vendor authorized by the tax commissioner to file semiannual 129362
returns fails on two or more occasions within a twenty-four month 129363
period, to file such returns when due or to pay the tax due 129364
thereon, the commissioner may do any of the following: 129365

(1) Require the vendor to furnish security in an amount equal 129366
to the average tax liability of the vendor for a period of one 129367
year, as determined by the commissioner from a review of returns 129368
or other information pertaining to the vendor, which amount shall 129369
in no event be less than one thousand dollars. The security may be 129370
in the form of a corporate surety bond, satisfactory to the 129371
commissioner, conditioned upon payment of the tax due with the 129372
returns from the vendor. The security shall be filed within ten 129373
days following the vendor's receipt of the notice from the 129374
commissioner of its requirements. 129375

(2) Suspend the license issued to the vendor pursuant to 129376
section 5739.17 of the Revised Code. The suspension shall be 129377
effective ten days after service of written notice to the vendor 129378
of the commissioner's intention to do so. The notice shall be 129379
served upon the vendor personally ~~or~~, by certified mail, or by an 129380
alternative delivery service as authorized under section 5703.37 129381

of the Revised Code. On the first day of the suspension, the 129382
commissioner shall cause to be posted, at every public entrance of 129383
the vendor's premises, a notice identifying the vendor and the 129384
location and informing the public that the vendor's license is 129385
under suspension and that no retail sales may be transacted at 129386
that location. No person, other than the commissioner or the 129387
commissioner's agent or employee, shall remove, cover, or deface 129388
the posted notice. No license which has been suspended under this 129389
section shall be reinstated, and no posted notice shall be 129390
removed, until the vendor has filed complete and correct returns 129391
for all periods in which no return had been filed and paid the 129392
full amount of the tax, penalties, and other charges due on those 129393
returns. 129394

A corporate surety bond filed under this section shall be 129395
returned to the vendor if, for a period of twelve consecutive 129396
months following the date the bond was filed, the vendor has filed 129397
all returns and remitted payment with them within the time 129398
prescribed in section 5739.12 of the Revised Code. 129399

Sec. 5747.01. Except as otherwise expressly provided or 129400
clearly appearing from the context, any term used in this chapter 129401
that is not otherwise defined in this section has the same meaning 129402
as when used in a comparable context in the laws of the United 129403
States relating to federal income taxes or if not used in a 129404
comparable context in those laws, has the same meaning as in 129405
section 5733.40 of the Revised Code. Any reference in this chapter 129406
to the Internal Revenue Code includes other laws of the United 129407
States relating to federal income taxes. 129408

As used in this chapter: 129409

(A) "Adjusted gross income" or "Ohio adjusted gross income" 129410
means federal adjusted gross income, as defined and used in the 129411
Internal Revenue Code, adjusted as provided in this section: 129412

(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 the trust increased by (a)(i) the additions to adjusted gross

income required under division (A) of this section and (ii) the 129444
personal exemptions allowed to the trust pursuant to section 129445
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 129446
deductions to adjusted gross income required under division (A) of 129447
this section, (ii) the amount of federal income taxes attributable 129448
to such income, and (iii) the amount of taxable income that has 129449
been included in the adjusted gross income of a beneficiary by 129450
reason of a prior accumulation distribution. Any undistributed net 129451
income included in the adjusted gross income of a beneficiary 129452
shall reduce the undistributed net income of the trust commencing 129453
with the earliest years of the accumulation period. 129454

(7) Deduct the amount of wages and salaries, if any, not 129455
otherwise allowable as a deduction but that would have been 129456
allowable as a deduction in computing federal adjusted gross 129457
income for the taxable year, had the targeted jobs credit allowed 129458
and determined under sections 38, 51, and 52 of the Internal 129459
Revenue Code not been in effect. 129460

(8) Deduct any interest or interest equivalent on public 129461
obligations and purchase obligations to the extent that the 129462
interest or interest equivalent is included in federal adjusted 129463
gross income. 129464

(9) Add any loss or deduct any gain resulting from the sale, 129465
exchange, or other disposition of public obligations to the extent 129466
that the loss has been deducted or the gain has been included in 129467
computing federal adjusted gross income. 129468

(10) Deduct or add amounts, as provided under section 5747.70 129469
of the Revised Code, related to contributions to variable college 129470
savings program accounts made or tuition units purchased pursuant 129471
to Chapter 3334. of the Revised Code. 129472

(11)(a) Deduct, to the extent not otherwise allowable as a 129473
deduction or exclusion in computing federal or Ohio adjusted gross 129474

income for the taxable year, the amount the taxpayer paid during 129475
the taxable year for medical care insurance and qualified 129476
long-term care insurance for the taxpayer, the taxpayer's spouse, 129477
and dependents. No deduction for medical care insurance under 129478
division (A)(11) of this section shall be allowed either to any 129479
taxpayer who is eligible to participate in any subsidized health 129480
plan maintained by any employer of the taxpayer or of the 129481
taxpayer's spouse, or to any taxpayer who is entitled to, or on 129482
application would be entitled to, benefits under part A of Title 129483
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 129484
301, as amended. For the purposes of division (A)(11)(a) of this 129485
section, "subsidized health plan" means a healthplan for which 129486
the employer pays any portion of the plan's cost. The deduction 129487
allowed under division (A)(11)(a) of this section shall be the net 129488
of any related premium refunds, related premium reimbursements, or 129489
related insurance premium dividends received during the taxable 129490
year. 129491

(b) Deduct, to the extent not otherwise deducted or excluded 129492
in computing federal or Ohio adjusted gross income during the 129493
taxable year, the amount the taxpayer paid during the taxable 129494
year, not compensated for by any insurance or otherwise, for 129495
medical care of the taxpayer, the taxpayer's spouse, and 129496
dependents, to the extent the expenses exceed seven and one-half 129497
per cent of the taxpayer's federal adjusted gross income. 129498

(c) Deduct, to the extent not otherwise deducted or excluded 129499
in computing federal or Ohio adjusted gross income, any amount 129500
included in federal adjusted gross income under section 105 or not 129501
excluded under section 106 of the Internal Revenue Code solely 129502
because it relates to an accident and health plan for a person who 129503
otherwise would be a "qualifying relative" and thus a "dependent" 129504
under section 152 of the Internal Revenue Code but for the fact 129505
that the person fails to meet the income and support limitations 129506

under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 129507

(d) For purposes of division (A)(11) of this section, 129508
"medical care" has the meaning given in section 213 of the 129509
Internal Revenue Code, subject to the special rules, limitations, 129510
and exclusions set forth therein, and "qualified long-term care" 129511
has the same meaning given in section 7702B(c) of the Internal 129512
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 129513
of this section, "dependent" includes a person who otherwise would 129514
be a "qualifying relative" and thus a "dependent" under section 129515
152 of the Internal Revenue Code but for the fact that the person 129516
fails to meet the income and support limitations under section 129517
152(d)(1)(B) and (C) of the Internal Revenue Code. 129518

(12)(a) Deduct any amount included in federal adjusted gross 129519
income solely because the amount represents a reimbursement or 129520
refund of expenses that in any year the taxpayer had deducted as 129521
an itemized deduction pursuant to section 63 of the Internal 129522
Revenue Code and applicable United States department of the 129523
treasury regulations. The deduction otherwise allowed under 129524
division (A)(12)(a) of this section shall be reduced to the extent 129525
the reimbursement is attributable to an amount the taxpayer 129526
deducted under this section in any taxable year. 129527

(b) Add any amount not otherwise included in Ohio adjusted 129528
gross income for any taxable year to the extent that the amount is 129529
attributable to the recovery during the taxable year of any amount 129530
deducted or excluded in computing federal or Ohio adjusted gross 129531
income in any taxable year. 129532

(13) Deduct any portion of the deduction described in section 129533
1341(a)(2) of the Internal Revenue Code, for repaying previously 129534
reported income received under a claim of right, that meets both 129535
of the following requirements: 129536

(a) It is allowable for repayment of an item that was 129537

included in the taxpayer's adjusted gross income for a prior 129538
taxable year and did not qualify for a credit under division (A) 129539
or (B) of section 5747.05 of the Revised Code for that year; 129540

(b) It does not otherwise reduce the taxpayer's adjusted 129541
gross income for the current or any other taxable year. 129542

(14) Deduct an amount equal to the deposits made to, and net 129543
investment earnings of, a medical savings account during the 129544
taxable year, in accordance with section 3924.66 of the Revised 129545
Code. The deduction allowed by division (A)(14) of this section 129546
does not apply to medical savings account deposits and earnings 129547
otherwise deducted or excluded for the current or any other 129548
taxable year from the taxpayer's federal adjusted gross income. 129549

(15)(a) Add an amount equal to the funds withdrawn from a 129550
medical savings account during the taxable year, and the net 129551
investment earnings on those funds, when the funds withdrawn were 129552
used for any purpose other than to reimburse an account holder 129553
for, or to pay, eligible medical expenses, in accordance with 129554
section 3924.66 of the Revised Code; 129555

(b) Add the amounts distributed from a medical savings 129556
account under division (A)(2) of section 3924.68 of the Revised 129557
Code during the taxable year. 129558

(16) Add any amount claimed as a credit under section 129559
5747.059 of the Revised Code to the extent that such amount 129560
satisfies either of the following: 129561

(a) The amount was deducted or excluded from the computation 129562
of the taxpayer's federal adjusted gross income as required to be 129563
reported for the taxpayer's taxable year under the Internal 129564
Revenue Code; 129565

(b) The amount resulted in a reduction of the taxpayer's 129566
federal adjusted gross income as required to be reported for any 129567
of the taxpayer's taxable years under the Internal Revenue Code. 129568

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

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

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

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(20)(a)(i) Add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or

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distributive share of the amount of depreciation expense allowed 129601
by that subsection to a pass-through entity in which the taxpayer 129602
has a direct or indirect ownership interest. 129603

(ii) Add five-sixths of the amount of qualifying section 179 129604
depreciation expense, including a person's proportionate or 129605
distributive share of the amount of qualifying section 179 129606
depreciation expense allowed to any pass-through entity in which 129607
the person has a direct or indirect ownership. For the purposes of 129608
this division, "qualifying section 179 depreciation expense" means 129609
the difference between (I) the amount of depreciation expense 129610
directly or indirectly allowed to the taxpayer under section 179 129611
of the Internal Revenue Code, and (II) the amount of depreciation 129612
expense directly or indirectly allowed to the taxpayer under 129613
section 179 of the Internal Revenue Code as that section existed 129614
on December 31, 2002. 129615

The tax commissioner, under procedures established by the 129616
commissioner, may waive the add-backs related to a pass-through 129617
entity if the taxpayer owns, directly or indirectly, less than 129618
five per cent of the pass-through entity. 129619

(b) Nothing in division (A)(20) of this section shall be 129620
construed to adjust or modify the adjusted basis of any asset. 129621

(c) To the extent the add-back required under division 129622
(A)(20)(a) of this section is attributable to property generating 129623
nonbusiness income or loss allocated under section 5747.20 of the 129624
Revised Code, the add-back shall be situated to the same location 129625
as the nonbusiness income or loss generated by the property for 129626
the purpose of determining the credit under division (A) of 129627
section 5747.05 of the Revised Code. Otherwise, the add-back shall 129628
be apportioned, subject to one or more of the four alternative 129629
methods of apportionment enumerated in section 5747.21 of the 129630
Revised Code. 129631

(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 129663
in computing federal or Ohio adjusted gross income for the taxable 129664
year, the amount the taxpayer received during the taxable year as 129665
a death benefit paid by the adjutant general under section 5919.33 129666
of the Revised Code. 129667

(24) Deduct, to the extent included in federal adjusted gross 129668
income and not otherwise allowable as a deduction or exclusion in 129669
computing federal or Ohio adjusted gross income for the taxable 129670
year, military pay and allowances received by the taxpayer during 129671
the taxable year for active duty service in the United States 129672
army, air force, navy, marine corps, or coast guard or reserve 129673
components thereof or the national guard. The deduction may not be 129674
claimed for military pay and allowances received by the taxpayer 129675
while the taxpayer is stationed in this state. 129676

(25) Deduct, to the extent not otherwise allowable as a 129677
deduction or exclusion in computing federal or Ohio adjusted gross 129678
income for the taxable year and not otherwise compensated for by 129679
any other source, the amount of qualified organ donation expenses 129680
incurred by the taxpayer during the taxable year, not to exceed 129681
ten thousand dollars. A taxpayer may deduct qualified organ 129682
donation expenses only once for all taxable years beginning with 129683
taxable years beginning in 2007. 129684

For the purposes of division (A)(25) of this section: 129685

(a) "Human organ" means all or any portion of a human liver, 129686
pancreas, kidney, intestine, or lung, and any portion of human 129687
bone marrow. 129688

(b) "Qualified organ donation expenses" means travel 129689
expenses, lodging expenses, and wages and salary forgone by a 129690
taxpayer in connection with the taxpayer's donation, while living, 129691
of one or more of the taxpayer's human organs to another human 129692
being. 129693

(26) Deduct, to the extent not otherwise deducted or excluded 129694
in computing federal or Ohio adjusted gross income for the taxable 129695
year, amounts received by the taxpayer as retired military 129696
personnel pay for service in the United States army, navy, air 129697
force, coast guard, or marine corps or reserve components thereof, 129698
or the national guard, or received by the surviving spouse or 129699
former spouse of such a taxpayer under the survivor benefit plan 129700
on account of such a taxpayer's death. If the taxpayer receives 129701
income on account of retirement paid under the federal civil 129702
service retirement system or federal employees retirement system, 129703
or under any successor retirement program enacted by the congress 129704
of the United States that is established and maintained for 129705
retired employees of the United States government, and such 129706
retirement income is based, in whole or in part, on credit for the 129707
taxpayer's military service, the deduction allowed under this 129708
division shall include only that portion of such retirement income 129709
that is attributable to the taxpayer's military service, to the 129710
extent that portion of such retirement income is otherwise 129711
included in federal adjusted gross income and is not otherwise 129712
deducted under this section. Any amount deducted under division 129713
(A)(26) of this section is not included in a taxpayer's adjusted 129714
gross income for the purposes of section 5747.055 of the Revised 129715
Code. No amount may be deducted under division (A)(26) of this 129716
section on the basis of which a credit was claimed under section 129717
5747.055 of the Revised Code. 129718

(27) Deduct, to the extent not otherwise deducted or excluded 129719
in computing federal or Ohio adjusted gross income for the taxable 129720
year, the amount the taxpayer received during the taxable year 129721
from the military injury relief fund created in section 5101.98 of 129722
the Revised Code. 129723

(28) Deduct, to the extent not otherwise deducted or excluded 129724
in computing federal or Ohio adjusted gross income for the taxable 129725

year, the amount the taxpayer received as a veterans bonus during 129726
the taxable year from the Ohio department of veterans services as 129727
authorized by Section 2r of Article VIII, Ohio Constitution. 129728

(29) Deduct, to the extent not otherwise deducted or excluded 129729
in computing federal or Ohio adjusted gross income for the taxable 129730
year, any loss from wagering transactions that is allowed as an 129731
itemized deduction under section 165 of the Internal Revenue Code 129732
and that the taxpayer deducted in computing federal taxable 129733
income. 129734

(30) Deduct, to the extent not otherwise deducted or excluded 129735
in computing federal or Ohio adjusted gross income for the taxable 129736
year, any income derived from providing public services under a 129737
contract through a project owned by the state, as described in 129738
section 126.604 of the Revised Code or derived from a transfer 129739
agreement or from the enterprise transferred under that agreement 129740
under section 4313.02 of the Revised Code. 129741

(B) "Business income" means income, including gain or loss, 129742
arising from transactions, activities, and sources in the regular 129743
course of a trade or business and includes income, gain, or loss 129744
from real property, tangible property, and intangible property if 129745
the acquisition, rental, management, and disposition of the 129746
property constitute integral parts of the regular course of a 129747
trade or business operation. "Business income" includes income, 129748
including gain or loss, from a partial or complete liquidation of 129749
a business, including, but not limited to, gain or loss from the 129750
sale or other disposition of goodwill. 129751

(C) "Nonbusiness income" means all income other than business 129752
income and may include, but is not limited to, compensation, rents 129753
and royalties from real or tangible personal property, capital 129754
gains, interest, dividends and distributions, patent or copyright 129755
royalties, or lottery winnings, prizes, and awards. 129756

(D) "Compensation" means any form of remuneration paid to an employee for personal services. 129757
129758

(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. 129759
129760
129761

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. 129762
129763

(G) "Individual" means any natural person. 129764

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 129765
129766

(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: 129767
129768
129769

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 129770
129771

(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. 129772
129773
129774
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(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. 129776
129777
129778

For the purposes of division (I)(3) of this section: 129779

(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: 129780
129781
129782
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(i) A person, a court, or a governmental entity or 129786

instrumentality on account of the death of a decedent, but only if 129787
the trust is described in division (I)(3)(e)(i) or (ii) of this 129788
section; 129789

(ii) A person who was domiciled in this state for the 129790
purposes of this chapter when the person directly or indirectly 129791
transferred assets to an irrevocable trust, but only if at least 129792
one of the trust's qualifying beneficiaries is domiciled in this 129793
state for the purposes of this chapter during all or some portion 129794
of the trust's current taxable year; 129795

(iii) A person who was domiciled in this state for the 129796
purposes of this chapter when the trust document or instrument or 129797
part of the trust document or instrument became irrevocable, but 129798
only if at least one of the trust's qualifying beneficiaries is a 129799
resident domiciled in this state for the purposes of this chapter 129800
during all or some portion of the trust's current taxable year. If 129801
a trust document or instrument became irrevocable upon the death 129802
of a person who at the time of death was domiciled in this state 129803
for purposes of this chapter, that person is a person described in 129804
division (I)(3)(a)(iii) of this section. 129805

(b) A trust is irrevocable to the extent that the transferor 129806
is not considered to be the owner of the net assets of the trust 129807
under sections 671 to 678 of the Internal Revenue Code. 129808

(c) With respect to a trust other than a charitable lead 129809
trust, "qualifying beneficiary" has the same meaning as "potential 129810
current beneficiary" as defined in section 1361(e)(2) of the 129811
Internal Revenue Code, and with respect to a charitable lead trust 129812
"qualifying beneficiary" is any current, future, or contingent 129813
beneficiary, but with respect to any trust "qualifying 129814
beneficiary" excludes a person or a governmental entity or 129815
instrumentality to any of which a contribution would qualify for 129816
the charitable deduction under section 170 of the Internal Revenue 129817
Code. 129818

(d) For the purposes of division (I)(3)(a) of this section, 129819
the extent to which a trust consists directly or indirectly, in 129820
whole or in part, of assets, net of any related liabilities, that 129821
were transferred directly or indirectly, in whole or part, to the 129822
trust by any of the sources enumerated in that division shall be 129823
ascertained by multiplying the fair market value of the trust's 129824
assets, net of related liabilities, by the qualifying ratio, which 129825
shall be computed as follows: 129826

(i) The first time the trust receives assets, the numerator 129827
of the qualifying ratio is the fair market value of those assets 129828
at that time, net of any related liabilities, from sources 129829
enumerated in division (I)(3)(a) of this section. The denominator 129830
of the qualifying ratio is the fair market value of all the 129831
trust's assets at that time, net of any related liabilities. 129832

(ii) Each subsequent time the trust receives assets, a 129833
revised qualifying ratio shall be computed. The numerator of the 129834
revised qualifying ratio is the sum of (1) the fair market value 129835
of the trust's assets immediately prior to the subsequent 129836
transfer, net of any related liabilities, multiplied by the 129837
qualifying ratio last computed without regard to the subsequent 129838
transfer, and (2) the fair market value of the subsequently 129839
transferred assets at the time transferred, net of any related 129840
liabilities, from sources enumerated in division (I)(3)(a) of this 129841
section. The denominator of the revised qualifying ratio is the 129842
fair market value of all the trust's assets immediately after the 129843
subsequent transfer, net of any related liabilities. 129844

(iii) Whether a transfer to the trust is by or from any of 129845
the sources enumerated in division (I)(3)(a) of this section shall 129846
be ascertained without regard to the domicile of the trust's 129847
beneficiaries. 129848

(e) For the purposes of division (I)(3)(a)(i) of this 129849
section: 129850

(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 129882
at any time prior to the date of the decedent's death, and the 129883
decedent was domiciled in this state at the time of death for 129884
purposes of the taxes levied under Chapter 5731. of the Revised 129885
Code. 129886

(iv) The transfer is made to a trust on account of a 129887
contractual relationship existing directly or indirectly between 129888
the transferor and another person who at the time of the 129889
decedent's death was domiciled in this state for purposes of this 129890
chapter. 129891

(v) The transfer is made to a trust on account of the will of 129892
a testator who was domiciled in this state at the time of the 129893
testator's death for purposes of the taxes levied under Chapter 129894
5731. of the Revised Code. 129895

(vi) The transfer is made to a trust created by or caused to 129896
be created by a court, and the trust was directly or indirectly 129897
created in connection with or as a result of the death of an 129898
individual who, for purposes of the taxes levied under Chapter 129899
5731. of the Revised Code, was domiciled in this state at the time 129900
of the individual's death. 129901

(g) The tax commissioner may adopt rules to ascertain the 129902
part of a trust residing in this state. 129903

(J) "Nonresident" means an individual or estate that is not a 129904
resident. An individual who is a resident for only part of a 129905
taxable year is a nonresident for the remainder of that taxable 129906
year. 129907

(K) "Pass-through entity" has the same meaning as in section 129908
5733.04 of the Revised Code. 129909

(L) "Return" means the notifications and reports required to 129910
be filed pursuant to this chapter for the purpose of reporting the 129911
tax due and includes declarations of estimated tax when so 129912

required.	129913
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	129914 129915 129916 129917
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	129918 129919 129920 129921
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	129922 129923 129924 129925 129926
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	129927 129928 129929 129930 129931
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	129932 129933
(1) "Subdivision" means any county, municipal corporation, park district, or township.	129934 129935
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.	129936 129937 129938 129939
(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.	129940 129941
(S) "Taxable income" or "Ohio taxable income" applies only to	129942

estates and trusts, and means federal taxable income, as defined 129943
and used in the Internal Revenue Code, adjusted as follows: 129944

(1) Add interest or dividends, net of ordinary, necessary, 129945
and reasonable expenses not deducted in computing federal taxable 129946
income, on obligations or securities of any state or of any 129947
political subdivision or authority of any state, other than this 129948
state and its subdivisions and authorities, but only to the extent 129949
that such net amount is not otherwise includible in Ohio taxable 129950
income and is described in either division (S)(1)(a) or (b) of 129951
this section: 129952

(a) The net amount is not attributable to the S portion of an 129953
electing small business trust and has not been distributed to 129954
beneficiaries for the taxable year; 129955

(b) The net amount is attributable to the S portion of an 129956
electing small business trust for the taxable year. 129957

(2) Add interest or dividends, net of ordinary, necessary, 129958
and reasonable expenses not deducted in computing federal taxable 129959
income, on obligations of any authority, commission, 129960
instrumentality, territory, or possession of the United States to 129961
the extent that the interest or dividends are exempt from federal 129962
income taxes but not from state income taxes, but only to the 129963
extent that such net amount is not otherwise includible in Ohio 129964
taxable income and is described in either division (S)(1)(a) or 129965
(b) of this section; 129966

(3) Add the amount of personal exemption allowed to the 129967
estate pursuant to section 642(b) of the Internal Revenue Code; 129968

(4) Deduct interest or dividends, net of related expenses 129969
deducted in computing federal taxable income, on obligations of 129970
the United States and its territories and possessions or of any 129971
authority, commission, or instrumentality of the United States to 129972
the extent that the interest or dividends are exempt from state 129973

taxes under the laws of the United States, but only to the extent 129974
that such amount is included in federal taxable income and is 129975
described in either division (S)(1)(a) or (b) of this section; 129976

(5) Deduct the amount of wages and salaries, if any, not 129977
otherwise allowable as a deduction but that would have been 129978
allowable as a deduction in computing federal taxable income for 129979
the taxable year, had the targeted jobs credit allowed under 129980
sections 38, 51, and 52 of the Internal Revenue Code not been in 129981
effect, but only to the extent such amount relates either to 129982
income included in federal taxable income for the taxable year or 129983
to income of the S portion of an electing small business trust for 129984
the taxable year; 129985

(6) Deduct any interest or interest equivalent, net of 129986
related expenses deducted in computing federal taxable income, on 129987
public obligations and purchase obligations, but only to the 129988
extent that such net amount relates either to income included in 129989
federal taxable income for the taxable year or to income of the S 129990
portion of an electing small business trust for the taxable year; 129991

(7) Add any loss or deduct any gain resulting from sale, 129992
exchange, or other disposition of public obligations to the extent 129993
that such loss has been deducted or such gain has been included in 129994
computing either federal taxable income or income of the S portion 129995
of an electing small business trust for the taxable year; 129996

(8) Except in the case of the final return of an estate, add 129997
any amount deducted by the taxpayer on both its Ohio estate tax 129998
return pursuant to section 5731.14 of the Revised Code, and on its 129999
federal income tax return in determining federal taxable income; 130000

(9)(a) Deduct any amount included in federal taxable income 130001
solely because the amount represents a reimbursement or refund of 130002
expenses that in a previous year the decedent had deducted as an 130003
itemized deduction pursuant to section 63 of the Internal Revenue 130004

Code and applicable treasury regulations. The deduction otherwise 130005
allowed under division (S)(9)(a) of this section shall be reduced 130006
to the extent the reimbursement is attributable to an amount the 130007
taxpayer or decedent deducted under this section in any taxable 130008
year. 130009

(b) Add any amount not otherwise included in Ohio taxable 130010
income for any taxable year to the extent that the amount is 130011
attributable to the recovery during the taxable year of any amount 130012
deducted or excluded in computing federal or Ohio taxable income 130013
in any taxable year, but only to the extent such amount has not 130014
been distributed to beneficiaries for the taxable year. 130015

(10) Deduct any portion of the deduction described in section 130016
1341(a)(2) of the Internal Revenue Code, for repaying previously 130017
reported income received under a claim of right, that meets both 130018
of the following requirements: 130019

(a) It is allowable for repayment of an item that was 130020
included in the taxpayer's taxable income or the decedent's 130021
adjusted gross income for a prior taxable year and did not qualify 130022
for a credit under division (A) or (B) of section 5747.05 of the 130023
Revised Code for that year. 130024

(b) It does not otherwise reduce the taxpayer's taxable 130025
income or the decedent's adjusted gross income for the current or 130026
any other taxable year. 130027

(11) Add any amount claimed as a credit under section 130028
5747.059 of the Revised Code to the extent that the amount 130029
satisfies either of the following: 130030

(a) The amount was deducted or excluded from the computation 130031
of the taxpayer's federal taxable income as required to be 130032
reported for the taxpayer's taxable year under the Internal 130033
Revenue Code; 130034

(b) The amount resulted in a reduction in the taxpayer's 130035

federal taxable income as required to be reported for any of the 130036
taxpayer's taxable years under the Internal Revenue Code. 130037

(12) Deduct any amount, net of related expenses deducted in 130038
computing federal taxable income, that a trust is required to 130039
report as farm income on its federal income tax return, but only 130040
if the assets of the trust include at least ten acres of land 130041
satisfying the definition of "land devoted exclusively to 130042
agricultural use" under section 5713.30 of the Revised Code, 130043
regardless of whether the land is valued for tax purposes as such 130044
land under sections 5713.30 to 5713.38 of the Revised Code. If the 130045
trust is a pass-through entity investor, section 5747.231 of the 130046
Revised Code applies in ascertaining if the trust is eligible to 130047
claim the deduction provided by division (S)(12) of this section 130048
in connection with the pass-through entity's farm income. 130049

Except for farm income attributable to the S portion of an 130050
electing small business trust, the deduction provided by division 130051
(S)(12) of this section is allowed only to the extent that the 130052
trust has not distributed such farm income. Division (S)(12) of 130053
this section applies only to taxable years of a trust beginning in 130054
2002 or thereafter. 130055

(13) Add the net amount of income described in section 641(c) 130056
of the Internal Revenue Code to the extent that amount is not 130057
included in federal taxable income. 130058

(14) Add or deduct the amount the taxpayer would be required 130059
to add or deduct under division (A)(20) or (21) of this section if 130060
the taxpayer's Ohio taxable income were computed in the same 130061
manner as an individual's Ohio adjusted gross income is computed 130062
under this section. In the case of a trust, division (S)(14) of 130063
this section applies only to any of the trust's taxable years 130064
beginning in 2002 or thereafter. 130065

(T) "School district income" and "school district income tax" 130066

have the same meanings as in section 5748.01 of the Revised Code. 130067

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 130068
of this section, "public obligations," "purchase obligations," and 130069
"interest or interest equivalent" have the same meanings as in 130070
section 5709.76 of the Revised Code. 130071

(V) "Limited liability company" means any limited liability 130072
company formed under Chapter 1705. of the Revised Code or under 130073
the laws of any other state. 130074

(W) "Pass-through entity investor" means any person who, 130075
during any portion of a taxable year of a pass-through entity, is 130076
a partner, member, shareholder, or equity investor in that 130077
pass-through entity. 130078

(X) "Banking day" has the same meaning as in section 1304.01 130079
of the Revised Code. 130080

(Y) "Month" means a calendar month. 130081

(Z) "Quarter" means the first three months, the second three 130082
months, the third three months, or the last three months of the 130083
taxpayer's taxable year. 130084

(AA)(1) "Eligible institution" means a state university or 130085
state institution of higher education as defined in section 130086
3345.011 of the Revised Code, or a private, nonprofit college, 130087
university, or other post-secondary institution located in this 130088
state that possesses a certificate of authorization issued by the 130089
Ohio board of regents pursuant to Chapter 1713. of the Revised 130090
Code or a certificate of registration issued by the state board of 130091
career colleges and schools under Chapter 3332. of the Revised 130092
Code. 130093

(2) "Qualified tuition and fees" means tuition and fees 130094
imposed by an eligible institution as a condition of enrollment or 130095
attendance, not exceeding two thousand five hundred dollars in 130096

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. 130128

Any gain or loss that is not a qualifying trust amount is 130129
modified business income, qualifying investment income, or 130130
modified nonbusiness income, as the case may be. 130131

(3) "Modified nonbusiness income" means a trust's Ohio 130132
taxable income other than modified business income, other than the 130133
qualifying trust amount, and other than qualifying investment 130134
income, as defined in section 5747.012 of the Revised Code, to the 130135
extent such qualifying investment income is not otherwise part of 130136
modified business income. 130137

(4) "Modified Ohio taxable income" applies only to trusts, 130138
and means the sum of the amounts described in divisions (BB)(4)(a) 130139
to (c) of this section: 130140

(a) The fraction, calculated under section 5747.013, and 130141
applying section 5747.231 of the Revised Code, multiplied by the 130142
sum of the following amounts: 130143

(i) The trust's modified business income; 130144

(ii) The trust's qualifying investment income, as defined in 130145
section 5747.012 of the Revised Code, but only to the extent the 130146
qualifying investment income does not otherwise constitute 130147
modified business income and does not otherwise constitute a 130148
qualifying trust amount. 130149

(b) The qualifying trust amount multiplied by a fraction, the 130150
numerator of which is the sum of the book value of the qualifying 130151
investee's physical assets in this state on the last day of the 130152
qualifying investee's fiscal or calendar year ending immediately 130153
prior to the day on which the trust recognizes the qualifying 130154
trust amount, and the denominator of which is the sum of the book 130155
value of the qualifying investee's total physical assets 130156
everywhere on the last day of the qualifying investee's fiscal or 130157
calendar year ending immediately prior to the day on which the 130158

trust recognizes the qualifying trust amount. If, for a taxable 130159
year, the trust recognizes a qualifying trust amount with respect 130160
to more than one qualifying investee, the amount described in 130161
division (BB)(4)(b) of this section shall equal the sum of the 130162
products so computed for each such qualifying investee. 130163

(c)(i) With respect to a trust or portion of a trust that is 130164
a resident as ascertained in accordance with division (I)(3)(d) of 130165
this section, its modified nonbusiness income. 130166

(ii) With respect to a trust or portion of a trust that is 130167
not a resident as ascertained in accordance with division 130168
(I)(3)(d) of this section, the amount of its modified nonbusiness 130169
income satisfying the descriptions in divisions (B)(2) to (5) of 130170
section 5747.20 of the Revised Code, except as otherwise provided 130171
in division (BB)(4)(c)(ii) of this section. With respect to a 130172
trust or portion of a trust that is not a resident as ascertained 130173
in accordance with division (I)(3)(d) of this section, the trust's 130174
portion of modified nonbusiness income recognized from the sale, 130175
exchange, or other disposition of a debt interest in or equity 130176
interest in a section 5747.212 entity, as defined in section 130177
5747.212 of the Revised Code, without regard to division (A) of 130178
that section, shall not be allocated to this state in accordance 130179
with section 5747.20 of the Revised Code but shall be apportioned 130180
to this state in accordance with division (B) of section 5747.212 130181
of the Revised Code without regard to division (A) of that 130182
section. 130183

If the allocation and apportionment of a trust's income under 130184
divisions (BB)(4)(a) and (c) of this section do not fairly 130185
represent the modified Ohio taxable income of the trust in this 130186
state, the alternative methods described in division (C) of 130187
section 5747.21 of the Revised Code may be applied in the manner 130188
and to the same extent provided in that section. 130189

(5)(a) Except as set forth in division (BB)(5)(b) of this 130190

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 130223
that other pass-through entity. 130224

An upper level pass-through entity, whether or not it is also 130225
a qualifying investee, is deemed to own, on the last day of the 130226
upper level pass-through entity's calendar or fiscal year, the 130227
proportionate share of the lower level pass-through entity's 130228
physical assets that the lower level pass-through entity directly 130229
or indirectly owns on the last day of the lower level pass-through 130230
entity's calendar or fiscal year ending within or with the last 130231
day of the upper level pass-through entity's fiscal or calendar 130232
year. If the upper level pass-through entity directly and 130233
indirectly owns less than fifty per cent of the equity of the 130234
lower level pass-through entity on each day of the upper level 130235
pass-through entity's calendar or fiscal year in which or with 130236
which ends the calendar or fiscal year of the lower level 130237
pass-through entity and if, based upon clear and convincing 130238
evidence, complete information about the location and cost of the 130239
physical assets of the lower pass-through entity is not available 130240
to the upper level pass-through entity, then solely for purposes 130241
of ascertaining if a gain or loss constitutes a qualifying trust 130242
amount, the upper level pass-through entity shall be deemed as 130243
owning no equity of the lower level pass-through entity for each 130244
day during the upper level pass-through entity's calendar or 130245
fiscal year in which or with which ends the lower level 130246
pass-through entity's calendar or fiscal year. Nothing in division 130247
(BB)(5)(a)(iii) of this section shall be construed to provide for 130248
any deduction or exclusion in computing any trust's Ohio taxable 130249
income. 130250

(b) With respect to a trust that is not a resident for the 130251
taxable year and with respect to a part of a trust that is not a 130252
resident for the taxable year, "qualifying investee" for that 130253
taxable year does not include a C corporation if both of the 130254

following apply:	130255
(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.	130256 130257 130258 130259
(ii) Such gain or loss constitutes nonbusiness income.	130260
(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.	130261 130262 130263 130264
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	130265 130266
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	130267 130268
(EE)(1) For the purposes of division (EE) of this section:	130269
(a) "Qualifying person" means any person other than a qualifying corporation.	130270 130271
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	130272 130273 130274
(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;	130275 130276 130277 130278
(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.	130279 130280 130281 130282
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly	130283 130284

or indirectly owned by any qualifying corporation. 130285

(FF) For purposes of this chapter and Chapter 5751. of the 130286
Revised Code: 130287

(1) "Trust" does not include a qualified pre-income tax 130288
trust. 130289

(2) A "qualified pre-income tax trust" is any pre-income tax 130290
trust that makes a qualifying pre-income tax trust election as 130291
described in division (FF)(3) of this section. 130292

(3) A "qualifying pre-income tax trust election" is an 130293
election by a pre-income tax trust to subject to the tax imposed 130294
by section 5751.02 of the Revised Code the pre-income tax trust 130295
and all pass-through entities of which the trust owns or controls, 130296
directly, indirectly, or constructively through related interests, 130297
five per cent or more of the ownership or equity interests. The 130298
trustee shall notify the tax commissioner in writing of the 130299
election on or before April 15, 2006. The election, if timely 130300
made, shall be effective on and after January 1, 2006, and shall 130301
apply for all tax periods and tax years until revoked by the 130302
trustee of the trust. 130303

(4) A "pre-income tax trust" is a trust that satisfies all of 130304
the following requirements: 130305

(a) The document or instrument creating the trust was 130306
executed by the grantor before January 1, 1972; 130307

(b) The trust became irrevocable upon the creation of the 130308
trust; and 130309

(c) The grantor was domiciled in this state at the time the 130310
trust was created. 130311

Sec. 5747.058. (A) A refundable income tax credit granted by 130312
the tax credit authority under section 122.17 or division (B)(2) 130313
or (3) of section 122.171 of the Revised Code may be claimed under 130314

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 130347
shall certify the difference to the director of budget and 130348
management and treasurer of state for payment to the taxpayer in 130349
accordance with section 5747.11 of the Revised Code. For the 130350
purpose of any subsequent determination of the taxpayer's net tax 130351
payment, the contribution shall be considered a part of the refund 130352
paid to the taxpayer. 130353

(B) The tax commissioner shall provide a space on the income 130354
tax return form in which a taxpayer may indicate that the taxpayer 130355
wishes to make a donation in accordance with this section. The tax 130356
commissioner shall also print in the instructions accompanying the 130357
income tax return form a description of the purposes for which the 130358
natural areas and preserves fund, the nongame and endangered 130359
wildlife fund, ~~and~~ the military injury relief fund, and the Ohio 130360
historical society income tax contribution fund were created and 130361
the use of moneys from the income tax refund contribution system 130362
established in this section. No person shall designate on the 130363
person's income tax return any part of a refund claimed under 130364
section 5747.11 of the Revised Code as a contribution to any fund 130365
other than the natural areas and preserves fund, the nongame and 130366
endangered wildlife fund, the military injury relief fund, or all 130367
~~of those funds~~ the Ohio historical society income tax contribution 130368
fund. 130369

(C) The money collected under the income tax refund 130370
contribution system established in this section shall be deposited 130371
by the tax commissioner into the natural areas and preserves fund, 130372
the nongame and endangered wildlife fund, ~~and~~ the military injury 130373
relief fund, and the Ohio historical society income tax 130374
contribution fund in the amounts designated on the tax returns. 130375

(D) No later than the thirtieth day of September each year, 130376
the tax commissioner shall determine the total amount contributed 130377
to each fund under this section during the preceding eight months, 130378

any adjustments to prior months, and the cost to the department of 130379
taxation of administering the income tax refund contribution 130380
system during that eight-month period. The commissioner shall make 130381
an additional determination no later than the thirty-first day of 130382
January of each year of the total amount contributed to each fund 130383
under this section during the preceding four calendar months, any 130384
adjustments to prior years made during that four-month period, and 130385
the cost to the department of taxation of administering the income 130386
tax contribution system during that period. The cost of 130387
administering the income tax contribution system shall be 130388
certified by the tax commissioner to the director of budget and 130389
management, who shall transfer an amount equal to ~~one-third~~ 130390
one-fourth of such administrative costs from the natural areas and 130391
preserves fund, ~~one-third~~ one-fourth of such costs from the 130392
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 130393
such costs from the military injury relief fund, and one-fourth of 130394
such costs from the Ohio historical society income tax 130395
contribution fund to the litter control and natural resource tax 130396
administration fund, which is hereby created, provided that the 130397
moneys that the department receives to pay the cost of 130398
administering the income tax refund contribution system in any 130399
year shall not exceed two and one-half per cent of the total 130400
amount contributed under that system during that year. 130401

(E)(1) The director of natural resources, in January of every 130402
odd-numbered year, shall report to the general assembly on the 130403
effectiveness of the income tax refund contribution system as it 130404
pertains to the natural areas and preserves fund and the nongame 130405
and endangered wildlife fund. The report shall include the amount 130406
of money contributed to each fund in each of the previous five 130407
years, the amount of money contributed directly to each fund in 130408
addition to or independently of the income tax refund contribution 130409
system in each of the previous five years, and the purposes for 130410
which the money was expended. 130411

(2) The director of job and family services and the director 130412
of the Ohio historical society, in January of every odd-numbered 130413
year, each shall report to the general assembly on the 130414
effectiveness of the income tax refund contribution system as it 130415
pertains to the military injury relief fund and the Ohio 130416
historical society income tax contribution fund, respectively. The 130417
report shall include the amount of money contributed to the fund 130418
in each of the previous five years, the amount of money 130419
contributed directly to the fund in addition to or independently 130420
of the income tax refund contribution system in each of the 130421
previous five years, and the purposes for which the money was 130422
expended. 130423

Sec. 5747.451. (A) The mere retirement from business or 130424
voluntary dissolution of a domestic or foreign qualifying entity 130425
does not exempt it from the requirements to make reports as 130426
required under sections 5747.42 to 5747.44 or to pay the taxes 130427
imposed under section 5733.41 or 5747.41 of the Revised Code. If 130428
any qualifying entity subject to the taxes imposed under section 130429
5733.41 or 5747.41 of the Revised Code sells its business or stock 130430
of merchandise or quits its business, the taxes required to be 130431
paid prior to that time, together with any interest or penalty 130432
thereon, become due and payable immediately, and the qualifying 130433
entity shall make a final return within fifteen days after the 130434
date of selling or quitting business. The successor of the 130435
qualifying entity shall withhold a sufficient amount of the 130436
purchase money to cover the amount of such taxes, interest, and 130437
penalties due and unpaid until the qualifying entity produces a 130438
receipt from the tax commissioner showing that the taxes, 130439
interest, and penalties have been paid, or a certificate 130440
indicating that no taxes are due. If the purchaser of the business 130441
or stock of goods fails to withhold purchase money, the purchaser 130442
is personally liable for the payment of the taxes, interest, and 130443

penalties accrued and unpaid during the operation of the business 130444
by the qualifying entity. If the amount of those taxes, interest, 130445
and penalty unpaid at the time of the purchase exceeds the total 130446
purchase money, the tax commissioner may adjust the qualifying 130447
entity's liability for those taxes, interest, and penalty, or 130448
adjust the responsibility of the purchaser to pay that liability, 130449
in a manner calculated to maximize the collection of those 130450
liabilities. 130451

(B) Annually, on the last day of each qualifying taxable year 130452
of a qualifying entity, the taxes imposed under section 5733.41 or 130453
5747.41 of the Revised Code, together with any penalties 130454
subsequently accruing thereon, become a lien on all property in 130455
this state of the qualifying entity, whether such property is 130456
employed by the qualifying entity in the prosecution of its 130457
business or is in the hands of an assignee, trustee, or receiver 130458
for the benefit of the qualifying entity's creditors and 130459
investors. The lien shall continue until those taxes, together 130460
with any penalties subsequently accruing, are paid. 130461

Upon failure of such a qualifying entity to pay those taxes 130462
on the day fixed for payment, the treasurer of state shall 130463
thereupon notify the tax commissioner, and the commissioner may 130464
file in the office of the county recorder in each county in this 130465
state in which the qualifying entity owns or has a beneficial 130466
interest in real estate, notice of the lien containing a brief 130467
description of such real estate. No fee shall be charged for such 130468
a filing. The lien is not valid as against any mortgagee, 130469
purchaser, or judgment creditor whose rights have attached prior 130470
to the time the notice is so filed in the county in which the real 130471
estate which is the subject of such mortgage, purchase, or 130472
judgment lien is located. The notice shall be recorded in a book 130473
kept by the recorder, called the qualifying entity tax lien 130474
record, and indexed under the name of the qualifying entity 130475

charged with the tax. When the tax, together with any penalties 130476
subsequently accruing thereon, have been paid, the tax 130477
commissioner shall furnish to the qualifying entity an 130478
acknowledgment of such payment that the qualifying entity may 130479
record with the recorder of each county in which notice of such 130480
lien has been filed, for which recording the recorder shall charge 130481
and receive a fee of two dollars. 130482

(C) In addition to all other remedies for the collection of 130483
any taxes or penalties due under law, whenever any taxes, 130484
interest, or penalties due from any qualifying entity under 130485
section 5733.41 of the Revised Code or this chapter have remained 130486
unpaid for a period of ninety days, or whenever any qualifying 130487
entity has failed for a period of ninety days to make any report 130488
or return required by law, or to pay any penalty for failure to 130489
make or file such report or return, the attorney general, upon the 130490
request of the tax commissioner, shall file a petition in the 130491
court of common pleas in the county of the state in which such 130492
qualifying entity has its principal place of business for a 130493
judgment for the amount of the taxes, interest, or penalties 130494
appearing to be due, the enforcement of any lien in favor of the 130495
state, and an injunction to restrain such qualifying entity and 130496
its officers, directors, and managing agents from the transaction 130497
of any business within this state, other than such acts as are 130498
incidental to liquidation or winding up, until the payment of such 130499
taxes, interest, and penalties, and the costs of the proceeding 130500
fixed by the court, or the making and filing of such report or 130501
return. 130502

The petition shall be in the name of the state. Any of the 130503
qualifying entities having its principal places of business in the 130504
county may be joined in one suit. On the motion of the attorney 130505
general, the court of common pleas shall enter an order requiring 130506
all defendants to answer by a day certain, and may appoint a 130507

special master commissioner to take testimony, with such other 130508
power and authority as the court confers, and permitting process 130509
to be served by registered mail and by publication in a newspaper 130510
of general circulation ~~published~~ in the county, which publication 130511
need not be made more than once, setting forth the name of each 130512
delinquent qualifying entity, the matter in which the qualifying 130513
entity is delinquent, the names of its officers, directors, and 130514
managing agents, if set forth in the petition, and the amount of 130515
any taxes, fees, or penalties claimed to be owing by the 130516
qualifying entity. 130517

All or any of the trustees or other fiduciaries, officers, 130518
directors, investors, beneficiaries, or managing agents of any 130519
qualifying entity may be joined as defendants with the qualifying 130520
entity. 130521

If it appears to the court upon hearing that any qualifying 130522
entity that is a party to the proceeding is indebted to the state 130523
for taxes imposed under section 5733.41 or 5747.41 of the Revised 130524
Code, or interest or penalties thereon, judgment shall be entered 130525
therefor with interest; and if it appears that any qualifying 130526
entity has failed to make or file any report or return, a 130527
mandatory injunction may be issued against the qualifying entity, 130528
its trustees or other fiduciaries, officers, directors, and 130529
managing agents, enjoining them from the transaction of any 130530
business within this state, other than acts incidental to 130531
liquidation or winding up, until the making and filing of all 130532
proper reports or returns and until the payment in full of all 130533
taxes, interest, and penalties. 130534

If the trustees or other fiduciaries, officers, directors, 130535
investors, beneficiaries, or managing agents of a qualifying 130536
entity are not made parties in the first instance, and a judgment 130537
or an injunction is rendered or issued against the qualifying 130538
entity, those officers, directors, investors, or managing agents 130539

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 130571
prescribed by this chapter, the attorney general, on the request 130572
of the tax commissioner, shall commence an action in quo warranto 130573
in the court of appeals of the county in which that qualifying 130574
entity has its principal place of business to forfeit and annul 130575
its privileges and franchises. If the court is satisfied that any 130576
such qualifying entity is in default, it shall render judgment 130577
ousting such qualifying entity from the exercise of its privileges 130578
and franchises within this state, and shall otherwise proceed as 130579
provided in sections 2733.02 to 2733.39 of the Revised Code. 130580

Sec. 5747.46. As used in sections 5747.46 and 5747.47 of the 130581
Revised Code: 130582

(A) "Year's fund balance" means the amount credited to the 130583
public library fund during a calendar year. 130584

(B) "Distribution year" means the calendar year during which 130585
a year's fund balance is distributed under section 5747.47 of the 130586
Revised Code. 130587

(C) "CPI" means the consumer price index for all urban 130588
consumers (United States city average, all items), prepared by the 130589
United States department of labor, bureau of labor statistics. 130590

(D) "Inflation factor" means the quotient obtained by 130591
dividing the CPI for May of the year preceding the distribution 130592
year by the CPI for May of the second preceding year. If the 130593
quotient so obtained is less than one, the inflation factor shall 130594
equal one. 130595

(E) "Population" means whichever of the following has most 130596
recently been issued, as of the first day of June preceding the 130597
distribution year: 130598

(1) The most recent decennial census figures that include 130599
population figures for each county in the state; 130600

(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. 130601
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(F) "County's equalization ratio for a distribution year" means a percentage computed for that county as follows: 130605
130606

(1) Square the per cent that the county's population is of the state's population; 130607
130608

(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; 130609
130610
130611

(3) Divide the quotient so obtained by the sum of the quotients so obtained for all counties. 130612
130613

(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. 130614
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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. 130619
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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 130627
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of the excess for all counties is zero. 130632

(H) "Net distribution" means the sum of the payments made to 130633
a county's public library fund during a distribution year, 130634
adjusted as follows: 130635

(1) If the county received an overpayment during the 130636
preceding distribution year, add the amount of the overpayment; 130637

(2) If the county received an underpayment during the 130638
preceding distribution year, deduct the amount of the 130639
underpayment. 130640

(I) "Overpayment" or "underpayment" for a distribution year 130641
means the amount by which the net distribution to a county's 130642
public library fund during that distribution year exceeded or was 130643
less than the county's total entitlement for that year. 130644

All computations made under this section shall be rounded to 130645
the nearest one-hundredth of one per cent. 130646

Sec. 5747.51. ~~(A)~~ On or before the twenty-fifth day of July 130647
of each year, the tax commissioner shall make and certify to the 130648
county auditor of each county an estimate of the amount of the 130649
local government fund to be allocated to the undivided local 130650
government fund of each county for the ensuing calendar year ~~and~~ 130651
~~the estimated amount to be received by the undivided local~~ 130652
~~government fund of each county from the taxes levied pursuant to~~ 130653
~~section 5707.03 of the Revised Code for the ensuing calendar year.~~ 130654
Upon the auditor's receipt of the estimate, the county budget 130655
commission shall determine the amount that shall be distributed 130656
from the undivided local government fund to each subdivision under 130657
section 5747.52 or 5747.53 of the Revised Code. The commission's 130658
determination is final and may not be appealed unless the 130659
commission failed to comply with the formula under section 5747.52 130660
or 5747.53 of the Revised Code. 130661

~~(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The estimates shown on the certificate of the commissioner of the amount to be allocated from the local government fund and the amount to be received from taxes levied pursuant to section 5707.03 of the Revised Code shall be combined into one total comprising the estimate of the undivided local government fund of the county. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code.~~

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

~~(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund~~

~~and any special funds other than special funds established for 130694
road and bridge; street construction, maintenance, and repair; 130695
state highway improvement; and gas, water, sewer, and electric 130696
public utilities operated by a subdivision, as shown in the 130697
subdivision's tax budget for the ensuing calendar year. 130698~~

~~(D) From the combined total of expenditures calculated 130699
pursuant to division (C) of this section, the commission shall 130700
deduct the following expenditures, if included in these funds in 130701
the tax budget: 130702~~

~~(1) Expenditures for permanent improvements as defined in 130703
division (E) of section 5705.01 of the Revised Code; 130704~~

~~(2) In the case of counties and townships, transfers to the 130705
road and bridge fund, and in the case of municipalities, transfers 130706
to the street construction, maintenance, and repair fund and the 130707
state highway improvement fund; 130708~~

~~(3) Expenditures for the payment of debt charges; 130709~~

~~(4) Expenditures for the payment of judgments. 130710~~

~~(E) In addition to the deductions made pursuant to division 130711
(D) of this section, revenues accruing to the general fund and any 130712
special fund considered under division (C) of this section from 130713
the following sources shall be deducted from the combined total of 130714
expenditures calculated pursuant to division (C) of this section: 130715~~

~~(1) Taxes levied within the ten mill limitation, as defined 130716
in section 5705.02 of the Revised Code; 130717~~

~~(2) The budget commission allocation of estimated county 130718
public library fund revenues to be distributed pursuant to section 130719
5747.48 of the Revised Code; 130720~~

~~(3) Estimated unencumbered balances as shown on the tax 130721
budget as of the thirty first day of December of the current year 130722
in the general fund, but not any estimated balance in any special 130723~~

~~fund considered in division (C) of this section;~~ 130724

~~(4) Revenue, including transfers, shown in the general fund 130725
and any special funds other than special funds established for 130726
road and bridge; street construction, maintenance, and repair; 130727
state highway improvement; and gas, water, sewer, and electric 130728
public utilities, from all other sources except those that a 130729
subdivision receives from an additional tax or service charge 130730
voted by its electorate or receives from special assessment or 130731
revenue bond collection. For the purposes of this division, where 130732
the charter of a municipal corporation prohibits the levy of an 130733
income tax, an income tax levied by the legislative authority of 130734
such municipal corporation pursuant to an amendment of the charter 130735
of that municipal corporation to authorize such a levy represents 130736
an additional tax voted by the electorate of that municipal 130737
corporation. For the purposes of this division, any measure 130738
adopted by a board of county commissioners pursuant to section 130739
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 130740
including those measures upheld by the electorate in a referendum 130741
conducted pursuant to section 322.021, 324.021, 4504.021, or 130742
5739.022 of the Revised Code, shall not be considered an 130743
additional tax voted by the electorate. 130744~~

~~Subject to division (C) of section 5705.29 of the Revised 130745
Code, money in a reserve balance account established by a county, 130746
township, or municipal corporation under section 5705.13 of the 130747
Revised Code shall not be considered an unencumbered balance or 130748
revenue under division (E)(3) or (4) of this section. Money in a 130749
reserve balance account established by a township under section 130750
5705.132 of the Revised Code shall not be considered an 130751
unencumbered balance or revenue under division (E)(3) or (4) of 130752
this section. 130753~~

~~If a county, township, or municipal corporation has created 130754
and maintains a nonexpendable trust fund under section 5705.131 of 130755~~

~~the Revised Code, the principal of the fund, and any additions to
the principal arising from sources other than the reinvestment of
investment earnings arising from such a fund, shall not be
considered an unencumbered balance or revenue under division
(E)(3) or (4) of this section. Only investment earnings arising
from investment of the principal or investment of such additions
to principal may be considered an unencumbered balance or revenue
under those divisions.~~

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

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

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

Percentage of municipal population within the county:	Percentage share of the county shall not exceed:	130785
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130786

Less than forty one per cent	Sixty per cent	130787
Forty one per cent or more but less than eighty one per cent	Fifty per cent	130788
Eighty one per cent or more	Thirty per cent	130789
Where the proportionate share of the county exceeds the limitations established in this division, the budget commission shall adjust the proportionate shares determined pursuant to this division so that the proportionate share of the county does not exceed these limitations, and it shall increase the proportionate shares of all other subdivisions on a pro rata basis. In counties having a population of less than one hundred thousand, not less than ten per cent shall be distributed to the townships therein.		130790 130791 130792 130793 130794 130795 130796 130797
(I) The proportionate share of each subdivision in the undivided local government fund determined pursuant to division (H) of this section for any calendar year shall not be less than the product of the average of the percentages of the undivided local government fund of the county as apportioned to that subdivision for the calendar years 1968, 1969, and 1970, multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount		130798 130799 130800 130801 130802 130803 130804 130805 130806 130807 130808 130809 130810 130811 130812 130813 130814 130815 130816 130817 130818

~~guaranteed to each subdivision for that calendar year pursuant to 130819
this division shall be reduced on a basis proportionate to the 130820
amount by which the amount of the undivided local government fund 130821
for that calendar year is less than the amount of the undivided 130822
local government fund apportioned for the calendar year 1970. 130823~~

~~(J) On the basis of such apportionment the budget 130824
commission's determination, the county auditor shall compute the 130825
percentage share of each such subdivision in the undivided local 130826
government fund and shall at the same time certify to the tax 130827
commissioner the percentage share of the county as a subdivision. 130828
No payment shall be made from the undivided local government fund, 130829
except in accordance with such percentage shares. 130830~~

~~Within ten days after the budget commission has made its 130831
apportionment, whether conducted pursuant to section 5747.51 or 130832
5747.53 of the Revised Code determination, the auditor shall 130833
publish a list of the subdivisions and the amount each is to 130834
receive from the undivided local government fund and the 130835
percentage share of each subdivision, in a newspaper or newspapers 130836
of countywide circulation, and send a copy of ~~such allocation~~ the 130837
list to the tax commissioner. 130838~~

~~The county auditor shall also send by certified mail, return 130839
receipt requested, a copy of ~~such allocation~~ the list to the 130840
fiscal officer of each subdivision entitled to participate in the 130841
allocation of the undivided local government fund of the county. 130842
This copy shall constitute the official notice of the commission 130843
action referred to in section 5705.37 of the Revised Code. 130844~~

~~All money received into the treasury of a subdivision from 130845
the undivided local government fund in a county treasury shall be 130846
paid into the general fund and used for the current operating 130847
expenses of the subdivision. 130848~~

~~If a municipal corporation maintains a municipal university, 130849~~

such municipal university, when the board of trustees so requests 130850
the legislative authority of the municipal corporation, shall 130851
participate in the money apportioned to such municipal corporation 130852
from the total local government fund, however created and 130853
constituted, in such amount as requested by the board of trustees, 130854
provided such sum does not exceed nine per cent of the total 130855
amount paid to the municipal corporation. 130856

If any public official fails to maintain the records required 130857
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 130858
issued by the tax commissioner, the auditor of state, or the 130859
treasurer of state pursuant to such sections, or fails to comply 130860
with any law relating to the enforcement of such sections, the 130861
local government fund money allocated to the county may be 130862
withheld until such time as the public official has complied with 130863
such sections or such law or the rules issued pursuant thereto. 130864

Sec. 5747.52. (A) For purposes of this section: 130865

(1) "Total county allocation" means the estimate certified by 130866
the tax commissioner under division (A) of section 5747.51 of the 130867
Revised Code. 130868

(2) "Total base allocation" means the sum of the base 130869
allocations of the county, metropolitan park district, and each 130870
subdivision. 130871

(3) "Base allocation" means, in the case of a county, thirty 130872
per cent of total county allocation. In the case of a metropolitan 130873
park district if one exists in the county, "base allocation" means 130874
five and one-half per cent of total county allocation. For all 130875
other subdivisions, "base allocation" means the average of a 130876
subdivision's current year allocation, first preceding year 130877
distribution, and second preceding year distribution. 130878

(4) "Current year allocation" means the amount allocated to a 130879

<u>subdivision for the current year.</u>	130880
<u>(5) "First preceding year distribution" means the amount</u>	130881
<u>actually distributed to a subdivision pursuant to this section or</u>	130882
<u>section 5747.53 of the Revised Code in the year immediately</u>	130883
<u>preceding the current year.</u>	130884
<u>(6) "Second preceding year distribution" means the amount</u>	130885
<u>actually distributed to a subdivision pursuant to this section or</u>	130886
<u>section 5747.53 of the Revised Code in the second year immediately</u>	130887
<u>preceding the current year.</u>	130888
<u>(7) "Adjusted base allocation" means the product of total</u>	130889
<u>county allocation multiplied by the quotient of the subdivision's</u>	130890
<u>base allocation divided by total base allocation.</u>	130891
<u>(8) "Total excess allocation" means the difference of total</u>	130892
<u>county allocation minus total base allocation, but not less than</u>	130893
<u>zero.</u>	130894
<u>(9) "Excess allocation" of a subdivision means the product of</u>	130895
<u>total excess allocation multiplied by the subdivision's excess</u>	130896
<u>allocation percentage.</u>	130897
<u>(10) "Excess allocation percentage" means the average of a</u>	130898
<u>subdivision's property wealth ratio, income ratio, and population</u>	130899
<u>ratio.</u>	130900
<u>(11) "Property wealth ratio" means the quotient of a</u>	130901
<u>subdivision's property wealth factor divided by the sum of the</u>	130902
<u>property wealth factors of all subdivisions.</u>	130903
<u>(12) "Property wealth factor" means the quotient of a</u>	130904
<u>subdivision's population divided by its taxable value per capita.</u>	130905
<u>(13) "Income ratio" means the quotient of a subdivision's</u>	130906
<u>income factor divided by the sum of the income factors of all</u>	130907
<u>subdivisions.</u>	130908
<u>(14) "Income factor" means the quotient of a subdivision's</u>	130909

population divided by its per capita income. 130910

(15) "Population ratio" means the quotient of a subdivision's population factor divided by the sum of the population factors of all subdivisions. 130911
130912
130913

(16) "Population density" means the quotient of a subdivision's population divided by the subdivision's geographical size, measured in square miles, as determined by the county engineer. 130914
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130916
130917

(17) "Population factor" means the product of a subdivision's population multiplied by its population density. 130918
130919

(18) "Population" means the population of a subdivision as determined by a regional or county planning commission or, if no such commission exists, by the county budget commission. 130920
130921
130922

(19) "Taxable value" means the taxable value of all taxable property in the subdivision as indicated on the tax list of real and public utility property for the preceding tax year. 130923
130924
130925

(20) "Taxable value per capita" means the quotient of a subdivision's population divided by its taxable value. 130926
130927

(21) "Per capita income" of a subdivision means the per capita income as published by or derived from information prepared by the United States bureau of the census. 130928
130929
130930

(B) If the total county allocation is equal to or greater than the total base allocation, the amount that shall be distributed to a subdivision from the undivided local government fund equals the sum of the subdivision's base allocation plus its excess allocation. If the total county allocation is less than the total base allocation, the amount that shall be distributed to a subdivision from the undivided local government fund equals the subdivision's adjusted base allocation. 130931
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(C) If the actual amount distributed to the undivided local 130939

government fund in a year exceeds the total county allocation for 130940
that year, the excess shall be distributed to subdivisions as 130941
provided in divisions (C)(1) and (2) of this section. 130942

(1) Of the first seven hundred fifty thousand dollars of 130943
excess, a subdivision shall receive the product of the excess 130944
multiplied by the quotient of the subdivision's allocation under 130945
division (B) of this section divided by the total county 130946
allocation. 130947

(2) Any amount in excess of seven hundred fifty thousand 130948
dollars shall be distributed as follows: 130949

(a) To the county, thirty per cent; 130950

(b) To a metropolitan park district if one exists in the 130951
county, five and one-half per cent; 130952

(c) The remainder shall be distributed to all other 130953
subdivisions in amounts to be determined in the same manner as the 130954
subdivisions' excess allocation is determined, except that "total 130955
excess allocation" equals the total amount to be distributed under 130956
division (C)(2)(c) of this section. 130957

Sec. 5747.53. ~~(A) As used in this section:~~ 130958

~~(1) "City, located wholly or partially in the county, with~~ 130959
~~the greatest population" means the city, located wholly or~~ 130960
~~partially in the county, with the greatest population residing in~~ 130961
~~the county; however, if the county budget commission on or before~~ 130962
~~January 1, 1998, adopted an alternative method of apportionment~~ 130963
~~that was approved by the legislative authority of the city,~~ 130964
~~located partially in the county, with the greatest population but~~ 130965
~~not the greatest population residing in the county, "city, located~~ 130966
~~wholly or partially in the county, with the greatest population"~~ 130967
~~means the city, located wholly or partially in the county, with~~ 130968
~~the greatest population whether residing in the county or not, if~~ 130969

~~this alternative meaning is adopted by action of the board of
county commissioners and a majority of the boards of township
trustees and legislative authorities of municipal corporations
located wholly or partially in the county.~~

~~(2) "Participating political subdivision" means a municipal
corporation or township that satisfies all of the following:~~

~~(a) It is located wholly or partially in the county.~~

~~(b) It is not the city, located wholly or partially in the
county, with the greatest population.~~

~~(c) Undivided local government fund moneys are apportioned to
it under the county's alternative method or formula of
apportionment in the current calendar year.~~

~~(B) In lieu of the method of apportionment of the undivided
local government fund of the county provided by section 5747.51 of
the Revised Code, upon the approval of seventy-five per cent or
more of the subdivisions located wholly or partially in the county
acting by motion adopted after July 1, 2011, the county budget
commission may provide for the apportionment of the fund under an
alternative method or on a formula basis as authorized by this
section.~~

~~Except as otherwise provided in division (C) of this section,
the alternative method of apportionment shall have first been
approved by all of the following governmental units: the board of
county commissioners; the legislative authority of the city,
located wholly or partially in the county, with the greatest
population; and a majority of the boards of township trustees and
legislative authorities of municipal corporations, located wholly
or partially in the county, excluding the legislative authority of
the city, located wholly or partially in the county, with the
greatest population. In granting or denying approval for an
alternative method of apportionment, the board of county~~

~~commissioners, boards of township trustees, and legislative
authorities of municipal corporations shall act by motion. A
motion to approve shall be passed upon a majority vote of the
members of a board of county commissioners, board of township
trustees, or legislative authority of a municipal corporation,
shall take effect immediately, and need not be published.~~

Any alternative method of apportionment adopted and approved
under this ~~division~~ section may be revised, amended, or repealed
in the same manner as it may be adopted and approved. If an
alternative method of apportionment adopted and approved under
this ~~division~~ section is repealed, the undivided local government
fund of the county shall be apportioned among the subdivisions
eligible to participate in the fund, commencing in the ensuing
calendar year, under the apportionment provided in section 5747.52
of the Revised Code, ~~unless the repeal occurs by operation of
division (C) of this section or a new method for apportionment of
the fund is provided in the action of repeal.~~

~~(C) This division applies only in counties in which the city,
located wholly or partially in the county, with the greatest
population has a population of twenty thousand or less and a
population that is less than fifteen per cent of the total
population of the county. In such a county, the legislative
authorities or boards of township trustees of two or more
participating political subdivisions, which together have a
population residing in the county that is a majority of the total
population of the county, each may adopt a resolution to exclude
the approval otherwise required of the legislative authority of
the city, located wholly or partially in the county, with the
greatest population. All of the resolutions to exclude that
approval shall be adopted not later than the first Monday of
August of the year preceding the calendar year in which
distributions are to be made under an alternative method of~~

apportionment. 131033

~~A motion granting or denying approval of an alternative 131034
method of apportionment under this division shall be adopted by a 131035
majority vote of the members of the board of county commissioners 131036
and by a majority vote of a majority of the boards of township 131037
trustees and legislative authorities of the municipal corporations 131038
located wholly or partially in the county, other than the city, 131039
located wholly or partially in the county, with the greatest 131040
population, shall take effect immediately, and need not be 131041
published. The alternative method of apportionment under this 131042
division shall be adopted and approved annually, not later than 131043
the first Monday of August of the year preceding the calendar year 131044
in which distributions are to be made under it. A motion granting 131045
approval of an alternative method of apportionment under this 131046
division repeals any existing alternative method of apportionment, 131047
effective with distributions to be made from the fund in the 131048
ensuing calendar year. An alternative method of apportionment 131049
under this division shall not be revised or amended after the 131050
first Monday of August of the year preceding the calendar year in 131051
which distributions are to be made under it. 131052~~

~~(D) In determining an alternative method of apportionment 131053
authorized by this section, the county budget commission may 131054
include in the method any factor considered to be appropriate and 131055
reliable, in the sole discretion of the county budget commission. 131056~~

~~(E) The limitations set forth in section 5747.51 of the 131057
Revised Code, stating the maximum amount that the county may 131058
receive from the undivided local government fund and the minimum 131059
amount the townships in counties having a population of less than 131060
one hundred thousand may receive from the fund, are applicable to 131061
any alternative method of apportionment authorized under this 131062
section. 131063~~

~~(F) On the basis of any alternative method of apportionment 131064~~

adopted and approved as authorized by this section, as certified 131065
by the auditor to the county treasurer, the county treasurer shall 131066
make distribution of the money in the undivided local government 131067
fund to each subdivision eligible to participate in the fund, and 131068
the auditor, when the amount of those shares is in the custody of 131069
the treasurer in the amounts so computed to be due the respective 131070
subdivisions, shall at the same time certify to the tax 131071
commissioner the percentage share of the county as a subdivision. 131072
All money received into the treasury of a subdivision from the 131073
undivided local government fund in a county treasury shall be paid 131074
into the general fund and used for the current operating expenses 131075
of the subdivision. If a municipal corporation maintains a 131076
municipal university, the university, when the board of trustees 131077
so requests the legislative authority of the municipal 131078
corporation, shall participate in the money apportioned to the 131079
municipal corporation from the total local government fund, 131080
however created and constituted, in the amount requested by the 131081
board of trustees, provided that amount does not exceed nine per 131082
cent of the total amount paid to the municipal corporation. 131083

~~(G)~~ The actions of the county budget commission taken 131084
pursuant to this section are final and may not be appealed to the 131085
board of tax appeals, except on the issues of abuse of discretion 131086
and failure to comply with the formula. 131087

Sec. 5748.01. As used in this chapter: 131088

(A) "School district income tax" means an income tax adopted 131089
under one of the following: 131090

(1) Former section 5748.03 of the Revised Code as it existed 131091
prior to its repeal by Amended Substitute House Bill No. 291 of 131092
the 115th general assembly; 131093

(2) Section 5748.03 of the Revised Code as enacted in 131094
Substitute Senate Bill No. 28 of the 118th general assembly; 131095

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	131096 131097
(4) Section 5748.021 of the Revised Code;	131098
(5) Section 5748.081 of the Revised Code;	131099
<u>(6) Section 5748.09 of the Revised Code.</u>	131100
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	131101 131102
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	131103 131104
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	131105 131106
(E) "Taxable income" means:	131107
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	131108 131109
(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;	131110 131111 131112 131113
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	131114 131115 131116 131117 131118 131119
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	131120 131121 131122
(F) "Resident" of the school district means:	131123
(1) An individual who is a resident of this state as defined	131124

in division (I) of section 5747.01 of the Revised Code during all 131125
or a portion of the taxable year and who, during all or a portion 131126
of such period of state residency, is domiciled in the school 131127
district or lives in and maintains a permanent place of abode in 131128
the school district; 131129

(2) An estate of a decedent who, at the time of death, was 131130
domiciled in the school district. 131131

(G) "School district income" means: 131132

(1) With respect to an individual, the portion of the taxable 131133
income of an individual that is received by the individual during 131134
the portion of the taxable year that the individual is a resident 131135
of the school district and the school district income tax is in 131136
effect in that school district. An individual may have school 131137
district income with respect to more than one school district. 131138

(2) With respect to an estate, the taxable income of the 131139
estate for the portion of the taxable year that the school 131140
district income tax is in effect in that school district. 131141

(H) "Taxpayer" means an individual or estate having school 131142
district income upon which a school district income tax is 131143
imposed. 131144

(I) "School district purposes" means any of the purposes for 131145
which a tax may be levied pursuant to section 5705.21 of the 131146
Revised Code, including the combined purposes authorized by 131147
section 5705.217 of the Revised Code. 131148

Sec. 5748.02. (A) The board of education of any school 131149
district, except a joint vocational school district, may declare, 131150
by resolution, the necessity of raising annually a specified 131151
amount of money for school district purposes. The resolution shall 131152
specify whether the income that is to be subject to the tax is 131153
taxable income of individuals and estates as defined in divisions 131154

(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 131155
taxable income of individuals as defined in division (E)(1)(b) of 131156
that section. A copy of the resolution shall be certified to the 131157
tax commissioner no later than one hundred days prior to the date 131158
of the election at which the board intends to propose a levy under 131159
this section. Upon receipt of the copy of the resolution, the tax 131160
commissioner shall estimate both of the following: 131161

(1) The property tax rate that would have to be imposed in 131162
the current year by the district to produce an equivalent amount 131163
of money; 131164

(2) The income tax rate that would have had to have been in 131165
effect for the current year to produce an equivalent amount of 131166
money from a school district income tax. 131167

Within ten days of receiving the copy of the board's 131168
resolution, the commissioner shall prepare these estimates and 131169
certify them to the board. Upon receipt of the certification, the 131170
board may adopt a resolution proposing an income tax under 131171
division (B) of this section at the estimated rate contained in 131172
the certification rounded to the nearest one-fourth of one per 131173
cent. The commissioner's certification applies only to the board's 131174
proposal to levy an income tax at the election for which the board 131175
requested the certification. If the board intends to submit a 131176
proposal to levy an income tax at any other election, it shall 131177
request another certification for that election in the manner 131178
prescribed in this division. 131179

(B)(1) Upon the receipt of a certification from the tax 131180
commissioner under division (A) of this section, a majority of the 131181
members of a board of education may adopt a resolution proposing 131182
the levy of an annual tax for school district purposes on school 131183
district income. The proposed levy may be for a continuing period 131184
of time or for a specified number of years. The resolution shall 131185
set forth the purpose for which the tax is to be imposed, the rate 131186

of the tax, which shall be the rate set forth in the 131187
commissioner's certification rounded to the nearest one-fourth of 131188
one per cent, the number of years the tax will be levied or that 131189
it will be levied for a continuing period of time, the date on 131190
which the tax shall take effect, which shall be the first day of 131191
January of any year following the year in which the question is 131192
submitted, and the date of the election at which the proposal 131193
shall be submitted to the electors of the district, which shall be 131194
on the date of a primary, general, or special election the date of 131195
which is consistent with section 3501.01 of the Revised Code. The 131196
resolution shall specify whether the income that is to be subject 131197
to the tax is taxable income of individuals and estates as defined 131198
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 131199
Code or taxable income of individuals as defined in division 131200
(E)(1)(b) of that section. The specification shall be the same as 131201
the specification in the resolution adopted and certified under 131202
division (A) of this section. 131203

If the tax is to be levied for current expenses and permanent 131204
improvements, the resolution shall apportion the annual rate of 131205
the tax. The apportionment may be the same or different for each 131206
year the tax is levied, but the respective portions of the rate 131207
actually levied each year for current expenses and for permanent 131208
improvements shall be limited by the apportionment. 131209

If the board of education currently imposes an income tax 131210
pursuant to this chapter that is due to expire and a question is 131211
submitted under this section for a proposed income tax to take 131212
effect upon the expiration of the existing tax, the board may 131213
specify in the resolution that the proposed tax renews the 131214
expiring tax. Two or more expiring income taxes may be renewed 131215
under this paragraph if the taxes are due to expire on the same 131216
date. If the tax rate being proposed is no higher than the total 131217
tax rate imposed by the expiring tax or taxes, the resolution may 131218

state that the proposed tax is not an additional income tax. 131219

(2) A board of education adopting a resolution under division 131220
(B)(1) of this section proposing a school district income tax for 131221
a continuing period of time and limited to the purpose of current 131222
expenses may propose in that resolution to reduce the rate or 131223
rates of one or more of the school district's property taxes 131224
levied for a continuing period of time in excess of the ten-mill 131225
limitation for the purpose of current expenses. The reduction in 131226
the rate of a property tax may be any amount, expressed in mills 131227
per one dollar in valuation, not exceeding the rate at which the 131228
tax is authorized to be levied. The reduction in the rate of a tax 131229
shall first take effect for the tax year that includes the day on 131230
which the school district income tax first takes effect, and shall 131231
continue for each tax year that both the school district income 131232
tax and the property tax levy are in effect. 131233

In addition to the matters required to be set forth in the 131234
resolution under division (B)(1) of this section, a resolution 131235
containing a proposal to reduce the rate of one or more property 131236
taxes shall state for each such tax the maximum rate at which it 131237
currently may be levied and the maximum rate at which the tax 131238
could be levied after the proposed reduction, expressed in mills 131239
per one dollar in valuation, and that the tax is levied for a 131240
continuing period of time. 131241

If a board of education proposes to reduce the rate of one or 131242
more property taxes under division (B)(2) of this section, the 131243
board, when it makes the certification required under division (A) 131244
of this section, shall designate the specific levy or levies to be 131245
reduced, the maximum rate at which each levy currently is 131246
authorized to be levied, and the rate by which each levy is 131247
proposed to be reduced. The tax commissioner, when making the 131248
certification to the board under division (A) of this section, 131249
also shall certify the reduction in the total effective tax rate 131250

for current expenses for each class of property that would have 131251
resulted if the proposed reduction in the rate or rates had been 131252
in effect the previous tax year. As used in this paragraph, 131253
"effective tax rate" has the same meaning as in section 323.08 of 131254
the Revised Code. 131255

(C) A resolution adopted under division (B) of this section 131256
shall go into immediate effect upon its passage, and no 131257
publication of the resolution shall be necessary other than that 131258
provided for in the notice of election. Immediately after its 131259
adoption and at least ninety days prior to the election at which 131260
the question will appear on the ballot, a copy of the resolution 131261
shall be certified to the board of elections of the proper county, 131262
which shall submit the proposal to the electors on the date 131263
specified in the resolution. The form of the ballot shall be as 131264
provided in section 5748.03 of the Revised Code. Publication of 131265
notice of the election shall be made in ~~one or more newspapers~~ a 131266
newspaper of general circulation in the county once a week for two 131267
consecutive weeks, or as provided in section 7.16 of the Revised 131268
Code, prior to the election, ~~and, if~~. If the board of elections 131269
operates and maintains a web site, the board of elections shall 131270
post notice of the election on its web site for thirty days prior 131271
to the election. The notice shall contain the time and place of 131272
the election and the question to be submitted to the electors. The 131273
question covered by the resolution shall be submitted as a 131274
separate proposition, but may be printed on the same ballot with 131275
any other proposition submitted at the same election, other than 131276
the election of officers. 131277

(D) No board of education shall submit the question of a tax 131278
on school district income to the electors of the district more 131279
than twice in any calendar year. If a board submits the question 131280
twice in any calendar year, one of the elections on the question 131281
shall be held on the date of the general election. 131282

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

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

Sec. 5748.021. A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax.

The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school

district annually to raise the amount of money specified in the 131314
resolution. The tax commissioner shall certify the estimate to the 131315
board. 131316

Upon receipt of the tax commissioner's estimate, the board 131317
may propose, by a resolution adopted by a majority of its members, 131318
to replace the existing tax on the school district income of 131319
individuals and estates as defined in divisions (G) and (E)(1)(a) 131320
and (2) of section 5748.01 of the Revised Code with the levy of an 131321
annual tax on the school district income of individuals as defined 131322
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 131323
Revised Code. In the resolution, the board shall specify the rate 131324
of the replacement tax, whether the replacement tax is to be 131325
levied for a specified number of years or for a continuing time, 131326
the specific school district purposes for which the replacement 131327
tax is to be levied, the date on which the replacement tax will 131328
begin to be levied, the date of the election at which the question 131329
of the replacement is to be submitted to the electors of the 131330
school district, that the existing tax will cease to be levied and 131331
the replacement tax will begin to be levied if the replacement is 131332
approved by a majority of the electors voting on the replacement, 131333
and that if the replacement is not approved by a majority of the 131334
electors voting on the replacement the existing tax will remain in 131335
effect under its original authority for the remainder of its 131336
previously approved term. The resolution goes into immediate 131337
effect upon its adoption. Publication of the resolution is not 131338
necessary, and the information that will be provided in the notice 131339
of election is sufficient notice. At least seventy-five days 131340
before the date of the election at which the question of the 131341
replacement will be submitted to the electors of the school 131342
district, the board shall certify a copy of the resolution to the 131343
board of elections. 131344

The replacement tax shall have the same specific school 131345

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 election, other than the election of officers. The form of the ballot shall be substantially as follows:

"Shall the existing tax of (state the rate) on the school district income of individuals and estates imposed by (state the name of the school district) be replaced by a tax of (state the rate) on the earned income of individuals residing in the school district for (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning (state the date the new tax will take effect), for the purpose of (state the specific school district purposes of the tax)? If the new tax is not

approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax		131381
	Against replacing the existing tax with the new tax	"	131382

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

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board submits the question more than once, one of the elections at which the question is submitted shall be on the date of a general election.

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

Sec. 5748.04. (A) The question of the repeal of a school district income tax levied for more than five years may be initiated not more than once in any five-year period by filing with the board of elections of the appropriate counties not later

than ninety days before the general election in any year after the 131407
year in which it is approved by the electors a petition requesting 131408
that an election be held on the question. The petition shall be 131409
signed by qualified electors residing in the school district 131410
levying the income tax equal in number to ten per cent of those 131411
voting for governor at the most recent gubernatorial election. 131412

The board of elections shall determine whether the petition 131413
is valid, and if it so determines, it shall submit the question to 131414
the electors of the district at the next general election. The 131415
election shall be conducted, canvassed, and certified in the same 131416
manner as regular elections for county offices in the county. 131417
Notice of the election shall be published in a newspaper of 131418
general circulation in the district once a week for two 131419
consecutive weeks, or as provided in section 7.16 of the Revised 131420
Code, prior to the election, ~~and, if~~. If the board of elections 131421
operates and maintains a web site, the board of elections shall 131422
post notice of the election on its web site for thirty days prior 131423
to the election. The notice shall state the purpose, time, and 131424
place of the election. The form of the ballot cast at the election 131425
shall be as follows: 131426

"Shall the annual income tax of per cent, currently 131427
levied on the school district income of individuals and estates by 131428
..... (state the name of the school district) for the purpose 131429
of (state purpose of the tax), be repealed? 131430

	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 131435
division (E)(1)(b) of section 5748.01 of the Revised Code, the 131436
form of the ballot shall be modified by stating that the tax 131437

currently is levied on the "earned income of individuals residing 131438
in the school district" in lieu of the "school district income of 131439
individuals and estates." 131440

(2) If the rate of one or more property tax levies was 131441
reduced for the duration of the income tax levy pursuant to 131442
division (B)(2) of section 5748.02 of the Revised Code, the form 131443
of the ballot shall be modified by adding the following language 131444
immediately after "repealed": ", and shall the rate of an existing 131445
tax on property for the purpose of current expenses, which rate 131446
was reduced for the duration of the income tax, be INCREASED from 131447
..... mills to mills per one dollar of valuation beginning 131448
in (state the first year for which the rate of the property 131449
tax will increase)." In lieu of "for repeal of the income tax" and 131450
"against repeal of the income tax," the phrases "for the issue" 131451
and "against the issue," respectively, shall be substituted. 131452

(3) If the rate of more than one property tax was reduced for 131453
the duration of the income tax, the ballot language shall be 131454
modified accordingly to express the rates at which those taxes 131455
currently are levied and the rates to which the taxes would be 131456
increased. 131457

(C) The question covered by the petition shall be submitted 131458
as a separate proposition, but it may be printed on the same 131459
ballot with any other proposition submitted at the same election 131460
other than the election of officers. If a majority of the 131461
qualified electors voting on the question vote in favor of it, the 131462
result shall be certified immediately after the canvass by the 131463
board of elections to the board of education of the school 131464
district and the tax commissioner, who shall thereupon, after the 131465
current year, cease to levy the tax, except that if notes have 131466
been issued pursuant to section 5748.05 of the Revised Code the 131467
tax commissioner shall continue to levy and collect under 131468
authority of the election authorizing the levy an annual amount, 131469

rounded upward to the nearest one-fourth of one per cent, as will 131470
be sufficient to pay the debt charges on the notes as they fall 131471
due. 131472

(D) If a school district income tax repealed pursuant to this 131473
section was approved in conjunction with a reduction in the rate 131474
of one or more school district property taxes as provided in 131475
division (B)(2) of section 5748.02 of the Revised Code, then each 131476
such property tax may be levied after the current year at the rate 131477
at which it could be levied prior to the reduction, subject to any 131478
adjustments required by the county budget commission pursuant to 131479
Chapter 5705. of the Revised Code. Upon the repeal of a school 131480
district income tax under this section, the board of education may 131481
resume levying a property tax, the rate of which has been reduced 131482
pursuant to a question approved under section 5748.02 of the 131483
Revised Code, at the rate the board originally was authorized to 131484
levy the tax. A reduction in the rate of a property tax under 131485
section 5748.02 of the Revised Code is a reduction in the rate at 131486
which a board of education may levy that tax only for the period 131487
during which a school district income tax is levied prior to any 131488
repeal pursuant to this section. The resumption of the authority 131489
to levy the tax upon such a repeal does not constitute a tax 131490
levied in excess of the one per cent limitation prescribed by 131491
Section 2 of Article XII, Ohio Constitution, or in excess of the 131492
ten-mill limitation. 131493

(E) This section does not apply to school district income tax 131494
levies that are levied for five or fewer years. 131495

Sec. 5748.05. After the approval by the electors of a 131496
resolution under section 5748.03 ~~or~~, 5748.08, or 5748.09 of the 131497
Revised Code to impose a school district income tax to provide an 131498
increase in current operating revenues or in current revenues for 131499
permanent improvements and prior to the time when the first 131500

payment to the district from the tax can be made, a board of 131501
education may anticipate a fraction of the proceeds of the tax and 131502
issue anticipation notes in an amount not exceeding fifty per cent 131503
of the total estimated proceeds of the tax to be collected for its 131504
first year of collection as estimated by the tax commissioner. The 131505
anticipation notes are Chapter 133. securities and shall be issued 131506
as provided in section 133.24 of the Revised Code as if property 131507
tax anticipation notes. The notes shall have principal payments 131508
during each year after their year of issuance over a period not to 131509
exceed five years and, if determined by the board of education, 131510
during the year of their issuance. The legislation authorizing 131511
issuance of the notes may also provide for the annual levy and 131512
collection of voted ad valorem property taxes levied for the 131513
applicable purpose for which the notes are issued and for the 131514
application of the proceeds of the levy to the extent necessary to 131515
pay annual debt charges on the notes. 131516

Sec. 5748.08. (A) The board of education of a city, local, or 131517
exempted village school district, at any time by a vote of 131518
two-thirds of all its members, may declare by resolution that it 131519
may be necessary for the school district to do all of the 131520
following: 131521

(1) Raise a specified amount of money for school district 131522
purposes by levying an annual tax on school district income; 131523

(2) Issue general obligation bonds for permanent 131524
improvements, stating in the resolution the necessity and purpose 131525
of the bond issue and the amount, approximate date, estimated rate 131526
of interest, and maximum number of years over which the principal 131527
of the bonds may be paid; 131528

(3) Levy a tax outside the ten-mill limitation to pay debt 131529
charges on the bonds and any anticipatory securities; 131530

(4) Submit the question of the school district income tax and 131531

bond issue to the electors of the district at a special election. 131532

The resolution shall specify whether the income that is to be 131533
subject to the tax is taxable income of individuals and estates as 131534
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 131535
Revised Code or taxable income of individuals as defined in 131536
division (E)(1)(b) of that section. 131537

On adoption of the resolution, the board shall certify a copy 131538
of it to the tax commissioner and the county auditor no later than 131539
one hundred five days prior to the date of the special election at 131540
which the board intends to propose the income tax and bond issue. 131541
Not later than ten days of receipt of the resolution, the tax 131542
commissioner, in the same manner as required by division (A) of 131543
section 5748.02 of the Revised Code, shall estimate the rates 131544
designated in divisions (A)(1) and (2) of that section and certify 131545
them to the board. Not later than ten days of receipt of the 131546
resolution, the county auditor shall estimate and certify to the 131547
board the average annual property tax rate required throughout the 131548
stated maturity of the bonds to pay debt charges on the bonds, in 131549
the same manner as under division (C) of section 133.18 of the 131550
Revised Code. 131551

(B) On receipt of the tax commissioner's and county auditor's 131552
certifications prepared under division (A) of this section, the 131553
board of education of the city, local, or exempted village school 131554
district, by a vote of two-thirds of all its members, may adopt a 131555
resolution proposing for a specified number of years or for a 131556
continuing period of time the levy of an annual tax for school 131557
district purposes on school district income and declaring that the 131558
amount of taxes that can be raised within the ten-mill limitation 131559
will be insufficient to provide an adequate amount for the present 131560
and future requirements of the school district; that it is 131561
necessary to issue general obligation bonds of the school district 131562
for specified permanent improvements and to levy an additional tax 131563

in excess of the ten-mill limitation to pay the debt charges on 131564
the bonds and any anticipatory securities; and that the question 131565
of the bonds and taxes shall be submitted to the electors of the 131566
school district at a special election, which shall not be earlier 131567
than ninety days after certification of the resolution to the 131568
board of elections, and the date of which shall be consistent with 131569
section 3501.01 of the Revised Code. The resolution shall specify 131570
all of the following: 131571

(1) The purpose for which the school district income tax is 131572
to be imposed and the rate of the tax, which shall be the rate set 131573
forth in the tax commissioner's certification rounded to the 131574
nearest one-fourth of one per cent; 131575

(2) Whether the income that is to be subject to the tax is 131576
taxable income of individuals and estates as defined in divisions 131577
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 131578
taxable income of individuals as defined in division (E)(1)(b) of 131579
that section. The specification shall be the same as the 131580
specification in the resolution adopted and certified under 131581
division (A) of this section. 131582

(3) The number of years the tax will be levied, or that it 131583
will be levied for a continuing period of time; 131584

(4) The date on which the tax shall take effect, which shall 131585
be the first day of January of any year following the year in 131586
which the question is submitted; 131587

(5) The county auditor's estimate of the average annual 131588
property tax rate required throughout the stated maturity of the 131589
bonds to pay debt charges on the bonds. 131590

(C) A resolution adopted under division (B) of this section 131591
shall go into immediate effect upon its passage, and no 131592
publication of the resolution shall be necessary other than that 131593
provided for in the notice of election. Immediately after its 131594

adoption and at least ninety days prior to the election at which 131595
the question will appear on the ballot, the board of education 131596
shall certify a copy of the resolution, along with copies of the 131597
auditor's estimate and its resolution under division (A) of this 131598
section, to the board of elections of the proper county. The board 131599
of education shall make the arrangements for the submission of the 131600
question to the electors of the school district, and the election 131601
shall be conducted, canvassed, and certified in the same manner as 131602
regular elections in the district for the election of county 131603
officers. 131604

The resolution shall be put before the electors as one ballot 131605
question, with a majority vote indicating approval of the school 131606
district income tax, the bond issue, and the levy to pay debt 131607
charges on the bonds and any anticipatory securities. The board of 131608
elections shall publish the notice of the election in ~~one or more~~ 131609
~~newspapers~~ a newspaper of general circulation in the school 131610
district once a week for two consecutive weeks, or as provided in 131611
section 7.16 of the Revised Code, prior to the election ~~and, if,~~ 131612
If the board of elections operates and maintains a web site, it 131613
also shall post notice of the election on its web site for thirty 131614
days prior to the election. The notice of election shall state all 131615
of the following: 131616

(1) The questions to be submitted to the electors; 131617

(2) The rate of the school district income tax; 131618

(3) The principal amount of the proposed bond issue; 131619

(4) The permanent improvements for which the bonds are to be 131620
issued; 131621

(5) The maximum number of years over which the principal of 131622
the bonds may be paid; 131623

(6) The estimated additional average annual property tax rate 131624
to pay the debt charges on the bonds, as certified by the county 131625

auditor;	131626				
(7) The time and place of the special election.	131627				
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	131628 131629				
"Shall the school district be authorized to do both of the following:	131630 131631				
(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)?	131632 131633 131634 131635 131636 131637 131638				
(2) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?	131639 131640 131641 131642 131643 131644 131645 131646 131647 131648 131649				
<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 50px;"></td> <td>FOR THE INCOME TAX AND BOND ISSUE</td> </tr> <tr> <td></td> <td>AGAINST THE INCOME TAX AND BOND ISSUE</td> </tr> </table>		FOR THE INCOME TAX AND BOND ISSUE		AGAINST THE INCOME TAX AND BOND ISSUE	131650 131651
	FOR THE INCOME TAX AND BOND ISSUE				
	AGAINST THE INCOME TAX AND BOND ISSUE				
(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised	131652 131653 131654 131655				

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."

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

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

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

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

on the date of the general election. 131688

Sec. 5748.081. A board of education of a school district 131689
that, under divisions (A)(1), (D)(1), and (E) of section 5748.08 131690
or under section 5748.09 of the Revised Code, levies a tax on the 131691
school district income of individuals and estates as defined in 131692
divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the 131693
Revised Code may replace that tax with a tax on the school 131694
district income of individuals as defined in divisions (G)(1) and 131695
(E)(1)(b) of section 5748.01 of the Revised Code by following the 131696
procedure outlined in, and subject to the conditions specified in, 131697
section 5748.021 of the Revised Code, as if the existing tax 131698
levied under section 5748.08 or 5748.09 were levied under section 131699
5748.02 of the Revised Code. The tax commissioner and the board of 131700
elections shall perform duties in response to the actions of the 131701
board of education under this section as directed in section 131702
5748.021 of the Revised Code. 131703

Sec. 5748.09. (A) The board of education of a city, local, or 131704
exempted village school district, at any time by a vote of 131705
two-thirds of all its members, may declare by resolution that it 131706
may be necessary for the school district to do all of the 131707
following: 131708

(1) Raise a specified amount of money for school district 131709
purposes by levying an annual tax on school district income; 131710

(2) Levy an additional property tax in excess of the ten-mill 131711
limitation for the purpose of providing for the necessary 131712
requirements of the district, stating in the resolution the amount 131713
of money to be raised each year for such purpose; 131714

(3) Submit the question of the school district income tax and 131715
property tax to the electors of the district at a special 131716
election. 131717

The resolution shall specify whether the income that is to be 131718
subject to the tax is taxable income of individuals and estates as 131719
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 131720
Revised Code or taxable income of individuals as defined in 131721
division (E)(1)(b) of that section. 131722

On adoption of the resolution, the board shall certify a copy 131723
of it to the tax commissioner and the county auditor not later 131724
than one hundred days prior to the date of the special election at 131725
which the board intends to propose the income tax and property 131726
tax. Not later than ten days after receipt of the resolution, the 131727
tax commissioner, in the same manner as required by division (A) 131728
of section 5748.02 of the Revised Code, shall estimate the rates 131729
designated in divisions (A)(1) and (2) of that section and certify 131730
them to the board. Not later than ten days after receipt of the 131731
resolution, the county auditor, in the same manner as required by 131732
section 5705.195 of the Revised Code, shall make the calculation 131733
specified in that section and certify it to the board. 131734

(B) On receipt of the tax commissioner's and county auditor's 131735
certifications prepared under division (A) of this section, the 131736
board of education of the city, local, or exempted village school 131737
district, by a vote of two-thirds of all its members, may adopt a 131738
resolution declaring that the amount of taxes that can be raised 131739
by all tax levies the district is authorized to impose, when 131740
combined with state and federal revenues, will be insufficient to 131741
provide an adequate amount for the present and future requirements 131742
of the school district, and that it is therefore necessary to 131743
levy, for a specified number of years or for a continuing period 131744
of time, an annual tax for school district purposes on school 131745
district income, and to levy, for a specified number of years not 131746
exceeding ten or for a continuing period of time, an additional 131747
property tax in excess of the ten-mill limitation for the purpose 131748
of providing for the necessary requirements of the district, and 131749

declaring that the question of the school district income tax and property tax shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following: 131750
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(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent; 131757
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(2) 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. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section. 131761
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(3) The number of years the school district income tax will be levied, or that it will be levied for a continuing period of time; 131768
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(4) The date on which the school district income tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted; 131771
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(5) The amount of money it is necessary to raise for the purpose of providing for the necessary requirements of the district for each year the property tax is to be imposed; 131774
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131776

(6) The number of years the property tax will be levied, or that it will be levied for a continuing period of time; 131777
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(7) The tax list upon which the property tax shall be first levied, which may be the current year's tax list; 131779
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(8) The amount of the average tax levy, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, estimated by the county auditor under division (A) of this section. 131781
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(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. 131785
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The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following: 131799
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(1) The questions to be submitted to the electors as a single ballot question; 131809
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(2) The rate of the school district income tax; 131811

(3) The number of years the school district income tax will 131812
be levied or that it will be levied for a continuing period of 131813
time; 131814

(4) The annual proceeds of the proposed property tax levy for 131815
the purpose of providing for the necessary requirements of the 131816
district; 131817

(5) The number of years during which the property tax levy 131818
shall be levied, or that it shall be levied for a continuing 131819
period of time; 131820

(6) The estimated average additional tax rate of the property 131821
tax, expressed in dollars and cents for each one hundred dollars 131822
of valuation as well as in mills for each one dollar of valuation, 131823
outside the limitation imposed by Section 2 of Article XII, Ohio 131824
Constitution, as certified by the county auditor; 131825

(7) The time and place of the special election. 131826

(D) The form of the ballot on a question submitted to the 131827
electors under this section shall be as follows: 131828

"Shall the school district be authorized to do both of 131829
the following: 131830

(1) Impose an annual income tax of (state the proposed 131831
rate of tax) on the school district income of individuals and of 131832
estates, for (state the number of years the tax would be 131833
levied, or that it would be levied for a continuing period of 131834
time), beginning (state the date the tax would first take 131835
effect), for the purpose of (state the purpose of the 131836
tax)? 131837

(2) Impose a property tax levy outside of the ten-mill 131838
limitation for the purpose of providing for the necessary 131839
requirements of the district in the sum of 131840
(here insert annual amount the levy is to produce), estimated by 131841

the county auditor to average (here insert number 131842
of mills) mills for each one dollar of valuation, which amounts to 131843
..... (here insert rate expressed in dollars and cents) 131844
for each one hundred dollars of valuation, for 131845
(state the number of years the tax is to be imposed or that it 131846
will be imposed for a continuing period of time), commencing in 131847
..... (first year the tax is to be levied), first due in 131848
calendar year (first calendar year in which the tax 131849
shall be due)? 131850

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

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If the question submitted to electors proposes a school 131855
district income tax only on the taxable income of individuals as 131856
defined in division (E)(1)(b) of section 5748.01 of the Revised 131857
Code, the form of the ballot shall be modified by stating that the 131858
tax is to be levied on the "earned income of individuals residing 131859
in the school district" in lieu of the "school district income of 131860
individuals and of estates." 131861

(E) The board of elections promptly shall certify the results 131862
of the election to the tax commissioner and the county auditor of 131863
the county in which the school district is located. If a majority 131864
of the electors voting on the question vote in favor of it: 131865

(1) The income tax and the applicable provisions of Chapter 131866
5747. of the Revised Code shall take effect on the date specified 131867
in the resolution. 131868

(2) The board of education of the school district may make 131869
the additional property tax levy necessary to raise the amount 131870

specified on the ballot for the purpose of providing for the 131871
necessary requirements of the district. The property tax levy 131872
shall be included in the next tax budget that is certified to the 131873
county budget commission. 131874

(F)(1) After approval of a question under this section, the 131875
board of education may anticipate a fraction of the proceeds of 131876
the school district income tax in accordance with section 5748.05 131877
of the Revised Code. Any anticipation notes under this division 131878
shall be issued as provided in section 133.24 of the Revised Code, 131879
shall have principal payments during each year after the year of 131880
their issuance over a period not to exceed five years, and may 131881
have a principal payment in the year of their issuance. 131882

(2) After the approval of a question under this section and 131883
prior to the time when the first tax collection from the property 131884
tax levy can be made, the board of education may anticipate a 131885
fraction of the proceeds of the levy and issue anticipation notes 131886
in an amount not exceeding the total estimated proceeds of the 131887
levy to be collected during the first year of the levy. Any 131888
anticipation notes under this division shall be issued as provided 131889
in section 133.24 of the Revised Code, shall have principal 131890
payments during each year after the year of their issuance over a 131891
period not to exceed five years, and may have a principal payment 131892
in the year of their issuance. 131893

(G)(1) The question of repeal of a school district income tax 131894
levied for more than five years may be initiated and submitted in 131895
accordance with section 5748.04 of the Revised Code. 131896

(2) A property tax levy for a continuing period of time may 131897
be reduced in the manner provided under section 5705.261 of the 131898
Revised Code. 131899

(H) No board of education shall submit a question under this 131900
section to the electors of the school district more than twice in 131901

any calendar year. If a board submits the question twice in any 131902
calendar year, one of the elections on the question shall be held 131903
on the date of the general election. 131904

(I) If the electors of the school district approve a question 131905
under this section, and if the last calendar year the school 131906
district income tax is in effect and the last calendar year of 131907
collection of the property tax are the same, the board of 131908
education of the school district may propose to submit under this 131909
section the combined question of a school district income tax to 131910
take effect upon the expiration of the existing income tax and a 131911
property tax to be first collected in the calendar year after the 131912
calendar year of last collection of the existing property tax, and 131913
specify in the resolutions adopted under this section that the 131914
proposed taxes would renew the existing taxes. The form of the 131915
ballot on a question submitted to the electors under division (I) 131916
of this section shall be as follows: 131917

"Shall the school district be authorized to do both 131918
of the following: 131919

(1) Impose an annual income tax of (state the 131920
proposed rate of tax) on the school district income of individuals 131921
and of estates to renew an income tax expiring at the end of 131922
..... (state the last year the existing income tax may be 131923
levied) for (state the number of years the tax would be 131924
levied, or that it would be levied for a continuing period of 131925
time), beginning (state the date the tax would first take 131926
effect), for the purpose of (state the purpose of the 131927
tax)? 131928

(2) Impose a property tax levy renewing an existing levy 131929
outside of the ten-mill limitation for the purpose of providing 131930
for the necessary requirements of the district in the sum of 131931
..... (here insert annual amount the levy is to 131932
produce), estimated by the county auditor to average 131933

..... (here insert number of mills) mills for each one 131934
dollar of valuation, which amounts to (here 131935
insert rate expressed in dollars and cents) for each one hundred 131936
dollars of valuation, for (state the number of years 131937
the tax is to be imposed or that it will be imposed for a 131938
continuing period of time), commencing in (first year 131939
the tax is to be levied), first due in calendar year 131940
(first calendar year in which the tax shall be due)? 131941

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

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If the question submitted to electors proposes a school 131946
district income tax only on the taxable income of individuals as 131947
defined in division (E)(1)(b) of section 5748.01 of the Revised 131948
Code, the form of the ballot shall be modified by stating that the 131949
tax is to be levied on the "earned income of individuals residing 131950
in the school district" in lieu of the "school district income of 131951
individuals and of estates." 131952

The question of a renewal levy under this division shall not 131953
be placed on the ballot unless the question is submitted on a date 131954
on which a special election may be held under section 3501.01 of 131955
the Revised Code, except for the first Tuesday after the first 131956
Monday in February and August, during the last year the property 131957
tax levy to be renewed may be extended on the real and public 131958
utility property tax list and duplicate, or at any election held 131959
in the ensuing year. 131960

(J) If the electors of the school district approve a question 131961
under this section, the board of education of the school district 131962

may propose to renew either or both of the existing taxes as 131963
individual ballot questions in accordance with section 5748.02 of 131964
the Revised Code for the school district income tax, or section 131965
5705.194 of the Revised Code for the property tax. 131966

Sec. 5751.01. As used in this chapter: 131967

(A) "Person" means, but is not limited to, individuals, 131968
combinations of individuals of any form, receivers, assignees, 131969
trustees in bankruptcy, firms, companies, joint-stock companies, 131970
business trusts, estates, partnerships, limited liability 131971
partnerships, limited liability companies, associations, joint 131972
ventures, clubs, societies, for-profit corporations, S 131973
corporations, qualified subchapter S subsidiaries, qualified 131974
subchapter S trusts, trusts, entities that are disregarded for 131975
federal income tax purposes, and any other entities. 131976

(B) "Consolidated elected taxpayer" means a group of two or 131977
more persons treated as a single taxpayer for purposes of this 131978
chapter as the result of an election made under section 5751.011 131979
of the Revised Code. 131980

(C) "Combined taxpayer" means a group of two or more persons 131981
treated as a single taxpayer for purposes of this chapter under 131982
section 5751.012 of the Revised Code. 131983

(D) "Taxpayer" means any person, or any group of persons in 131984
the case of a consolidated elected taxpayer or combined taxpayer 131985
treated as one taxpayer, required to register or pay tax under 131986
this chapter. "Taxpayer" does not include excluded persons. 131987

(E) "Excluded person" means any of the following: 131988

(1) Any person with not more than one hundred fifty thousand 131989
dollars of taxable gross receipts during the calendar year. 131990
Division (E)(1) of this section does not apply to a person that is 131991
a member of a consolidated elected taxpayer; 131992

(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.

(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;

(4) A dealer in intangibles, as defined in section 5725.01 of

the Revised Code, that paid the dealer in intangibles tax levied 132024
by division (D) of section 5707.03 of the Revised Code based on 132025
one or more measurement periods that include the entire tax period 132026
under this chapter; 132027

(5) A financial holding company as defined in the "Bank 132028
Holding Company Act," 12 U.S.C. 1841(p); 132029

(6) A bank holding company as defined in the "Bank Holding 132030
Company Act," 12 U.S.C. 1841(a); 132031

(7) A savings and loan holding company as defined in the 132032
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 132033
only in activities or investments permissible for a financial 132034
holding company under 12 U.S.C. 1843(k); 132035

(8) A person directly or indirectly owned by one or more 132036
financial institutions, financial holding companies, bank holding 132037
companies, or savings and loan holding companies described in 132038
division (E)(3), (5), (6), or (7) of this section that is engaged 132039
in activities permissible for a financial holding company under 12 132040
U.S.C. 1843(k), except that any such person held pursuant to 132041
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 132042
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 132043
directly or indirectly owned by one or more insurance companies 132044
described in division (E)(9) of this section that is authorized to 132045
do the business of insurance in this state. 132046

For the purposes of division (E)(8) of this section, a person 132047
owns another person under the following circumstances: 132048

(a) In the case of corporations issuing capital stock, one 132049
corporation owns another corporation if it owns fifty per cent or 132050
more of the other corporation's capital stock with current voting 132051
rights; 132052

(b) In the case of a limited liability company, one person 132053
owns the company if that person's membership interest, as defined 132054

in section 1705.01 of the Revised Code, is fifty per cent or more 132055
of the combined membership interests of all persons owning such 132056
interests in the company; 132057

(c) In the case of a partnership, trust, or other 132058
unincorporated business organization other than a limited 132059
liability company, one person owns the organization if, under the 132060
articles of organization or other instrument governing the affairs 132061
of the organization, that person has a beneficial interest in the 132062
organization's profits, surpluses, losses, or distributions of 132063
fifty per cent or more of the combined beneficial interests of all 132064
persons having such an interest in the organization; 132065

(d) In the case of multiple ownership, the ownership 132066
interests of more than one person may be aggregated to meet the 132067
fifty per cent ownership tests in this division only when each 132068
such owner is described in division (E)(3), (5), (6), or (7) of 132069
this section and is engaged in activities permissible for a 132070
financial holding company under 12 U.S.C. 1843(k) or is a person 132071
directly or indirectly owned by one or more insurance companies 132072
described in division (E)(9) of this section that is authorized to 132073
do the business of insurance in this state. 132074

(9) A domestic insurance company or foreign insurance 132075
company, as defined in section 5725.01 of the Revised Code, that 132076
paid the insurance company premiums tax imposed by section 5725.18 132077
or Chapter 5729. of the Revised Code based on one or more 132078
measurement periods that include the entire tax period under this 132079
chapter; 132080

(10) A person that solely facilitates or services one or more 132081
securitizations or similar transactions for any person described 132082
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 132083
For purposes of this division, "securitization" means transferring 132084
one or more assets to one or more persons and then issuing 132085
securities backed by the right to receive payment from the asset 132086

or assets so transferred. 132087

(11) Except as otherwise provided in this division, a 132088
pre-income tax trust as defined in division (FF)(4) of section 132089
5747.01 of the Revised Code and any pass-through entity of which 132090
such pre-income tax trust owns or controls, directly, indirectly, 132091
or constructively through related interests, more than five per 132092
cent of the ownership or equity interests. If the pre-income tax 132093
trust has made a qualifying pre-income tax trust election under 132094
division (FF)(3) of section 5747.01 of the Revised Code, then the 132095
trust and the pass-through entities of which it owns or controls, 132096
directly, indirectly, or constructively through related interests, 132097
more than five per cent of the ownership or equity interests, 132098
shall not be excluded persons for purposes of the tax imposed 132099
under section 5751.02 of the Revised Code. 132100

(12) Nonprofit organizations or the state and its agencies, 132101
instrumentalities, or political subdivisions. 132102

(F) Except as otherwise provided in divisions (F)(2), (3), 132103
and (4) of this section, "gross receipts" means the total amount 132104
realized by a person, without deduction for the cost of goods sold 132105
or other expenses incurred, that contributes to the production of 132106
gross income of the person, including the fair market value of any 132107
property and any services received, and any debt transferred or 132108
forgiven as consideration. In the case of a person that is a 132109
casino operator of casino facilities, as those terms are defined 132110
in section 3772.01 of the Revised Code, "gross receipts" for the 132111
purposes of this chapter only shall be determined without 132112
deduction for any winnings paid to wagerers. 132113

(1) The following are examples of gross receipts: 132114

(a) Amounts realized from the sale, exchange, or other 132115
disposition of the taxpayer's property to or with another; 132116

(b) Amounts realized from the taxpayer's performance of 132117

services for another;	132118
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	132119 132120
(d) Any combination of the foregoing amounts.	132121
(2) "Gross receipts" excludes the following amounts:	132122
(a) Interest income except interest on credit sales;	132123
(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;	132124 132125 132126 132127
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.	132128 132129 132130 132131 132132 132133 132134 132135 132136 132137 132138 132139 132140 132141 132142 132143 132144 132145
(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;	132146 132147 132148

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	132149 132150 132151
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	132152 132153 132154 132155
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	132156 132157 132158 132159 132160 132161 132162 132163 132164
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	132165 132166 132167
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	132168 132169 132170
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	132171 132172 132173 132174 132175 132176 132177
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross	132178 132179

receipts;	132180
(l) Property, money, and other amounts received or acquired	132181
by an agent on behalf of another in excess of the agent's	132182
commission, fee, or other remuneration;	132183
(m) Tax refunds, other tax benefit recoveries, and	132184
reimbursements for the tax imposed under this chapter made by	132185
entities that are part of the same combined taxpayer or	132186
consolidated elected taxpayer group, and reimbursements made by	132187
entities that are not members of a combined taxpayer or	132188
consolidated elected taxpayer group that are required to be made	132189
for economic parity among multiple owners of an entity whose tax	132190
obligation under this chapter is required to be reported and paid	132191
entirely by one owner, pursuant to the requirements of sections	132192
5751.011 and 5751.012 of the Revised Code;	132193
(n) Pension reversions;	132194
(o) Contributions to capital;	132195
(p) Sales or use taxes collected as a vendor or an	132196
out-of-state seller on behalf of the taxing jurisdiction from a	132197
consumer or other taxes the taxpayer is required by law to collect	132198
directly from a purchaser and remit to a local, state, or federal	132199
tax authority;	132200
(q) In the case of receipts from the sale of cigarettes or	132201
tobacco products by a wholesale dealer, retail dealer,	132202
distributor, manufacturer, or seller, all as defined in section	132203
5743.01 of the Revised Code, an amount equal to the federal and	132204
state excise taxes paid by any person on or for such cigarettes or	132205
tobacco products under subtitle E of the Internal Revenue Code or	132206
Chapter 5743. of the Revised Code;	132207
(r) In the case of receipts from the sale of motor fuel by a	132208
licensed motor fuel dealer, licensed retail dealer, or licensed	132209
permissive motor fuel dealer, all as defined in section 5735.01 of	132210

the Revised Code, an amount equal to federal and state excise 132211
taxes paid by any person on such motor fuel under section 4081 of 132212
the Internal Revenue Code or Chapter 5735. of the Revised Code; 132213

(s) In the case of receipts from the sale of beer or 132214
intoxicating liquor, as defined in section 4301.01 of the Revised 132215
Code, by a person holding a permit issued under Chapter 4301. or 132216
4303. of the Revised Code, an amount equal to federal and state 132217
excise taxes paid by any person on or for such beer or 132218
intoxicating liquor under subtitle E of the Internal Revenue Code 132219
or Chapter 4301. or 4305. of the Revised Code; 132220

(t) Receipts realized by a new motor vehicle dealer or used 132221
motor vehicle dealer, as defined in section 4517.01 of the Revised 132222
Code, from the sale or other transfer of a motor vehicle, as 132223
defined in that section, to another motor vehicle dealer for the 132224
purpose of resale by the transferee motor vehicle dealer, but only 132225
if the sale or other transfer was based upon the transferee's need 132226
to meet a specific customer's preference for a motor vehicle; 132227

(u) Receipts from a financial institution described in 132228
division (E)(3) of this section for services provided to the 132229
financial institution in connection with the issuance, processing, 132230
servicing, and management of loans or credit accounts, if such 132231
financial institution and the recipient of such receipts have at 132232
least fifty per cent of their ownership interests owned or 132233
controlled, directly or constructively through related interests, 132234
by common owners; 132235

(v) Receipts realized from administering anti-neoplastic 132236
drugs and other cancer chemotherapy, biologicals, therapeutic 132237
agents, and supportive drugs in a physician's office to patients 132238
with cancer; 132239

(w) Funds received or used by a mortgage broker that is not a 132240
dealer in intangibles, other than fees or other consideration, 132241

pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

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

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

(z) Qualifying distribution center receipts.

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

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

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or

processing. 132273

(III) "Qualified distribution center" means a warehouse or 132274
other similar facility in this state that, for the qualifying 132275
year, is operated by a person that is not part of a combined 132276
taxpayer group and that has a qualifying certificate. However, all 132277
warehouses or other similar facilities that are operated by 132278
persons in the same taxpayer group and that are located within one 132279
mile of each other shall be treated as one qualified distribution 132280
center. 132281

(IV) "Qualifying year" means the calendar year to which the 132282
qualifying certificate applies. 132283

(V) "Qualifying period" means the period of the first day of 132284
July of the second year preceding the qualifying year through the 132285
thirtieth day of June of the year preceding the qualifying year. 132286

(VI) "Qualifying certificate" means the certificate issued by 132287
the tax commissioner after the operator of a distribution center 132288
files an annual application with the commissioner. The application 132289
and annual fee shall be filed and paid for each qualified 132290
distribution center on or before the first day of September before 132291
the qualifying year or within forty-five days after the 132292
distribution center opens, whichever is later. 132293

The applicant must substantiate to the commissioner's 132294
satisfaction that, for the qualifying period, all persons 132295
operating the distribution center have more than fifty per cent of 132296
the cost of the qualified property shipped to a location such that 132297
it would be situated outside this state under the provisions of 132298
division (E) of section 5751.033 of the Revised Code. The 132299
applicant must also substantiate that the distribution center 132300
cumulatively had costs from its suppliers equal to or exceeding 132301
five hundred million dollars during the qualifying period. (For 132302
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 132303

excludes any person that is part of the consolidated elected 132304
taxpayer group, if applicable, of the operator of the qualified 132305
distribution center.) The commissioner may require the applicant 132306
to have an independent certified public accountant certify that 132307
the calculation of the minimum thresholds required for a qualified 132308
distribution center by the operator of a distribution center has 132309
been made in accordance with generally accepted accounting 132310
principles. The commissioner shall issue or deny the issuance of a 132311
certificate within sixty days after the receipt of the 132312
application. A denial is subject to appeal under section 5717.02 132313
of the Revised Code. If the operator files a timely appeal under 132314
section 5717.02 of the Revised Code, the operator shall be granted 132315
a qualifying certificate, provided that the operator is liable for 132316
any tax, interest, or penalty upon amounts claimed as qualifying 132317
distribution center receipts, other than those receipts exempt 132318
under division (C)(1) of section 5751.011 of the Revised Code, 132319
that would have otherwise not been owed by its suppliers if the 132320
qualifying certificate was valid. 132321

(VII) "Ohio delivery percentage" means the proportion of the 132322
total property delivered to a destination inside Ohio from the 132323
qualified distribution center during the qualifying period 132324
compared with total deliveries from such distribution center 132325
everywhere during the qualifying period. 132326

(ii) If the distribution center is new and was not open for 132327
the entire qualifying period, the operator of the distribution 132328
center may request that the commissioner grant a qualifying 132329
certificate. If the certificate is granted and it is later 132330
determined that more than fifty per cent of the qualified property 132331
during that year was not shipped to a location such that it would 132332
be situated outside of this state under the provisions of division 132333
(E) of section 5751.033 of the Revised Code or if it is later 132334
determined that the person that operates the distribution center 132335

had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if the qualifying certificate was valid. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

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

Within thirty days after all appeals have been exhausted, the operator of the qualified distribution center shall notify the affected suppliers of qualified property that such suppliers are required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed. The supplier of tangible personal property

delivered to the qualified distribution center shall include in 132368
its report of taxable gross receipts the receipts from the total 132369
sales of property delivered to the qualified distribution center 132370
for the calendar quarter or calendar year, whichever the case may 132371
be, multiplied by the Ohio delivery percentage for the qualifying 132372
year. Nothing in division (F)(2)(z)(iii) of this section shall be 132373
construed as imposing liability on the operator of a qualified 132374
distribution center for the tax imposed by this chapter arising 132375
from any change to the Ohio delivery percentage. 132376

(iv) In the case where the distribution center is new and not 132377
open for the entire qualifying period, the operator shall make a 132378
good faith estimate of an Ohio delivery percentage for use by 132379
suppliers in their reports of taxable gross receipts for the 132380
remainder of the qualifying period. The operator of the facility 132381
shall disclose to the suppliers that such Ohio delivery percentage 132382
is an estimate and is subject to recalculation. By the due date of 132383
the next application for a qualifying certificate, the operator 132384
shall determine the actual Ohio delivery percentage for the 132385
estimated qualifying period and proceed as provided in division 132386
(F)(2)(z)(iii) of this section with respect to the calculation and 132387
recalculation of the Ohio delivery percentage. The supplier is 132388
required to file, within sixty days after receiving notice from 132389
the operator of the qualified distribution center, amended reports 132390
for the impacted calendar quarter or quarters or calendar year, 132391
whichever the case may be. Any additional tax liability or tax 132392
overpayment shall be subject to interest but shall not be subject 132393
to the imposition of any penalty so long as the amended returns 132394
are timely filed. 132395

(v) Qualifying certificates and Ohio delivery percentages 132396
issued by the commissioner shall be open to public inspection and 132397
shall be timely published by the commissioner. A supplier relying 132398
in good faith on a certificate issued under this division shall 132399

not be subject to tax on the qualifying distribution center 132400
receipts under division (F)(2)(z) of this section. A person 132401
receiving a qualifying certificate is responsible for paying the 132402
tax, interest, and penalty upon amounts claimed as qualifying 132403
distribution center receipts that would not otherwise have been 132404
owed by the supplier if the qualifying certificate were available 132405
when it is later determined that the qualifying certificate should 132406
not have been issued because the statutory requirements were in 132407
fact not met. 132408

(vi) The annual fee for a qualifying certificate shall be one 132409
hundred thousand dollars for each qualified distribution center. 132410
If a qualifying certificate is not issued, the annual fee is 132411
subject to refund after the exhaustion of all appeals provided for 132412
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 132413
under this division may be assessed in the same manner as the tax 132414
imposed under this chapter. The first one hundred thousand dollars 132415
of the annual application fees collected each calendar year shall 132416
be credited to the commercial activity tax administrative fund. 132417
The remainder of the annual application fees collected shall be 132418
distributed in the same manner required under section 5751.20 of 132419
the Revised Code. 132420

(vii) The tax commissioner may require that adequate security 132421
be posted by the operator of the distribution center on appeal 132422
when the commissioner disagrees that the applicant has met the 132423
minimum thresholds for a qualified distribution center as set 132424
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 132425
section. 132426

(aa) Receipts of an employer from payroll deductions relating 132427
to the reimbursement of the employer for advancing moneys to an 132428
unrelated third party on an employee's behalf; 132429

(bb) Cash discounts allowed and taken; 132430

(cc) Returns and allowances; 132431

(dd) Bad debts from receipts on the basis of which the tax 132432
imposed by this chapter was paid in a prior quarterly tax payment 132433
period. For the purpose of this division, "bad debts" means any 132434
debts that have become worthless or uncollectible between the 132435
preceding and current quarterly tax payment periods, have been 132436
uncollected for at least six months, and that may be claimed as a 132437
deduction under section 166 of the Internal Revenue Code and the 132438
regulations adopted under that section, or that could be claimed 132439
as such if the taxpayer kept its accounts on the accrual basis. 132440
"Bad debts" does not include repossessed property, uncollectible 132441
amounts on property that remains in the possession of the taxpayer 132442
until the full purchase price is paid, or expenses in attempting 132443
to collect any account receivable or for any portion of the debt 132444
recovered; 132445

(ee) Any amount realized from the sale of an account 132446
receivable to the extent the receipts from the underlying 132447
transaction giving rise to the account receivable were included in 132448
the gross receipts of the taxpayer; 132449

(ff) Any receipts directly attributed to providing public 132450
services pursuant to sections 126.60 to 126.605 of the Revised 132451
Code, or any receipts directly attributed to a transfer agreement 132452
or to the enterprise transferred under that agreement under 132453
section 4313.02 of the Revised Code. 132454

(gg) Any receipts for which the tax imposed by this chapter 132455
is prohibited by the Constitution or laws of the United States or 132456
the Constitution of Ohio. 132457

~~(gg)~~(hh) Amounts realized by licensed motor fuel dealers or 132458
licensed permissive motor fuel dealers from the exchange of 132459
petroleum products, including motor fuel, between such dealers, 132460
provided that delivery of the petroleum products occurs at a 132461

refinery, terminal, pipeline, or marine vessel and that the 132462
exchanging dealers agree neither dealer shall require monetary 132463
compensation from the other for the value of the exchanged 132464
petroleum products other than such compensation for differences in 132465
product location or grade. Division (F)(2)~~(gg)~~(hh) of this section 132466
does not apply to amounts realized as a result of differences in 132467
location or grade of exchanged petroleum products or from 132468
handling, lubricity, dye, or other additive injections fees, 132469
pipeline security fees, or similar fees. As used in this division, 132470
"motor fuel," "licensed motor fuel dealer," "licensed permissive 132471
motor fuel dealer," and "terminal" have the same meanings as in 132472
section 5735.01 of the Revised Code. 132473

(ii) Qualified uranium receipts qualifying for exclusion 132474
under section 5751.41 of the Revised Code. 132475

(3) In the case of a taxpayer when acting as a real estate 132476
broker, "gross receipts" includes only the portion of any fee for 132477
the service of a real estate broker, or service of a real estate 132478
salesperson associated with that broker, that is retained by the 132479
broker and not paid to an associated real estate salesperson or 132480
another real estate broker. For the purposes of this division, 132481
"real estate broker" and "real estate salesperson" have the same 132482
meanings as in section 4735.01 of the Revised Code. 132483

(4) A taxpayer's method of accounting for gross receipts for 132484
a tax period shall be the same as the taxpayer's method of 132485
accounting for federal income tax purposes for the taxpayer's 132486
federal taxable year that includes the tax period. If a taxpayer's 132487
method of accounting for federal income tax purposes changes, its 132488
method of accounting for gross receipts under this chapter shall 132489
be changed accordingly. 132490

(G) "Taxable gross receipts" means gross receipts sitused to 132491
this state under section 5751.033 of the Revised Code. 132492

(H) A person has "substantial nexus with this state" if any	132493
of the following applies. The person:	132494
(1) Owns or uses a part or all of its capital in this state;	132495
(2) Holds a certificate of compliance with the laws of this	132496
state authorizing the person to do business in this state;	132497
(3) Has bright-line presence in this state;	132498
(4) Otherwise has nexus with this state to an extent that the	132499
person can be required to remit the tax imposed under this chapter	132500
under the Constitution of the United States.	132501
(I) A person has "bright-line presence" in this state for a	132502
reporting period and for the remaining portion of the calendar	132503
year if any of the following applies. The person:	132504
(1) Has at any time during the calendar year property in this	132505
state with an aggregate value of at least fifty thousand dollars.	132506
For the purpose of division (I)(1) of this section, owned property	132507
is valued at original cost and rented property is valued at eight	132508
times the net annual rental charge.	132509
(2) Has during the calendar year payroll in this state of at	132510
least fifty thousand dollars. Payroll in this state includes all	132511
of the following:	132512
(a) Any amount subject to withholding by the person under	132513
section 5747.06 of the Revised Code;	132514
(b) Any other amount the person pays as compensation to an	132515
individual under the supervision or control of the person for work	132516
done in this state; and	132517
(c) Any amount the person pays for services performed in this	132518
state on its behalf by another.	132519
(3) Has during the calendar year taxable gross receipts of at	132520
least five hundred thousand dollars.	132521

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	132522 132523 132524
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	132525 132526
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	132527 132528
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	132529 132530 132531 132532 132533 132534 132535 132536
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	132537 132538 132539
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	132540 132541 132542
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	132543 132544
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	132545 132546
(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:	132547 132548 132549
(1) A person receiving a fee to sell financial instruments;	132550
(2) A person retaining only a commission from a transaction	132551

with the other proceeds from the transaction being remitted to 132552
another person; 132553

(3) A person issuing licenses and permits under section 132554
1533.13 of the Revised Code; 132555

(4) A lottery sales agent holding a valid license issued 132556
under section 3770.05 of the Revised Code; 132557

(5) A person acting as an agent of the division of liquor 132558
control under section 4301.17 of the Revised Code. 132559

(Q) "Received" includes amounts accrued under the accrual 132560
method of accounting. 132561

(R) "Reporting person" means a person in a consolidated 132562
elected taxpayer or combined taxpayer group that is designated by 132563
that group to legally bind the group for all filings and tax 132564
liabilities and to receive all legal notices with respect to 132565
matters under this chapter, or, for the purposes of section 132566
5751.04 of the Revised Code, a separate taxpayer that is not a 132567
member of such a group. 132568

Sec. 5751.011. (A) A group of two or more persons may elect 132569
to be a consolidated elected taxpayer for the purposes of this 132570
chapter if the group satisfies all of the following requirements: 132571

(1) The group elects to include all persons, including 132572
persons enumerated in divisions (E)(2) to (10) of section 5751.01 132573
of the Revised Code, having at least eighty per cent, or having at 132574
least fifty per cent, of the value of their ownership interests 132575
owned or controlled, directly or constructively through related 132576
interests, by common owners during all or any portion of the tax 132577
period, together with the common owners. 132578

A group making its initial election on the basis of the 132579
eighty per cent ownership test may change its election so that its 132580
consolidated elected taxpayer group is formed on the basis of the 132581

fifty per cent ownership test if all of the following are 132582
satisfied: 132583

(a) When the initial election was made, the group did not 132584
have any persons satisfying the fifty per cent ownership test; 132585

(b) One or more of the persons in the initial group 132586
subsequently acquires ownership interests in a person such that 132587
the fifty per cent ownership test is satisfied, the eighty per 132588
cent ownership test is not satisfied, and the acquired person 132589
would be required to be included in a combined taxpayer group 132590
under section 5751.012 of the Revised Code; 132591

(c) The group requests the change in a written request to the 132592
tax commissioner on or before the due date for filing the first 132593
return due under section 5751.051 of the Revised Code after the 132594
date of the acquisition; 132595

(d) The group has not previously changed its election. 132596

At the election of the group, all entities that are not 132597
incorporated or formed under the laws of a state or of the United 132598
States and that meet the consolidated elected ownership test shall 132599
either be included in the group or all shall be excluded from the 132600
group. If, at the time of registration, the group does not include 132601
any such entities that meet the consolidated elected ownership 132602
test, the group shall elect to either include or exclude the newly 132603
acquired entities before the due date of the first return due 132604
after the date of the acquisition. 132605

Each group shall notify the tax commissioner of the foregoing 132606
elections before the due date of the return for the period in 132607
which the election becomes binding. If fifty per cent of the value 132608
of a person's ownership interests is owned or controlled by each 132609
of two consolidated elected taxpayer groups formed under the fifty 132610
per cent ownership or control test, that person is a member of 132611
each group for the purposes of this section, and each group shall 132612

include in the group's taxable gross receipts fifty per cent of 132613
that person's taxable gross receipts. Otherwise, all of that 132614
person's taxable gross receipts shall be included in the taxable 132615
gross receipts of the consolidated elected taxpayer group of which 132616
the person is a member. In no event shall the ownership or control 132617
of fifty per cent of the value of a person's ownership interests 132618
by two otherwise unrelated groups form the basis for consolidating 132619
the groups into a single consolidated elected taxpayer group or 132620
permit any exclusion under division (C) of this section of taxable 132621
gross receipts between members of the two groups. Division (A)(3) 132622
of this section applies with respect to the elections described in 132623
this division. 132624

(2) The group makes the election to be treated as a 132625
consolidated elected taxpayer in the manner prescribed under 132626
division (D) of this section. 132627

(3) Subject to review and audit by the tax commissioner, the 132628
group agrees that all of the following apply: 132629

(a) The group shall file reports as a single taxpayer for at 132630
least the next eight calendar quarters following the election so 132631
long as at least two or more of the members of the group meet the 132632
requirements of division (A)(1) of this section. 132633

(b) Before the expiration of the eighth such calendar 132634
quarter, the group shall notify the commissioner if it elects to 132635
cancel its designation as a consolidated elected taxpayer. If the 132636
group does not so notify the tax commissioner, the election 132637
remains in effect for another eight calendar quarters. 132638

(c) If, at any time during any of those eight calendar 132639
quarters following the election, a former member of the group no 132640
longer meets the requirements under division (A)(1) of this 132641
section, that member shall report and pay the tax imposed under 132642
this chapter separately, as a member of a combined taxpayer, or, 132643

if the former member satisfies such requirements with respect to 132644
another consolidated elected group, as a member of that 132645
consolidated elected group. 132646

(d) The group agrees to the application of division (B) of 132647
this section. 132648

(B) A group of persons making the election under this section 132649
shall report and pay tax on all of the group's taxable gross 132650
receipts even if substantial nexus with this state does not exist 132651
for one or more persons in the group. 132652

(C)(1)(a) Members of a consolidated elected taxpayer group 132653
shall exclude gross receipts among persons included in the 132654
consolidated elected taxpayer group. 132655

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 132656
section, nothing in this section shall have the effect of 132657
requiring a consolidated elected taxpayer group to include gross 132658
receipts received by a person enumerated in divisions (E)(2) to 132659
(10) of section 5751.01 of the Revised Code if that person is a 132660
member of the group pursuant to the elections made by the group 132661
under division (A)(1) of this section. 132662

(c)(i) As used in division (C)(1)(c) of this section, "dealer 132663
transfer" means a transfer of property that satisfies both of the 132664
following: (I) the property is directly transferred by any means 132665
from one member of the group to another member of the group that 132666
is a dealer in intangibles but is not a qualifying dealer as 132667
defined in section ~~5725.24~~ 5707.031 of the Revised Code; and (II) 132668
the property is subsequently delivered by the dealer in 132669
intangibles to a person that is not a member of the group. 132670

(ii) In the event of a dealer transfer, a consolidated 132671
elected taxpayer group shall not exclude, under division (C) of 132672
this section, gross receipts from the transfer described in 132673
division (C)(1)(c)(i)(I) of this section. 132674

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

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

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

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A)(1) of this section, and the group shall notify the tax commissioner of any additions to the group with the next tax return it files with the commissioner.

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

(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy,"

and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code. 132706
132707

(2) "State education aid" for a school district means the following: 132708
132709

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: 132710
132711
division (A) of section 3317.022 of the Revised Code, including 132713
the amounts calculated under sections 3317.029 and 3317.0217 of 132714
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 132715
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 132716
divisions (L) and (N) of section 3317.024; section 3317.0216; and 132717
any unit payments for gifted student services paid under sections 132718
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 132719
for fiscal years 2008 and 2009, the amount computed for the 132720
district under Section 269.20.80 of H.B. 119 of the 127th general 132721
assembly and as that section subsequently may be amended shall be 132722
substituted for the amount computed under division (D) of section 132723
3317.022 of the Revised Code, and the amount computed under 132724
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 132725
that section subsequently may be amended shall be included. 132726

(b) For fiscal ~~year~~ years 2010 and ~~for each fiscal year thereafter~~ 2011, the sum of the amounts computed under former 132727
132728
sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 132729
3306.192 of the Revised Code-; 132730

(c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 132731
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(3) "State education aid" for a joint vocational school district means the following: 132735
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- (a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.
- (b) For fiscal years 2010 and 2011, the amount paid in accordance with the section of ~~this act~~ H.B. 1 of the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."
- (c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."
- (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.
- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.
- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.
- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.
- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.
- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.
- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.
- (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	132767
loss, and the telephone company fixed-rate levy loss.	132768
(12) "Fixed-sum levy loss" means the amount determined under	132769
division (E) of this section.	132770
(13) "Machinery and equipment" means personal property	132771
subject to the assessment rate specified in division (F) of	132772
section 5711.22 of the Revised Code.	132773
(14) "Inventory" means personal property subject to the	132774
assessment rate specified in division (E) of section 5711.22 of	132775
the Revised Code.	132776
(15) "Furniture and fixtures" means personal property subject	132777
to the assessment rate specified in division (G) of section	132778
5711.22 of the Revised Code.	132779
(16) "Qualifying levies" are levies in effect for tax year	132780
2004 or applicable to tax year 2005 or approved at an election	132781
conducted before September 1, 2005. For the purpose of determining	132782
the rate of a qualifying levy authorized by section 5705.212 or	132783
5705.213 of the Revised Code, the rate shall be the rate that	132784
would be in effect for tax year 2010.	132785
(17) "Telephone property" means tangible personal property of	132786
a telephone, telegraph, or interexchange telecommunications	132787
company subject to an assessment rate specified in section	132788
5727.111 of the Revised Code in tax year 2004.	132789
(18) "Telephone property tax value loss" means the amount	132790
determined under division (C)(4) of this section.	132791
(19) "Telephone property fixed-rate levy loss" means the	132792
amount determined under division (D)(4) of this section.	132793
<u>(20) "Taxes charged and payable" means taxes charged and</u>	132794
<u>payable after the reduction required by section 319.301 of the</u>	132795
<u>Revised Code but before the reductions required by sections</u>	132796

319.302 and 323.152 of the Revised Code. 132797

(21) "Median estate tax collections" means, in the case of a 132798
municipal corporation to which revenue from the taxes levied in 132799
Chapter 5731. of the Revised Code was distributed in each of 132800
calendar years 2006, 2007, 2008, and 2009, the median of those 132801
distributions. In the case of a municipal corporation to which no 132802
distributions were made in one or more of those years, "median 132803
estate tax collections" means zero. 132804

(22) "Total resources," in the case of a school district, 132805
means the sum of the amounts in divisions (A)(22)(a) to (h) of 132806
this section less any reduction required under division (A)(32) of 132807
this section. 132808

(a) The state education aid for fiscal year 2010; 132809

(b) The sum of the payments received by the school district 132810
in fiscal year 2010 for current expense levy losses pursuant to 132811
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 132812
section 5751.21 of the Revised Code, excluding the portion of such 132813
payments attributable to levies for joint vocational school 132814
district purposes; 132815

(c) The sum of fixed-sum levy loss payments received by the 132816
school district in fiscal year 2010 pursuant to division (E)(1) of 132817
section 5727.85 and division (E)(1) of section 5751.21 of the 132818
Revised Code for fixed-sum levies imposed for a purpose other than 132819
paying debt charges; 132820

(d) Fifty per cent of the school district's taxes charged and 132821
payable against all property on the tax list of real and public 132822
utility property for current expense purposes for tax year 2008, 132823
including taxes charged and payable from emergency levies imposed 132824
under section 5709.194 of the Revised Code and excluding taxes 132825
levied for joint vocational school district purposes; 132826

(e) Fifty per cent of the school district's taxes charged and 132827

<u>payable against all property on the tax list of real and public</u>	132828
<u>utility property for current expenses for tax year 2009, including</u>	132829
<u>taxes charged and payable from emergency levies and excluding</u>	132830
<u>taxes levied for joint vocational school district purposes;</u>	132831
<u>(f) The school district's taxes charged and payable against</u>	132832
<u>all property on the general tax list of personal property for</u>	132833
<u>current expenses for tax year 2009, including taxes charged and</u>	132834
<u>payable from emergency levies;</u>	132835
<u>(g) The amount certified for fiscal year 2010 under division</u>	132836
<u>(A)(2) of section 3317.08 of the Revised Code;</u>	132837
<u>(h) Distributions received during calendar year 2009 from</u>	132838
<u>taxes levied under section 718.09 of the Revised Code.</u>	132839
<u>(23) "Total resources," in the case of a joint vocational</u>	132840
<u>school district, means the sum of amounts in divisions (A)(23)(a)</u>	132841
<u>to (g) of this section less any reduction required under division</u>	132842
<u>(A)(32) of this section.</u>	132843
<u>(a) The state education aid for fiscal year 2010;</u>	132844
<u>(b) The sum of the payments received by the joint vocational</u>	132845
<u>school district in fiscal year 2010 for current expense levy</u>	132846
<u>losses pursuant to division (C)(2) of section 5727.85 and</u>	132847
<u>divisions (C)(8) and (9) of section 5751.21 of the Revised Code;</u>	132848
<u>(c) Fifty per cent of the joint vocational school district's</u>	132849
<u>taxes charged and payable against all property on the tax list of</u>	132850
<u>real and public utility property for current expense purposes for</u>	132851
<u>tax year 2008;</u>	132852
<u>(d) Fifty per cent of the joint vocational school district's</u>	132853
<u>taxes charged and payable against all property on the tax list of</u>	132854
<u>real and public utility property for current expenses for tax year</u>	132855
<u>2009;</u>	132856
<u>(e) Fifty per cent of a city, local, or exempted village</u>	132857

school district's taxes charged and payable against all property 132858
on the tax list of real and public utility property for current 132859
expenses of the joint vocational school district for tax year 132860
2008; 132861

(f) Fifty per cent of a city, local, or exempted village 132862
school district's taxes charged and payable against all property 132863
on the tax list of real and public utility property for current 132864
expenses of the joint vocational school district for tax year 132865
2009; 132866

(g) The joint vocational school district's taxes charged and 132867
payable against all property on the general tax list of personal 132868
property for current expenses for tax year 2009. 132869

(24) "Total resources," in the case of county mental health 132870
and disability related functions, means the sum of the amounts in 132871
divisions (A)(24)(a) and (b) of this section less any reduction 132872
required under division (A)(32) of this section. 132873

(a) The sum of the payments received by the county for mental 132874
health and developmental disability related functions in calendar 132875
year 2010 under division (A)(1) of section 5727.86 and division 132876
(A)(1) and (2) of section 5751.22 of the Revised Code as they 132877
existed at that time; 132878

(b) With respect to taxes levied by the county for mental 132879
health and developmental disability related purposes, the taxes 132880
charged and payable for such purposes against all property on the 132881
tax list of real and public utility property for tax year 2009. 132882

(25) "Total resources," in the case of county senior services 132883
related functions, means the sum of the amounts in divisions 132884
(A)(25)(a) and (b) of this section less any reduction required 132885
under division (A)(32) of this section. 132886

(a) The sum of the payments received by the county for senior 132887
services related functions in calendar year 2010 under division 132888

(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 132889
132890

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 132891
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(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 132895
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 132899
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 132903
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(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 132907
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132910

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 132911
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 132915
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(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) of this section. 132919
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(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 132924
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132927

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 132928
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132931
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132934

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges; 132935
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(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code. 132940
132941
132942

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division (A)(32) of this section. 132943
132944
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132946

(a) The sum of the payments received by the municipal corporation in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the 132947
132948
132949

<u>Revised Code as they existed at that time;</u>	132950
<u>(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;</u>	132951 132952 132953 132954 132955 132956 132957
<u>(c) The sum of the amounts distributed to the municipal corporation in calendar year 2010 pursuant to section 5747.50 of the Revised Code;</u>	132958 132959 132960
<u>(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(33) of this section, for tax year 2009;</u>	132961 132962 132963 132964 132965
<u>(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;</u>	132966 132967 132968 132969 132970
<u>(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;</u>	132971 132972 132973 132974 132975
<u>(g) The municipal corporation's median estate tax collections.</u>	132976 132977
<u>(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section less any reduction required under division (A)(32) of this</u>	132978 132979 132980

<u>section.</u>	132981
<u>(a) The sum of the payments received by the township in</u>	132982
<u>calendar year 2010 pursuant to division (A)(1) of section 5727.86</u>	132983
<u>of the Revised Code and divisions (A)(1) and (2) of section</u>	132984
<u>5751.22 of the Revised Code as they existed at that time,</u>	132985
<u>excluding payments received for debt purposes;</u>	132986
<u>(b) The township's percentage share of county undivided local</u>	132987
<u>government fund allocations as certified to the tax commissioner</u>	132988
<u>for calendar year 2010 by the county auditor under division (J) of</u>	132989
<u>section 5747.51 of the Revised Code or division (F) of section</u>	132990
<u>5747.53 of the Revised Code multiplied by the total amount</u>	132991
<u>actually distributed in calendar year 2010 from the county</u>	132992
<u>undivided local government fund;</u>	132993
<u>(c) With respect to taxes levied by the township, the taxes</u>	132994
<u>charged and payable against all property on the tax list of real</u>	132995
<u>and public utility property for tax year 2009 excluding taxes</u>	132996
<u>charged and payable for the purpose of paying debt charges.</u>	132997
<u>(31) "Total resources," in the case of a local taxing unit</u>	132998
<u>that is not a county, municipal corporation, or township, means</u>	132999
<u>the sum of the amounts in divisions (A)(31)(a) to (e) of this</u>	133000
<u>section less any reduction required under division (A)(32) of this</u>	133001
<u>section.</u>	133002
<u>(a) The sum of the payments received by the local taxing unit</u>	133003
<u>in calendar year 2010 pursuant to division (A)(1) of section</u>	133004
<u>5727.86 of the Revised Code and divisions (A)(1) and (2) of</u>	133005
<u>section 5751.22 of the Revised Code as they existed at that time;</u>	133006
<u>(b) The local taxing unit's percentage share of county</u>	133007
<u>undivided local government fund allocations as certified to the</u>	133008
<u>tax commissioner for calendar year 2010 by the county auditor</u>	133009
<u>under division (J) of section 5747.51 of the Revised Code or</u>	133010
<u>division (F) of section 5747.53 of the Revised Code multiplied by</u>	133011

the total amount actually distributed in calendar year 2010 from 133012
the county undivided local government fund; 133013

(c) With respect to taxes levied by the local taxing unit, 133014
the taxes charged and payable against all property on the tax list 133015
of real and public utility property for tax year 2009 excluding 133016
taxes charged and payable for the purpose of paying debt charges; 133017

(d) The amount received from the tax commissioner during 133018
calendar year 2010 for sales or use taxes authorized under 133019
sections 5739.023 and 5741.022 of the Revised Code; 133020

(e) For institutions of higher education receiving tax 133021
revenue from a local levy, as identified in section 3358.02 of the 133022
Revised Code, the final state share of instruction allocation for 133023
fiscal year 2010 as calculated by the board of regents and 133024
reported to the state controlling board. 133025

(32) If a fixed-rate levy that is a qualifying levy is not 133026
imposed in any year after tax year 2010, "total resources" used to 133027
compute payments to be made under division (C)(12) of section 133028
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 133029
Revised Code in the tax years following the last year the levy is 133030
imposed shall be reduced by the amount of payments attributable to 133031
the fixed-rate levy loss of that levy as would be computed under 133032
division (C)(2) of section 5727.85, division (A)(1) of section 133033
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 133034
(A)(1) of section 5751.22 of the Revised Code. 133035

(33) "Municipal current expense property tax levies" means 133036
all property tax levies of a municipality, except those with the 133037
following levy names: airport resurfacing; bond or any levy name 133038
including the word "bond"; capital improvement or any levy name 133039
including the word "capital"; debt or any levy name including the 133040
word "debt"; equipment or any levy name including the word 133041
"equipment," unless the levy is for combined operating and 133042

equipment; employee termination fund; fire pension or any levy 133043
containing the word "pension," including police pensions; 133044
fireman's fund or any practically similar name; sinking fund; road 133045
improvements or any levy containing the word "road"; fire truck or 133046
apparatus; flood or any levy containing the word "flood"; 133047
conservancy district; county health; note retirement; sewage, or 133048
any levy containing the words "sewage" or "sewer"; park 133049
improvement; parkland acquisition; storm drain; street or any levy 133050
name containing the word "street"; lighting, or any levy name 133051
containing the word "lighting"; and water. 133052

(34) "Current expense TPP allocation" means, in the case of a 133053
school district or joint vocational school district, the sum of 133054
the payments received by the school district in fiscal year 2011 133055
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 133056
Revised Code to the extent paid for current expense levies. In the 133057
case of a municipal corporation, "current expense TPP allocation" 133058
means the sum of the payments received by the municipal 133059
corporation in calendar year 2010 pursuant to divisions (A)(1) and 133060
(2) of section 5751.22 of the Revised Code to the extent paid for 133061
municipal current expense property tax levies as defined in 133062
division (A)(33) of this section. If a fixed-rate levy that is a 133063
qualifying levy is not imposed in any year after tax year 2010, 133064
"current expense TPP allocation" used to compute payments to be 133065
made under division (C)(12) of section 5751.21 or division 133066
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 133067
years following the last year the levy is imposed shall be reduced 133068
by the amount of payments attributable to the fixed-rate levy loss 133069
of that levy as would be computed under divisions (C)(10) and (11) 133070
of section 5751.21 or division (A)(1) of section 5751.22 of the 133071
Revised Code. 133072

(35) "TPP allocation" means the sum of payments received by a 133073
local taxing unit in calendar year 2010 pursuant to divisions 133074

(A)(1) and (2) of section 5751.22 of the Revised Code. If a 133075
fixed-rate levy that is a qualifying levy is not imposed in any 133076
year after tax year 2010, "TPP allocation" used to compute 133077
payments to be made under division (A)(1)(b) or (c) of section 133078
5751.22 of the Revised Code in the tax years following the last 133079
year the levy is imposed shall be reduced by the amount of payment 133080
attributable to the fixed-rate levy loss of that levy as would be 133081
computed under division (A)(1) of that section. 133082

(36) "Total TPP allocation" means, in the case of a school 133083
district or joint vocational school district, the sum of the 133084
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 133085
and (11) and (D) of section 5751.21 of the Revised Code. In the 133086
case of a local taxing unit, "total TPP allocation" means the sum 133087
of payments received by the unit in calendar year 2010 pursuant to 133088
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 133089
Code. If a fixed-rate levy that is a qualifying levy is not 133090
imposed in any year after tax year 2010, "total TPP allocation" 133091
used to compute payments to be made under division (C)(12) of 133092
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 133093
the Revised Code in the tax years following the last year the levy 133094
is imposed shall be reduced by the amount of payments attributable 133095
to the fixed-rate levy loss of that levy as would be computed 133096
under divisions (C)(10) and (11) of section 5751.21 or division 133097
(A)(1) of section 5751.22 of the Revised Code. 133098

(37) "Non-current expense TPP allocation" means the 133099
difference of total TPP allocation minus the sum of current 133100
expense TPP allocation and the portion of total TPP allocation 133101
constituting reimbursement for debt levies, pursuant to division 133102
(D) of section 5751.21 of the Revised Code in the case of a school 133103
district or joint vocational school district and pursuant to 133104
division (A)(3) of section 5751.22 of the Revised Code in the case 133105
of a municipal corporation. 133106

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

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

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	133132
2007	0%	70.0%	30.0%	133133
2008	0%	70.0%	30.0%	133134
2009	0%	70.0%	30.0%	133135

2010	0%	70.0%	30.0%	133136
2011	0%	70.0%	30.0%	133137
2012	5.3 <u>25.0%</u>	70.0 <u>52.5%</u>	24.7 <u>22.5%</u>	133138
2013 <u>and</u> <u>thereafter</u>	10.6 <u>50.0%</u>	70.0 <u>35.0%</u>	19.4 <u>15.0%</u>	133139
2014	14.1%	70.0%	15.9%	133140
2015	17.6%	70.0%	12.4%	133141
2016	21.1%	70.0%	8.9%	133142
2017	24.6%	70.0%	5.4%	133143
2018	28.1%	70.0%	1.9%	133144
2019 and thereafter	30%	70%	0%	133145

(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.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is

five and three-fourths and the denominator of which is	133165
twenty-three;	133166
(b) For tax year 2007, a fraction, the numerator of which is	133167
nine and one-half and the denominator of which is twenty-three;	133168
(c) For tax year 2008, a fraction, the numerator of which is	133169
thirteen and one-fourth and the denominator of which is	133170
twenty-three;	133171
(d) For tax year 2009 and thereafter a fraction, the	133172
numerator of which is seventeen and the denominator of which is	133173
twenty-three.	133174
(3) Furniture and fixtures property tax value loss is the	133175
taxable value of furniture and fixture property as reported by	133176
taxpayers for tax year 2004 multiplied by:	133177
(a) For tax year 2006, twenty-five per cent;	133178
(b) For tax year 2007, fifty per cent;	133179
(c) For tax year 2008, seventy-five per cent;	133180
(d) For tax year 2009 and thereafter, one hundred per cent.	133181
The taxable value of property reported by taxpayers used in	133182
divisions (C)(1), (2), and (3) of this section shall be such	133183
values as determined to be final by the tax commissioner as of	133184
August 31, 2005. Such determinations shall be final except for any	133185
correction of a clerical error that was made prior to August 31,	133186
2005, by the tax commissioner.	133187
(4) Telephone property tax value loss is the taxable value of	133188
telephone property as taxpayers would have reported that property	133189
for tax year 2004 if the assessment rate for all telephone	133190
property for that year were twenty-five per cent, multiplied by:	133191
(a) For tax year 2006, zero per cent;	133192
(b) For tax year 2007, zero per cent;	133193

(c) For tax year 2008, zero per cent;	133194
(d) For tax year 2009, sixty per cent;	133195
(e) For tax year 2010, eighty per cent;	133196
(f) For tax year 2011 and thereafter, one hundred per cent.	133197
(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.	133198 133199 133200 133201 133202 133203 133204 133205 133206 133207
In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.	133208 133209 133210 133211 133212 133213 133214 133215 133216 133217 133218 133219 133220 133221 133222 133223 133224

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

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

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

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

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

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

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

amount described in division (E)(1) of this section: 133256

(1) The sum of the machinery and equipment property tax value 133257
loss, the inventory property tax value loss, and the furniture and 133258
fixtures property tax value loss, and, for 2008 through ~~2017~~ 2010, 133259
the telephone property tax value loss of the district or unit 133260
multiplied by the sum of the fixed-sum tax rates of qualifying 133261
levies. For 2006 through 2010, this computation shall include all 133262
qualifying levies remaining in effect for the current tax year and 133263
any school district levies imposed under section 5705.194 or 133264
5705.213 of the Revised Code that are qualifying levies not 133265
remaining in effect for the current year. For 2011 through 2017 in 133266
the case of school district levies imposed under section 5705.194 133267
or 5705.213 of the Revised Code and for all years after 2010 in 133268
the case of other fixed-sum levies, this computation shall include 133269
only qualifying levies remaining in effect for the current year. 133270
For purposes of this computation, a qualifying school district 133271
levy imposed under section 5705.194 or 5705.213 of the Revised 133272
Code remains in effect in a year after 2010 only if, for that 133273
year, the board of education levies a school district levy imposed 133274
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 133275
Revised Code for an annual sum at least equal to the annual sum 133276
levied by the board in tax year 2004 less the amount of the 133277
payment certified under this division for 2006. 133278

(2) The total taxable value in tax year 2004 less the sum of 133279
the machinery and equipment, inventory, furniture and fixtures, 133280
and telephone property tax value losses in each school district, 133281
joint vocational school district, and local taxing unit multiplied 133282
by one-half of one mill per dollar. 133283

(3) For the calculations in divisions (E)(1) and (2) of this 133284
section, the tax value losses are those that would be calculated 133285
for tax year 2009 under divisions (C)(1), (2), and (3) of this 133286
section and for tax year 2011 under division (C)(4) of this 133287

section. 133288

(4) To facilitate the calculation under divisions (D) and (E) 133289
of this section, not later than September 1, 2005, any school 133290
district, joint vocational school district, or local taxing unit 133291
that has a qualifying levy that was approved at an election 133292
conducted during 2005 before September 1, 2005, shall certify to 133293
the tax commissioner a copy of the county auditor's certificate of 133294
estimated property tax millage for such levy as required under 133295
division (B) of section 5705.03 of the Revised Code, which is the 133296
rate that shall be used in the calculations under such divisions. 133297

If the amount determined under division (E) of this section 133298
for any school district, joint vocational school district, or 133299
local taxing unit is greater than zero, that amount shall equal 133300
the reimbursement to be paid pursuant to division (E) of section 133301
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 133302
and the one-half of one mill that is subtracted under division 133303
(E)(2) of this section shall be apportioned among all contributing 133304
fixed-sum levies in the proportion that each levy bears to the sum 133305
of all fixed-sum levies within each school district, joint 133306
vocational school district, or local taxing unit. 133307

(F) If a school district levies a tax under section 5705.219 133308
of the Revised Code, the fixed-rate levy loss for qualifying 133309
levies, to the extent repealed under that section, shall equal the 133310
sum of the following amounts in lieu of the amounts computed for 133311
such levies under division (D) of this section: 133312

(1) The sum of the rates of qualifying levies to the extent 133313
so repealed multiplied by the sum of the machinery and equipment, 133314
inventory, and furniture and fixtures tax value losses for 2009 as 133315
determined under that division; 133316

(2) The sum of the rates of qualifying levies to the extent 133317
so repealed multiplied by the telephone property tax value loss 133318

for 2011 as determined under that division. 133319

The fixed-rate levy losses for qualifying levies to the 133320
extent not repealed under section 5705.219 of the Revised Code 133321
shall be as determined under division (D) of this section. The 133322
revised fixed-rate levy losses determined under this division and 133323
division (D) of this section first apply in the year following the 133324
first year the district levies the tax under section 5705.219 of 133325
the Revised Code. 133326

(G) Not later than October 1, 2005, the tax commissioner 133327
shall certify to the department of education for every school 133328
district and joint vocational school district the machinery and 133329
equipment, inventory, furniture and fixtures, and telephone 133330
property tax value losses determined under division (C) of this 133331
section, the machinery and equipment, inventory, furniture and 133332
fixtures, and telephone fixed-rate levy losses determined under 133333
division (D) of this section, and the fixed-sum levy losses 133334
calculated under division (E) of this section. The calculations 133335
under divisions (D) and (E) of this section shall separately 133336
display the levy loss for each levy eligible for reimbursement. 133337

(H) Not later than October 1, 2005, the tax commissioner 133338
shall certify the amount of the fixed-sum levy losses to the 133339
county auditor of each county in which a school district, joint 133340
vocational school district, or local taxing unit with a fixed-sum 133341
levy loss reimbursement has territory. 133342

(I) Not later than the twenty-eighth day of February each 133343
year beginning in 2011 and ending in 2014, the tax commissioner 133344
shall certify to the department of education for each school 133345
district first levying a tax under section 5705.219 of the Revised 133346
Code in the preceding year the revised fixed-rate levy losses 133347
determined under divisions (D) and (F) of this section. 133348

Sec. 5751.21. (A) Not later than the thirtieth day of July of 133349

2007 through ~~2017~~ 2010, the department of education shall consult 133350
with the director of budget and management and determine the 133351
following for each school district and each joint vocational 133352
school district eligible for payment under division (B) of this 133353
section: 133354

(1) The state education aid offset, which, except as provided 133355
in division (A)(1)(c) of this section, is the difference obtained 133356
by subtracting the amount described in division (A)(1)(b) of this 133357
section from the amount described in division (A)(1)(a) of this 133358
section: 133359

(a) The state education aid computed for the school district 133360
or joint vocational school district for the current fiscal year as 133361
of the thirtieth day of July; 133362

(b) The state education aid that would be computed for the 133363
school district or joint vocational school district for the 133364
current fiscal year as of the thirtieth day of July if the 133365
~~recognized~~ valuation used in the calculation in division (B)(1) of 133366
section 3306.13 of the Revised Code as that division existed for 133367
fiscal years 2010 and 2011 included the machinery and equipment, 133368
inventory, furniture and fixtures, and telephone property tax 133369
value losses for the school district or joint vocational school 133370
district for the second preceding tax year, and if taxes charged 133371
and payable associated with the tax value losses are accounted for 133372
in any state education aid computation dependent on taxes charged 133373
and payable. 133374

(c) The state education aid offset for fiscal year 2010 and 133375
fiscal year 2011 equals the greater of the state education aid 133376
offset calculated for that fiscal year under divisions (A)(1)(a) 133377
and (b) of this section and the state education aid offset 133378
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 133379
the state education aid offset equals the state education aid 133380
offset for fiscal year 2011. 133381

(2) ~~The~~ For fiscal years 2008 through 2011, the greater of 133382
zero or the difference obtained by subtracting the state education 133383
aid offset determined under division (A)(1) of this section from 133384
the sum of the machinery and equipment fixed-rate levy loss, the 133385
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 133386
levy loss, and telephone property fixed-rate levy loss certified 133387
under divisions (G) and (I) of section 5751.20 of the Revised Code 133388
for all taxing districts in each school district and joint 133389
vocational school district for the second preceding tax year. 133390

By the thirtieth day of July of each such year, the 133391
department of education and the director of budget and management 133392
shall agree upon the amount to be determined under division (A)(1) 133393
of this section. 133394

(B) On or before the thirty-first day of August of ~~each year~~ 133395
~~beginning in 2008, 2009, and 2010,~~ the department of education 133396
shall recalculate the offset described under division (A) of this 133397
section for the previous fiscal year and recalculate the payments 133398
made under division (C) of this section in the preceding fiscal 133399
year using the offset calculated under this division. If the 133400
payments calculated under this division differ from the payments 133401
made under division (C) of this section in the preceding fiscal 133402
year, the difference shall either be paid to a school district or 133403
recaptured from a school district through an adjustment at the 133404
same times during the current fiscal year that the payments under 133405
division (C) of this section are made. In August and October of 133406
the current fiscal year, the amount of each adjustment shall be 133407
three-sevenths of the amount calculated under this division. In 133408
May of the current fiscal year, the adjustment shall be 133409
one-seventh of the amount calculated under this division. 133410

(C) The department of education shall pay from the school 133411
district tangible property tax replacement fund to each school 133412
district and joint vocational school district all of the following 133413

for fixed-rate levy losses certified under divisions (G) and (I)	133414
of section 5751.20 of the Revised Code:	133415
(1) On or before May 31, 2006, one-seventh of the total	133416
fixed-rate levy loss for tax year 2006;	133417
(2) On or before August 31, 2006, and October 31, 2006,	133418
one-half of six-sevenths of the total fixed-rate levy loss for tax	133419
year 2006;	133420
(3) On or before May 31, 2007, one-seventh of the total	133421
fixed-rate levy loss for tax year 2007;	133422
(4) On or before August 31, 2007, and October 31, 2007,	133423
forty-three per cent of the amount determined under division	133424
(A)(2) of this section for fiscal year 2008, but not less than	133425
zero, plus one-half of six-sevenths of the difference between the	133426
total fixed-rate levy loss for tax year 2007 and the total	133427
fixed-rate levy loss for tax year 2006.	133428
(5) On or before May 31, 2008, fourteen per cent of the	133429
amount determined under division (A)(2) of this section for fiscal	133430
year 2008, but not less than zero, plus one-seventh of the	133431
difference between the total fixed-rate levy loss for tax year	133432
2008 and the total fixed-rate levy loss for tax year 2006.	133433
(6) On or before August 31, 2008, and October 31, 2008,	133434
forty-three per cent of the amount determined under division	133435
(A)(2) of this section for fiscal year 2009, but not less than	133436
zero, plus one-half of six-sevenths of the difference between the	133437
total fixed-rate levy loss in tax year 2008 and the total	133438
fixed-rate levy loss in tax year 2007.	133439
(7) On or before May 31, 2009, fourteen per cent of the	133440
amount determined under division (A)(2) of this section for fiscal	133441
year 2009, but not less than zero, plus one-seventh of the	133442
difference between the total fixed-rate levy loss for tax year	133443
2009 and the total fixed-rate levy loss for tax year 2007.	133444

(8) On or before August 31, 2009, and October 31, 2009, 133445
forty-three per cent of the amount determined under division 133446
(A)(2) of this section for fiscal year 2010, but not less than 133447
zero, plus one-half of six-sevenths of the difference between the 133448
total fixed-rate levy loss in tax year 2009 and the total 133449
fixed-rate levy loss in tax year 2008. 133450

(9) On or before May 31, 2010, fourteen per cent of the 133451
amount determined under division (A)(2) of this section for fiscal 133452
year 2010, but not less than zero, plus one-seventh of the 133453
difference between the total fixed-rate levy loss in tax year 2010 133454
and the total fixed-rate levy loss in tax year 2008. 133455

(10) On or before August 31, 2010, and October 31, 2010, 133456
forty-three per cent of the amount determined under division 133457
(A)(2) of this section for fiscal year 2011, but not less than 133458
zero, plus one-half of six-sevenths of the difference between the 133459
telephone property fixed-rate levy loss for tax year 2010 and the 133460
telephone property fixed-rate levy loss for tax year 2009. 133461

(11) On or before May 31, 2011, fourteen per cent of the 133462
amount determined under division (A)(2) of this section for fiscal 133463
year 2011, but not less than zero, plus one-seventh of the 133464
difference between the telephone property fixed-rate levy loss for 133465
tax year 2011 and the telephone property fixed-rate levy loss for 133466
tax year 2009. 133467

~~(12) On or before August 31, 2011, and October 31, 2011,~~ 133468
~~forty-three per cent of the amount determined under division~~ 133469
~~(A)(2) of this section, but not less than zero, plus one-half of~~ 133470
~~six-sevenths of the difference between the telephone property~~ 133471
~~fixed rate levy loss for tax year 2011 and the telephone property~~ 133472
~~fixed rate levy loss for tax year 2010.~~ 133473

~~(13) On or before May 31, 2012, fourteen per cent of the~~ 133474
~~amount determined under division (A)(2) of this section for fiscal~~ 133475

~~year 2012, but not less than zero, plus one seventh of the~~ 133476
~~difference between the telephone property fixed rate levy loss for~~ 133477
~~tax year 2011 and the telephone property fixed rate levy loss for~~ 133478
~~tax year 2010.~~ 133479

~~(14) On or before August 31, 2012, October 31, 2012, and May~~ 133480
~~31, 2013, the amount determined under division (A)(2) of this~~ 133481
~~section but not less than zero, multiplied by one third.~~ 133482

~~(15) On or before August 31, 2013, October 31, 2013, and May~~ 133483
~~31, 2014, the amount determined under division (A)(2) of this~~ 133484
~~section multiplied by a fraction, the numerator of which is nine~~ 133485
~~and the denominator of which is seventeen, but not less than zero,~~ 133486
~~multiplied by one third.~~ 133487

~~(16) On or before August 31, 2014, October 31, 2014, and May~~ 133488
~~31, 2015, the amount determined under division (A)(2) of this~~ 133489
~~section multiplied by a fraction, the numerator of which is seven~~ 133490
~~and the denominator of which is seventeen, but not less than zero,~~ 133491
~~multiplied by one third.~~ 133492

~~(17) On or before August 31, 2015, October 31, 2015, and May~~ 133493
~~31, 2016, the amount determined under division (A)(2) of this~~ 133494
~~section multiplied by a fraction, the numerator of which is five~~ 133495
~~and the denominator of which is seventeen, but not less than zero,~~ 133496
~~multiplied by one third.~~ 133497

~~(18) On or before August 31, 2016, October 31, 2016, and May~~ 133498
~~31, 2017, the amount determined under division (A)(2) of this~~ 133499
~~section multiplied by a fraction, the numerator of which is three~~ 133500
~~and the denominator of which is seventeen, but not less than zero,~~ 133501
~~multiplied by one third.~~ 133502

~~(19) On or before August 31, 2017, October 31, 2017, and May~~ 133503
~~31, 2018, the amount determined under division (A)(2) of this~~ 133504
~~section multiplied by a fraction, the numerator of which is one~~ 133505
~~and the denominator of which is seventeen, but not less than zero,~~ 133506

~~multiplied by one third~~ For fiscal years 2012 and thereafter, the
sum of the amounts in divisions (C)(12)(a) or (b) and (c) of this
section shall be paid on or before the twentieth day of November
and the last day of May:

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

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

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

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

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

(D) For taxes levied within the ten-mill limitation for debt
purposes in tax year 2005, payments shall be made equal to one
hundred per cent of the loss computed as if the tax were a
fixed-rate levy, but those payments shall extend from fiscal year
2006 through fiscal year 2018, as long as the qualifying levy
continues to be used for debt purposes. If the purpose of such a
qualifying levy is changed, that levy becomes subject to the
payments determined in division (C) of this section.

(E)(1) Not later than January 1, 2006, for each fixed-sum
levy of each school district or joint vocational school district

and for each year for which a determination is made under division 133538
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 133539
loss is to be reimbursed, the tax commissioner shall certify to 133540
the department of education the fixed-sum levy loss determined 133541
under that division. The certification shall cover a time period 133542
sufficient to include all fixed-sum levies for which the 133543
commissioner made such a determination. ~~The~~ On or before the last 133544
day of May of the current year, the department shall pay from the 133545
school district property tax replacement fund to the school 133546
district or joint vocational school district one-third of the 133547
fixed-sum levy loss so certified ~~for each year~~, plus one-third of 133548
the amount certified under division (I) of section 5751.20 of the 133549
Revised Code, and on or before the ~~last~~ twentieth day of ~~May,~~ 133550
~~August, and October of the current year~~ November, two-thirds of 133551
the fixed-sum levy loss so certified, plus two-thirds of the 133552
amount certified under division (I) of section 5751.20 of the 133553
Revised Code. Payments under this division of the amounts 133554
certified under division (I) of section 5751.20 of the Revised 133555
Code shall continue until the levy adopted under section 5705.219 133556
of the Revised Code expires. 133557

(2) Beginning in 2006, by the first day of January of each 133558
year, the tax commissioner shall review the certification 133559
originally made under division (E)(1) of this section. If the 133560
commissioner determines that a debt levy that had been scheduled 133561
to be reimbursed in the current year has expired, a revised 133562
certification for that and all subsequent years shall be made to 133563
the department of education. 133564

(F) Beginning in September 2007 and through June ~~2018~~ 2013, 133565
the director of budget and management shall transfer from the 133566
school district tangible property tax replacement fund to the 133567
general revenue fund each of the following: 133568

(1) On the first day of September, one-fourth of the amount 133569

determined for that fiscal year under division (A)(1) of this section; 133570
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(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section; 133572
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(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section; 133575
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(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section. 133578
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If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year. 133581
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~~(G) For each of the fiscal years 2006 through 2018, if~~ If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund. ~~For each fiscal year after 2018, at the time payments under division (E) of this section are to be made, the director of budget and management shall transfer from the general revenue fund to the school~~ 133589
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~~district property tax replacement fund the amount necessary to~~ 133601
~~make such payments.~~ 133602

(H)~~(1)~~ On the fifteenth day of June ~~of 2006 through 2011~~ of 133603
each year, the director of budget and management may transfer any 133604
balance in the school district tangible property tax replacement 133605
fund to the general revenue fund. ~~At the end of fiscal years 2012~~ 133606
~~through 2018, any balance in the school district tangible property~~ 133607
~~tax replacement fund shall remain in the fund to be used in future~~ 133608
~~fiscal years for school purposes.~~ 133609

~~(2) In each fiscal year beginning with fiscal year 2019, all~~ 133610
~~amounts credited to the school district tangible personal property~~ 133611
~~tax replacement fund shall be appropriated for school purposes.~~ 133612

(I) If all of the territory of a school district or joint 133613
vocational school district is merged with another district, or if 133614
a part of the territory of a school district or joint vocational 133615
school district is transferred to an existing or newly created 133616
district, the department of education, in consultation with the 133617
tax commissioner, shall adjust the payments made under this 133618
section as follows: 133619

(1) For a merger of two or more districts, ~~the machinery and~~ 133620
~~equipment, inventory, furniture and fixtures, and telephone~~ 133621
~~property fixed rate levy losses and the fixed-sum levy losses,~~ 133622
total resources, current expense TPP allocation, total TPP 133623
allocation, and non-current expense TPP allocation of the 133624
successor district shall be ~~equal to~~ the sum of ~~the machinery and~~ 133625
~~equipment, inventory, furniture and fixtures, and telephone~~ 133626
~~property fixed rate levy losses and debt levy losses as determined~~ 133627
~~in section 5751.20 of the Revised Code, such items for each of the~~ 133628
districts involved in the merger. 133629

(2) If property is transferred from one district to a 133630
previously existing district, the amount of ~~machinery and~~ 133631

~~equipment, inventory, furniture and fixtures, and telephone~~ 133632
~~property tax value losses and fixed rate levy losses total~~ 133633
~~resources, current expense TPP allocation, total TPP allocation,~~ 133634
~~and non-current expense TPP allocation that shall be transferred~~ 133635
~~to the recipient district shall be an amount equal to the total~~ 133636
~~machinery and equipment, inventory, furniture and fixtures, and~~ 133637
~~telephone property fixed rate levy losses total resources, current~~ 133638
~~expense TPP allocation, total TPP allocation, and non-current~~ 133639
~~expense TPP allocation of the transferor district times a~~ 133640
~~fraction, the numerator of which is the value of business tangible~~ 133641
~~personal property on the land being transferred in the most recent~~ 133642
~~year for which data are available number of pupils being~~ 133643
~~transferred to the recipient district, measured, in the case of a~~ 133644
~~school district, by average daily membership as reported under~~ 133645
~~division (A) of section 3317.03 of the Revised Code or, in the~~ 133646
~~case of a joint vocational school district, by formula ADM as~~ 133647
~~reported in division (D) of that section, and the denominator of~~ 133648
~~which is the total value of business tangible personal property in~~ 133649
~~the district from which the land is being transferred in the most~~ 133650
~~recent year for which data are available. For each of the first~~ 133651
~~five years after the property is transferred, but not after fiscal~~ 133652
~~year 2012, if the tax rate in the recipient district is less than~~ 133653
~~the tax rate of the district from which the land was transferred,~~ 133654
~~one half of the payments arising from the amount of fixed rate~~ 133655
~~levy losses so transferred to the recipient district shall be paid~~ 133656
~~to the recipient district and one half of the payments arising~~ 133657
~~from the fixed rate levy losses so transferred shall be paid to~~ 133658
~~the district from which the land was transferred. Fixed rate levy~~ 133659
~~losses so transferred shall be computed on the basis of the sum of~~ 133660
~~the rates of fixed rate qualifying levies of the district from~~ 133661
~~which the land was transferred, notwithstanding division (E) of~~ 133662
~~this section average daily membership or formula ADM of the~~ 133663
~~transferor district.~~ 133664

(3) After December 31, ~~2004~~ 2010, if property is transferred 133665
from one or more districts to a district that is newly created out 133666
of the transferred property, the newly created district shall be 133667
deemed not to have any ~~machinery and equipment, inventory,~~ 133668
~~furniture and fixtures, or telephone property fixed rate levy~~ 133669
~~losses and the districts from which the property was transferred~~ 133670
~~shall have no reduction in their machinery and equipment,~~ 133671
~~inventory, furniture and fixtures, and telephone property~~ 133672
~~fixed rate levy losses~~ total resources, current expense TPP 133673
allocation, total TPP allocation, or non-current expense TPP 133674
allocation. 133675

(4) If the recipient district under division (I)(2) of this 133676
section or the newly created district under division (I)(3) of 133677
this section is assuming debt from one or more of the districts 133678
from which the property was transferred and any of the districts 133679
losing the property had fixed-sum levy losses, the department of 133680
education, in consultation with the tax commissioner, shall make 133681
an equitable division of the fixed-sum levy loss reimbursements. 133682

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 133683
commissioner shall compute the payments to be made to each local 133684
taxing unit for each year according to divisions (A)(1), (2), (3), 133685
and (4) of this section as this section existed on that date, and 133686
shall distribute the payments in the manner prescribed by division 133687
(C) of this section. The calculation of the fixed-sum levy loss 133688
shall cover a time period sufficient to include all fixed-sum 133689
levies for which the commissioner determined, pursuant to division 133690
(E) of section 5751.20 of the Revised Code, that a fixed-sum levy 133691
loss is to be reimbursed. 133692

(1) Except as provided in division (A)~~(4)~~(3) of this section, 133693
for ~~machinery and equipment, inventory, and furniture and fixtures~~ 133694
fixed-rate levy losses determined under division (D) of section 133695

5751.20 of the Revised Code, payments shall be made in an amount 133696
equal to each of those losses multiplied by the following: 133697

(a) For tax years 2006 through 2010, one hundred per cent of 133698
such losses; 133699

(b) For the payment in tax year 2011, ~~a fraction, the~~ 133700
~~numerator of which is fourteen and the denominator of which is~~ 133701
~~seventeen~~; 133702

~~(c) For tax year 2012, a fraction, the numerator of which is~~ 133703
~~eleven and the denominator of which is seventeen~~; 133704

~~(d) For tax year 2013, a fraction, the numerator of which is~~ 133705
~~nine and the denominator of which is seventeen~~; 133706

~~(e) For tax year 2014, a fraction, the numerator of which is~~ 133707
~~seven and the denominator of which is seventeen~~; 133708

~~(f) For tax year 2015, a fraction, the numerator of which is~~ 133709
~~five and the denominator of which is seventeen~~; 133710

~~(g) For tax year 2016, a fraction, the numerator of which is~~ 133711
~~three and the denominator of which is seventeen~~; 133712

~~(h) For tax year 2017, a fraction, the numerator of which is~~ 133713
~~one and the denominator of which is seventeen~~; 133714

~~(i) For tax years 2018 and thereafter, no fixed rate payments~~ 133715
~~shall be made.~~ 133716

~~Any qualifying levy that is a fixed rate levy that is not~~ 133717
~~applicable to a tax year after 2010 shall not qualify for any~~ 133718
~~reimbursement after the tax year to which it is last applicable.~~ 133719

~~(2) Except as provided in division (A)(4) of this section,~~ 133720
~~for telephone property fixed rate levy losses determined under~~ 133721
~~division (D)(4) of section 5751.20 of the Revised Code, payments~~ 133722
~~shall be made in an amount equal to each of those losses~~ 133723
~~multiplied by the following:~~ 133724

(a) For tax years 2009 through 2011, one hundred per cent;	133725
(b) For tax year 2012, seven eighths;	133726
(c) For tax year 2013, six eighths;	133727
(d) For tax year 2014, five eighths;	133728
(e) For tax year 2015, four eighths;	133729
(f) For tax year 2016, three eighths;	133730
(g) For tax year 2017, two eighths;	133731
(h) For tax year 2018, one eighth;	133732
(i) For tax years 2019 and thereafter, no fixed rate payments	133733
shall be made <u>to be made on or before the twentieth day of</u>	133734
<u>November, the sum of the amount in division (A)(1)(b)(i) or (ii)</u>	133735
<u>and division (A)(1)(b)(iii) of this section:</u>	133736
(i) <u>If the ratio of six-sevenths of the TPP allocation to</u>	133737
<u>total resources is equal to or less than the threshold per cent,</u>	133738
<u>zero;</u>	133739
(ii) <u>If the ratio of six-sevenths of the TPP allocation to</u>	133740
<u>total resources is greater than the threshold per cent, the</u>	133741
<u>difference of six-sevenths of the TPP allocation minus the product</u>	133742
<u>of total resources multiplied by the threshold per cent;</u>	133743
(iii) <u>In the case of a municipal corporation, six-sevenths of</u>	133744
<u>the product of the non-current expense TPP allocation multiplied</u>	133745
<u>by seventy-five per cent.</u>	133746
(c) <u>For tax years 2012 and thereafter, the sum of the amount</u>	133747
<u>in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of</u>	133748
<u>this section:</u>	133749
(i) <u>If the ratio of TPP allocation to total resources is</u>	133750
<u>equal to or less than the threshold per cent, zero;</u>	133751
(ii) <u>If the ratio of TPP allocation to total resources is</u>	133752
<u>greater than the threshold per cent, the TPP allocation minus the</u>	133753

product of total resources multiplied by the threshold per cent; 133754

(iii) In the case of a municipal corporation, non-current 133755
expense TPP allocation multiplied by fifty per cent for tax year 133756
2012 and twenty-five per cent for tax years 2013 and thereafter. 133757

~~Any qualifying levy that is a fixed rate levy that is not~~ 133758
~~applicable to a tax year after 2011 shall not qualify for any~~ 133759
~~reimbursement after the tax year to which it is last applicable.~~ 133760

~~(3)(2)~~ For fixed-sum levy losses determined under division 133761
(E) of section 5751.20 of the Revised Code, payments shall be made 133762
in the amount of one hundred per cent of the fixed-sum levy loss 133763
for payments required to be made in 2006 and thereafter until the 133764
qualifying levy has expired. 133765

~~(4)(3)~~ For taxes levied within the ten-mill limitation or 133766
pursuant to a municipal charter for debt purposes in tax year 133767
2005, payments shall be made based on the schedule in division 133768
(A)(1) of this section for each of the calendar years 2006 through 133769
2010. For each of the calendar years 2011 through 2017, the 133770
percentages for calendar year 2010 shall be used for taxes levied 133771
within the ten-mill limitation or pursuant to a municipal charter 133772
for debt purposes in tax year 2010, as long as ~~the qualifying levy~~ 133773
~~continues~~ such levies continue to be used for debt purposes. If 133774
the purpose of such a qualifying levy is changed, that levy 133775
becomes subject to the payment schedules in divisions (A)(1)(a) to 133776
(h) of this section. No payments shall be made for such levies 133777
after calendar year 2017. For the purposes of this division, taxes 133778
levied pursuant to a municipal charter refer to taxes levied 133779
pursuant to a provision of a municipal charter that permits the 133780
tax to be levied without prior voter approval. 133781

(B) Beginning in 2007, by the thirty-first day of January of 133782
each year, the tax commissioner shall review the calculation 133783
originally made under division (A) of this section of the 133784

fixed-sum levy losses determined under division (E) of section 133785
5751.20 of the Revised Code. If the commissioner determines that a 133786
fixed-sum levy that had been scheduled to be reimbursed in the 133787
current year has expired, a revised calculation for that and all 133788
subsequent years shall be made. 133789

(C) Payments to local taxing units required to be made under 133790
division (A) of this section shall be paid from the local 133791
government tangible property tax replacement fund to the county 133792
undivided income tax fund in the proper county treasury. ~~Beginning~~ 133793
~~in~~ From May 2006 through November 2010, one-seventh of the amount 133794
~~certified determined~~ under that division shall be paid by the last 133795
day of May each year, and three-sevenths shall be paid by the last 133796
day of August and October each year. From May 2011 through 133797
November 2013, one-seventh of the amount determined under that 133798
division shall be paid on or before the last day of May each year, 133799
and six-sevenths shall be paid on or before the twentieth day of 133800
November each year, except that in November 2011, the payment 133801
shall equal one hundred per cent of the amount calculated for that 133802
payment. Beginning in May 2014, one-half of the amount determined 133803
under that division shall be paid on or before the last day of May 133804
each year, and one-half shall be paid on or before the twentieth 133805
day of November each year. Within ~~forty-five~~ forty days after 133806
receipt of such payments, the county treasurer shall distribute 133807
amounts determined under division (A) of this section to the 133808
proper local taxing unit as if they had been levied and collected 133809
as taxes, and the local taxing unit shall apportion the amounts so 133810
received among its funds in the same proportions as if those 133811
amounts had been levied and collected as taxes. 133812

(D) For each of the fiscal years 2006 through ~~2019~~ 2018, if 133813
the total amount in the local government tangible property tax 133814
replacement fund is insufficient to make all payments under 133815
division (C) of this section at the times the payments are to be 133816

made, the director of budget and management shall transfer from 133817
the general revenue fund to the local government tangible property 133818
tax replacement fund the difference between the total amount to be 133819
paid and the amount in the local government tangible property tax 133820
replacement fund. For each fiscal year after ~~2019~~ 2018, at the 133821
time payments under division (A)(2) of this section are to be 133822
made, the director of budget and management shall transfer from 133823
the general revenue fund to the local government property tax 133824
replacement fund the amount necessary to make such payments. 133825

(E) On the fifteenth day of June of each year from 2006 133826
through 2018, the director of budget and management may transfer 133827
any balance in the local government tangible property tax 133828
replacement fund to the general revenue fund. 133829

(F) If all or a part of the territories of two or more local 133830
taxing units are merged, or unincorporated territory of a township 133831
is annexed by a municipal corporation, the tax commissioner shall 133832
adjust the payments made under this section to each of the local 133833
taxing units in proportion to the ~~tax value loss apportioned to~~ 133834
square mileage of the merged or annexed territory as a percentage 133835
of the total square mileage of the jurisdiction from which the 133836
territory originated, or as otherwise provided by a written 133837
agreement between the legislative authorities of the local taxing 133838
units certified to the commissioner not later than the first day 133839
of June of the calendar year in which the payment is to be made. 133840

Sec. 5751.23. (A) As used in this section: 133841

(1) "Administrative fees" means the dollar percentages 133842
allowed by the county auditor for services or by the county 133843
treasurer as fees, or paid to the credit of the real estate 133844
assessment fund, under divisions (A) and (C) of section 319.54 and 133845
division (A) of section 321.26 of the Revised Code. 133846

(2) "Administrative fee loss" means a county's loss of 133847

administrative fees due to its tax value loss, determined as 133848
follows: 133849

(a) For purposes of the determination made under division (B) 133850
of this section in the years 2006 through 2010, the administrative 133851
fee loss shall be computed by multiplying the amounts determined 133852
for all taxing districts in the county under divisions (D) and (E) 133853
of section 5751.20 of the Revised Code by nine thousand six 133854
hundred fifty-nine ten-thousandths of one per cent if total taxes 133855
collected in the county in 2004 exceeded one hundred fifty million 133856
dollars, or one and one thousand one hundred fifty-nine 133857
ten-thousandths of one per cent if total taxes collected in the 133858
county in 2004 were one hundred fifty million dollars or less; 133859

(b) For purposes of the determination under division (B) of 133860
this section in the years after 2010, the administrative fee 133861
~~losses shall be determined by multiplying loss equals~~ 133862
~~fourteen-seventeenths of the administrative fee losses loss~~ 133863
calculated for 2010 ~~by the fractions in divisions (A)(1)(b) to (i)~~ 133864
~~of section 5751.22 of the Revised Code multiplied by the following~~ 133865
percentages: 100% for 2011, 80% for 2012, 60% for 2013, 40% for 133866
2014, 20% for 2015, and 0% for 2016. 133867

(3) "Total taxes collected" means all money collected on any 133868
tax duplicate of the county, other than the estate tax duplicates. 133869
"Total taxes collected" does not include amounts received pursuant 133870
to divisions (F) and (G) of section 321.24 or section 323.156 of 133871
the Revised Code. 133872

(B) Not later than December 31, 2005, the tax commissioner 133873
shall certify to each county auditor the tax levy losses 133874
calculated under divisions (D) and (E) of section 5751.20 of the 133875
Revised Code for each school district, joint vocational school 133876
district, and local taxing unit in the county. Not later than the 133877
thirty-first day of January of 2006 through ~~2017~~ 2015, the county 133878
auditor shall determine the administrative fee loss for the county 133879

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. 5751.41. (A) As used in this division:

(1) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (B) of this section, including receipts from transactions that originate or terminate within a uranium enrichment zone.

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

(B) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have

the uranium enrichment zone certified for the purpose of excluding 133910
qualified uranium receipts under division (F)(2)(ii) of section 133911
5751.01 of the Revised Code. The application shall include such 133912
information that the tax commissioner prescribes. Within sixty 133913
days after receiving the application, the tax commissioner shall 133914
certify the zone for that purpose if the commissioner determines 133915
that the property qualifies as a uranium enrichment zone as 133916
defined in this section or, if the tax commissioner cannot 133917
determine that the property so qualifies, deny the application or 133918
request additional information from the applicant. If the tax 133919
commissioner denies an application, the commissioner shall state 133920
the reasons for the denial. The applicant may appeal the denial of 133921
an application to the board of tax appeals pursuant to section 133922
5717.02 of the Revised Code. If the applicant files a timely 133923
appeal, the tax commissioner shall conditionally certify the 133924
applicant's property until final resolution of the appeal. If the 133925
board of tax appeals upholds the tax commissioner's determination 133926
to deny the application, the applicant shall be liable for any 133927
tax, interest, or penalties due on amounts erroneously claimed as 133928
qualifying uranium enrichments receipts, except that no amount 133929
shall be due on receipts that would have been excluded under 133930
another provision of law. 133931

Sec. 5751.50. (A) For tax periods beginning on or after 133932
January 1, 2008, a refundable credit granted by the tax credit 133933
authority under section 122.17 or division (B)(2) or (3) of 133934
section 122.171 of the Revised Code may be claimed under this 133935
chapter in the order required under section 5751.98 of the Revised 133936
Code. For purposes of making tax payments under this chapter, 133937
taxes equal to the amount of the refundable credit shall be 133938
considered to be paid to this state on the first day of the tax 133939
period. A credit claimed in calendar year 2008 may not be applied 133940
against the tax otherwise due for a tax period beginning before 133941

July 1, 2008. The refundable credit shall not be claimed against 133942
the tax otherwise due for any tax period beginning after the date 133943
on which a relocation of employment positions occurs in violation 133944
of an agreement entered into under section 122.17 or 122.171 of 133945
the Revised Code. 133946

(B) For tax periods beginning on or after January 1, 2008, a 133947
nonrefundable credit granted by the tax credit authority under 133948
division (B)(1) of section 122.171 of the Revised Code may be 133949
claimed under this chapter in the order required under section 133950
5751.98 of the Revised Code. A credit claimed in calendar year 133951
2008 may not be applied against the tax otherwise due under this 133952
chapter for a tax period beginning before July 1, 2008. The credit 133953
shall not be claimed against the tax otherwise due for any tax 133954
period beginning after the date on which a relocation of 133955
employment positions occurs in violation of an agreement entered 133956
into under section 122.17 or 122.171 of the Revised Code. No 133957
credit shall be allowed under this chapter if the credit was 133958
available against the tax imposed by section 5733.06 or 5747.02 of 133959
the Revised Code, except to the extent the credit was not applied 133960
against such tax. 133961

Sec. 5753.01. As used in Chapter 5753. of the Revised Code 133962
and for no other purpose under Title LVIII of the Revised Code: 133963

(A) "Casino facility" has the same meaning as in section 133964
3772.01 of the Revised Code. 133965

(B) "Casino gaming" has the same meaning as in section 133966
3772.01 of the Revised Code. 133967

(C) "Casino operator" has the same meaning as in section 133968
3772.01 of the Revised Code. 133969

(D) "Gross casino revenue" means the total amount of money 133970
exchanged for the purchase of chips, tokens, tickets, electronic 133971

cards, or similar objects by casino patrons, less winnings paid to 133972
wagerers. "Gross casino revenue" does not mean, and has no 133973
relation to or effect on, a casino operator's "gross receipts" as 133974
defined in division (F) of section 5751.01 of the Revised Code. 133975

(E) "Person" has the same meaning as in section 3772.01 of 133976
the Revised Code. 133977

(F) "Slot machine" has the same meaning as in section 3772.01 133978
of the Revised Code. 133979

(G) "Table game" has the same meaning as in section 3772.01 133980
of the Revised Code. 133981

(H) "Tax period" means one twenty-four-hour period with 133982
regard to which a casino operator is required to pay the tax 133983
levied by this chapter. 133984

Sec. 6101.16. When it is determined to let the work relating 133985
to the improvements for which a conservancy district was 133986
established by contract, contracts in amounts to exceed 133987
twenty-five thousand dollars shall be advertised after notice 133988
calling for bids has been published once a week for two 133989
consecutive weeks or as provided in section 7.16 of the Revised 133990
Code, with the last publication to occur at least eight days prior 133991
to the date on which bids will be accepted, in a newspaper of 133992
general circulation within the conservancy district where the work 133993
is to be done. If the bids are for a contract for the 133994
construction, demolition, alteration, repair, or reconstruction of 133995
an improvement, the board of directors of the conservancy district 133996
may let the contract to the lowest responsive and most responsible 133997
bidder who meets the requirements of section 153.54 of the Revised 133998
Code. If the bids are for a contract for any other work relating 133999
to the improvements for which a conservancy district was 134000
established, the board of directors of the district may let the 134001
contract to the lowest responsive and most responsible bidder who 134002

gives a good and approved bond, with ample security, conditioned 134003
on the carrying out of the contract. The contract shall be in 134004
writing and shall be accompanied by or refer to plans and 134005
specifications for the work to be done prepared by the chief 134006
engineer. The plans and specifications shall at all times be made 134007
and considered a part of the contract. The contract shall be 134008
approved by the board and signed by the president of the board and 134009
by the contractor and shall be executed in duplicate. In case of 134010
sudden emergency when it is necessary in order to protect the 134011
district, the advertising of contracts may be waived upon the 134012
consent of the board, with the approval of the court or a judge of 134013
the court of common pleas of the county in which the office of the 134014
district is located. 134015

Sec. 6103.04. (A) Whenever any portion of a county sewer 134016
district is incorporated as, or annexed to, a municipal 134017
corporation, the area so incorporated or annexed shall remain 134018
under the jurisdiction of the board of county commissioners for 134019
purposes of the acquisition and construction of water supply 134020
improvements until all of the improvements for the area for which 134021
a resolution described in division (A) or (E) of section 6103.05 134022
of the Revised Code has been adopted by the board have been 134023
acquired or completed or until the board has abandoned the 134024
improvements. The board, unless and until a conveyance is made to 134025
a municipal corporation in accordance with division (B) of this 134026
section, shall continue to have jurisdiction in the area so 134027
incorporated or annexed with respect to the management, 134028
maintenance, and operation of all water supply improvements so 134029
acquired or completed, or previously acquired or completed, 134030
including the right to establish rules and rates and charges for 134031
the use of, and connections to, the improvements. The 134032
incorporation or annexation of any part of a district shall not 134033
affect the legality or enforceability of any public obligations 134034

issued or incurred by the county for purposes of this chapter to 134035
provide for the payment of the cost of acquisition, construction, 134036
maintenance, or operation of any water supply improvements within 134037
the area, or the validity of any assessments levied or to be 134038
levied upon properties within the area to provide for the payment 134039
of the cost of acquisition, construction, maintenance, or 134040
operation of the improvements. 134041

(B) ~~Any~~ A board may convey, by mutual agreement, to a 134042
municipal corporation any completed water supply facilities 134043
acquired or constructed by a county under this chapter for the use 134044
of, or service of property located in, any county sewer district, 134045
or any part of those facilities, ~~that~~ to which any of the 134046
following applies: 134047

(1) The facilities are located within a the municipal 134048
corporation or within any area that is incorporated as, or annexed 134049
to, a the municipal corporation, ~~or any part of the.~~ 134050

(2) The facilities ~~that~~ provide water for a the municipal 134051
corporation or ~~such an area, may be conveyed, by mutual agreement~~ 134052
~~between the board and the municipal corporation, to~~ any area that 134053
is located within or that is incorporated as, or annexed to, the 134054
municipal corporation ~~on.~~ 134055

(3) The facilities are connected to water supply facilities 134056
of the municipal corporation. 134057

The conveyance shall be completed with terms and for 134058
consideration as may be negotiated. Upon and after the conveyance, 134059
the municipal corporation shall manage, maintain, and operate the 134060
facilities in accordance with the agreement. The board may retain 134061
the right to joint use of all or part of any facilities so 134062
conveyed for the benefit of the district. Neither the validity of 134063
any assessment levied or to be levied, nor the legality or 134064
enforceability of any public obligations issued or incurred, to 134065

provide for the payment of the cost of the acquisition, 134066
construction, maintenance, or operation of the facilities or any 134067
part of them shall be affected by the conveyance. 134068

Sec. 6103.05. (A) After the establishment of any county sewer 134069
district, the board of county commissioners, if a water supply 134070
improvement is to be undertaken, may have the county sanitary 134071
engineer prepare, or otherwise cause to be prepared, for the 134072
district, or revise as needed, a general plan of water supply that 134073
is as complete as can be developed at the time. After the general 134074
plan, in original or revised form, has been approved by the board, 134075
it may adopt a resolution generally describing the water supply 134076
improvement that is necessary to be acquired or constructed in 134077
accordance with the plan, declaring that the improvement is 134078
necessary for the preservation and promotion of the public health 134079
and welfare, and determining whether or not special assessments 134080
are to be levied and collected to pay any part of the cost of the 134081
improvement. 134082

(B) If special assessments are not to be levied and collected 134083
to pay any part of the cost of the improvement, the board, in the 134084
resolution provided for in division (A) of this section or in a 134085
subsequent resolution, including a resolution authorizing the 134086
issuance or incurrence of public obligations for the improvement, 134087
may authorize the improvement and the expenditure of the funds 134088
required for its acquisition or construction and may proceed with 134089
the improvement without regard to the procedures otherwise 134090
required by divisions (C), (D), and (E) of this section and by 134091
sections 6103.06, 6103.07, and 6117.09 to 6117.24 of the Revised 134092
Code. Those procedures shall be required only for improvements for 134093
which special assessments are to be levied and collected. 134094

(C) If special assessments are to be levied and collected 134095
pursuant to a determination made in the resolution provided for in 134096

division (A) of this section or in a subsequent resolution, the 134097
procedures referred to in division (B) of this section as being 134098
required for that purpose shall apply, and the board may have the 134099
county sanitary engineer prepare, or otherwise cause to be 134100
prepared, detailed plans, specifications, and an estimate of cost 134101
for the improvement, together with a tentative assessment of the 134102
cost based on the estimate. The tentative assessment shall be for 134103
the information of property owners and shall not be levied or 134104
certified to the county auditor for collection. The detailed 134105
plans, specifications, estimate of cost, and tentative assessment, 134106
if approved by the board, shall be carefully preserved in the 134107
office of the board or the county sanitary engineer and shall be 134108
open to the inspection of all persons interested in the 134109
improvement. 134110

(D) After the board's approval of the detailed plans, 134111
specifications, estimate of cost, and tentative assessment, and at 134112
least twenty-four days before adopting a resolution pursuant to 134113
division (E) of this section, the board, except to the extent that 134114
appropriate waivers of notice are obtained from affected owners, 134115
shall cause to be sent a notice of its intent to adopt a 134116
resolution to each owner of property proposed to be assessed that 134117
is listed on the records of the county auditor for current 134118
agricultural use value taxation pursuant to section 5713.31 of the 134119
Revised Code and that is not located in an agricultural district 134120
established under section 929.02 of the Revised Code. The notice 134121
shall satisfy all of the following: 134122

(1) Be sent by first class or certified mail; 134123

(2) Specify the proposed date of the adoption of the 134124
resolution; 134125

(3) Contain a statement that the improvement will be financed 134126
in whole or in part by special assessments and that all properties 134127
not located in an agricultural district established pursuant to 134128

section 929.02 of the Revised Code may be subject to a special 134129
assessment; 134130

(4) Contain a statement that an agricultural district may be 134131
established by filing an application with the county auditor. 134132

If it appears, by the return of the mailed notices or by 134133
other means, that one or more of the affected owners cannot be 134134
found or are not served by the mailed notice, the board shall 134135
cause the notice to be published once in a newspaper of general 134136
circulation in the county not later than ten days before the 134137
adoption of the resolution. 134138

(E) After complying with divisions (A), (C), and (D) of this 134139
section, the board may adopt a resolution declaring that the 134140
improvement, which shall be described as to its nature and its 134141
location, route, and termini, is necessary for the preservation 134142
and promotion of the public health and welfare, referring to the 134143
plans, specifications, estimate of cost, and tentative assessment, 134144
stating the place where they are on file and may be examined, and 134145
providing that the entire cost or a lesser designated part of the 134146
cost will be specially assessed against the benefited properties 134147
within the district and that any balance will be paid by the 134148
county at large from other available funds. The resolution also 134149
shall contain a description of the boundaries of that part of the 134150
district to be assessed and shall designate a time and place for 134151
objections to the improvement, to the tentative assessment, or to 134152
the boundaries of the assessment district to be heard by the 134153
board. The date of that hearing shall be not less than twenty-four 134154
days after the date of the first publication of the notice of the 134155
hearing required by this division. 134156

The board shall cause a notice of the hearing to be published 134157
once a week for two consecutive weeks in a newspaper of general 134158
circulation in the county or as provided in section 7.16 of the 134159
Revised Code, and on or before the date of the second publication, 134160

it shall cause to be sent by first class or certified mail a copy 134161
of the notice to every owner of property to be assessed for the 134162
improvement whose address is known. 134163

The notice shall set forth the time and place of the hearing, 134164
a summary description of the proposed improvement, including its 134165
general route and termini, a summary description of the area 134166
constituting the assessment district, and the place where the 134167
plans, specifications, estimate of cost, and tentative assessment 134168
are on file and may be examined. Each mailed notice also shall 134169
include a statement that the property of the addressee will be 134170
assessed for the improvement. The notice also shall be sent by 134171
first class or certified mail, on or before the date of the second 134172
publication, to the clerk, or the official discharging the duties 134173
of a clerk, of any municipal corporation any part of which lies 134174
within the assessment district and shall state whether or not any 134175
property belonging to the municipal corporation is to be assessed 134176
and, if so, shall identify that property. 134177

At the hearing, or at any adjournment of the hearing, of 134178
which no further published or mailed notice need be given, the 134179
board shall hear all parties whose properties are proposed to be 134180
assessed. Written objections to or endorsements of the proposed 134181
improvement, its character and termini, the boundaries of the 134182
assessment district, or the tentative assessment shall be received 134183
by the board for a period of five days after the completion of the 134184
hearing, and no action shall be taken by the board in the matter 134185
until after that period has elapsed. The minutes of the hearing 134186
shall be entered on the journal of the board showing the persons 134187
who appear in person or by attorney, and all written objections 134188
shall be preserved and filed in the office of the board. 134189

Sec. 6103.06. After the expiration of the period of five days 134190
provided in section 6103.05 of the Revised Code for the filing of 134191

written objections, the board of county commissioners shall 134192
determine whether it will proceed with the construction of the 134193
proposed improvement. If it decides to proceed therewith, the 134194
board shall ratify or amend the plans for the improvement, the 134195
character and termini thereof, the boundaries of the assessment 134196
district, and the tentative assessment, and may cause such 134197
revision of plans, boundaries, or assessments as is necessary to 134198
be made by the county sanitary engineer. If the boundaries of the 134199
assessment district are amended so as to include any property not 134200
included within the boundaries as established by the resolution of 134201
necessity, provided for in section 6103.05 of the Revised Code, 134202
the owners of all such property shall be notified by mail if their 134203
addresses are known, and notice shall be published once a week for 134204
two consecutive weeks in a newspaper of general circulation within 134205
the county or as provided in section 7.16 of the Revised Code, 134206
that such amendments have been adopted and that a hearing will be 134207
given by the board at a time and place stated in such notice at 134208
which all persons interested will be heard by the board. The date 134209
of such hearing shall be not less than twenty-four days after the 134210
first publication of such notice, and the hearing shall be 134211
conducted and records kept in the same manner as the first 134212
hearing. Five days shall be allowed for the filing of written 134213
objections as provided in section 6103.05 of the Revised Code for 134214
the first hearing and after the expiration of such five day period 134215
the board shall ratify the plans for the improvement, the 134216
character and termini thereof, the boundaries of the assessment 134217
district, and the tentative assessment, or shall further amend the 134218
same. If the boundaries of the assessment district are amended so 134219
as to include any property not included in the assessment district 134220
as originally established or previously amended, further notice 134221
and hearing shall be given to the owners of such property in the 134222
same manner as for the first amendment of such boundaries, and the 134223
same procedure shall be repeated until all property owners 134224

affected have been given an opportunity to be heard. If the owners 134225
of all property added to an assessment district by amendment of 134226
the original boundaries thereof waive objection to such amendment 134227
in writing, no further notice or hearing shall be given. After the 134228
board has ratified the plans for the improvement, the character 134229
and termini thereof, the boundaries of the assessment district, 134230
and the tentative assessment, either as originally presented or as 134231
amended, and if it decides to proceed therewith, the board shall 134232
adopt a resolution, to be known as the improvement resolution. 134233
Said improvement resolution shall declare the determination of 134234
such board to proceed with the construction of the improvement 134235
provided for in the resolution of necessity, in accordance with 134236
the plans and specification provided for such improvement, as 134237
ratified or amended, and whether bonds or certificates of 134238
indebtedness shall be issued in anticipation of the collection of 134239
special assessments, or that money in the county treasury 134240
unappropriated for any other purpose shall be appropriated to pay 134241
for said improvement. 134242

Sec. 6103.081. (A) After the establishment of any county 134243
sewer district, the board of county commissioners may determine by 134244
resolution that it is necessary to provide water supply 134245
improvements and to maintain and operate the improvements within 134246
the district or a designated portion of the district, that the 134247
improvements, which shall be generally described in the 134248
resolution, shall be constructed, that funds are required to pay 134249
the preliminary costs of the improvements to be incurred prior to 134250
the commencement of the proceedings for their construction, and 134251
that those funds shall be provided in accordance with this 134252
section. 134253

(B) Prior to the adoption of the resolution, the board shall 134254
give notice of its pendency and of the proposed determination of 134255
the necessity of the improvements generally described in the 134256

resolution. The notice shall set forth a description of the 134257
properties to be benefited by the improvements and the time and 134258
place of a hearing of objections to and endorsements of the 134259
improvements. The notice shall be given either by publication in a 134260
newspaper of general circulation in the county once a week for two 134261
consecutive weeks, by publication as provided in section 7.16 of 134262
the Revised Code, or by mailing a copy of the notice by first 134263
class or certified mail to the owners of the properties proposed 134264
to be assessed at their respective tax mailing addresses, or by 134265
~~both~~ a combination of these manners, the first publication to be 134266
made or the mailing to occur at least two weeks prior to the date 134267
set for the hearing. At the hearing, or at any adjournment of the 134268
hearing, of which no further published or mailed notice need be 134269
given, the board shall hear all persons whose properties are 134270
proposed to be assessed and the evidence it considers to be 134271
necessary. The board then shall determine the necessity of the 134272
proposed improvements and whether the improvements shall be made 134273
by the board and, if they are to be made, shall direct the 134274
preparation of tentative assessments upon the benefited properties 134275
and by whom they shall be prepared. 134276

(C) In order to obtain funds for the preparation of a general 134277
or revised general plan of water supply for the district or part 134278
of the district, for the preparation of the detailed plans, 134279
specifications, estimate of cost, and tentative assessment for the 134280
proposed improvements, and for the cost of financing and legal 134281
services incident to the preparation of all of those plans and a 134282
plan of financing the proposed improvements, the board may levy 134283
upon the properties to be benefited in the district a preliminary 134284
assessment apportioned according to benefits or to tax valuation 134285
or partly by one method and partly by the other method as the 134286
board may determine. The assessments shall be in the amount 134287
determined to be necessary to obtain funds for the general and 134288
detailed plans and the cost of financing and legal services and 134289

shall be payable in the number of years that the board shall 134290
determine, not to exceed twenty years, together with interest on 134291
any public obligations that may be issued or incurred in 134292
anticipation of the collection of the assessments. 134293

(D) The board shall have power at any time to levy additional 134294
assessments according to benefits or to tax valuation or partly by 134295
one method and partly by the other method as the board may 134296
determine for the purposes described in division (C) of this 134297
section upon the benefited properties to complete the payment of 134298
the costs described in division (C) of this section or to pay the 134299
cost of any additional plans, specifications, estimate of cost, or 134300
tentative assessment and the cost of financing and legal services 134301
incident to the preparation of those plans and the plan of 134302
financing, which additional assessments shall be payable in the 134303
number of years that the board shall determine, not to exceed 134304
twenty years, together with interest on any public obligations 134305
that may be issued or incurred in anticipation of the collection 134306
of the additional assessments. 134307

(E) Prior to the adoption of a resolution levying assessments 134308
under this section, the board shall give notice either by one 134309
publication in a newspaper of general circulation in the county, 134310
or by mailing a copy of the notice by first class or certified 134311
mail to the owners of the properties proposed to be assessed at 134312
their respective tax mailing addresses, or by both manners, the 134313
publication to be made or the mailing to occur at least ten days 134314
prior to the date of the meeting at which the resolution shall be 134315
taken up for consideration; that notice shall state the time and 134316
place of the meeting at which the resolution is to be considered. 134317
At the time and place of the meeting, or at any adjournment of the 134318
meeting, of which no further published or mailed notice need be 134319
given, the board shall hear all persons whose properties are 134320
proposed to be assessed, shall correct any errors and make any 134321

revisions that appear to be necessary or just, and then may adopt 134322
a resolution levying upon the properties determined to be 134323
benefited the assessments as so corrected and revised. 134324

The assessments levied by the resolution shall be certified 134325
to the county auditor for collection in the same manner as taxes 134326
in the year or years in which they are payable. 134327

(F) Upon the adoption of the resolution described in division 134328
(E) of this section, no further action shall be taken or work done 134329
until ten days have elapsed. If, at the expiration of that period, 134330
no appeal has been effected by any property owner as provided in 134331
this division, the action of the board shall be final. If, at the 134332
end of that ten days, any owner of property to be assessed for the 134333
improvements has effected an appeal, no further action shall be 134334
taken and no work done in connection with the improvements under 134335
the resolution until the matters appealed from have been disposed 134336
of in court. 134337

Any owner of property to be assessed may appeal as provided 134338
and upon the grounds stated in sections 6117.09 to 6117.24 of the 134339
Revised Code. 134340

If no appeal has been perfected or if on appeal the 134341
resolution of the board is sustained, the board may authorize and 134342
enter into contracts to carry out the purpose for which the 134343
assessments have been levied without the prior issuance of notes, 134344
provided that the payments under those contracts do not fall due 134345
prior to the time by which the assessments are to be collected. 134346
The board may issue and sell bonds with a maximum maturity of 134347
twenty years in anticipation of the collection of the assessments 134348
and may issue notes in anticipation of the issuance of the bonds, 134349
which notes and bonds, as public obligations, shall be issued and 134350
sold as provided in Chapter 133. of the Revised Code. 134351

Sec. 6103.31. (A) If the board of county commissioners 134352

determines by resolution that the best interests of the county and 134353
the users of water supply facilities of the county serving a sewer 134354
district so require, the board may sell or otherwise dispose of 134355
the facilities to another public agency or a person. The 134356
resolution declaring the necessity of that disposition shall 134357
recite the reasons for the sale or other disposition and shall 134358
establish any conditions or terms that the board may impose, 134359
including, but not limited to, a minimum sales price if a sale is 134360
proposed, a requirement for the submission by bidders of the 134361
schedule of water rates and charges initially proposed to be paid 134362
by the users of the facilities, and other pertinent conditions or 134363
terms relating to the sale or other disposition. The resolution 134364
also shall designate a time and place for the hearing of 134365
objections to the sale or other disposition by the board. Notice 134366
of the adoption of the resolution and the time and place of the 134367
hearing shall be published as provided in section 7.16 of the 134368
Revised Code, or once a week for two consecutive weeks, in a 134369
newspaper of general circulation in the sewer district and in the 134370
county. The public hearing on the sale or other disposition shall 134371
be held not less than twenty-four days following the date of first 134372
publication of the notice. A copy of the notice also shall be sent 134373
by first class or certified mail, on or before the date of the 134374
second publication, to any public agency within the area served by 134375
the facilities. At the public hearing, or at any adjournment of 134376
it, of which no further published or mailed notice need be given, 134377
the board shall hear all interested parties. A period of five days 134378
shall be given following the completion of the hearing for the 134379
filing of written objections by any interested persons or public 134380
agencies to the sale or other disposition, after which the board 134381
shall consider any objections and by resolution determine whether 134382
or not to proceed with the sale or other disposition. If the board 134383
determines to proceed with the sale or other disposition, it shall 134384

receive bids after advertising once a week for four consecutive 134385
weeks in a newspaper of general circulation in the county or as 134386
provided in section 7.16 of the Revised Code and, subject to the 134387
right of the board to reject any or all bids, may make an award to 134388
a responsible bidder whose proposal is determined by the board to 134389
be in the best interests of the county and the users of the 134390
facilities. 134391

(B) A conveyance of water supply facilities by a county to a 134392
municipal corporation, in accordance with division (B) of section 134393
6103.04 of the Revised Code, may be made without regard to 134394
division (A) of this section. 134395

Sec. 6105.131. The board of directors of a watershed district 134396
may designate a specific reach in the channel of any watercourse 134397
within the territorial boundaries of the district as a restricted 134398
channel, when the construction or alteration of structures or 134399
obstructions within such channel will restrict its capacity so as 134400
to constitute an unreasonable hazard to the safety of life and 134401
property in times of flood, or designate any area outside the 134402
banks of a restricted channel as a restricted floodway when such 134403
area is reasonably necessary to the efficiency of a restricted 134404
channel as a means of carrying off flood waters. Such designation 134405
of a restricted channel or restricted floodway shall be made in 134406
the following manner: 134407

(A) The board shall adopt a resolution stating its intent to 134408
designate a specific reach in a channel of a watercourse as a 134409
restricted channel or a specific area as a restricted floodway. 134410
Such resolution shall contain a description of the reach of the 134411
channel to be designated as a restricted channel or description of 134412
the area to be designated as a restricted floodway and the reasons 134413
of the board for making such designation. 134414

(B) The board shall cause such resolution to be published as 134415
provided in section 7.16 of the Revised Code or once a week for 134416
two consecutive weeks in a newspaper of general circulation in the 134417
county or counties in which such restricted channel or restricted 134418
floodway is located, together with a notice of the time and place 134419
where a hearing will be held by the board on the question of 134420
designating such channel as a restricted channel or such area as a 134421
restricted floodway ~~and~~. The board also shall give not less than 134422
ten days notice of said hearing by first class mail to all owners 134423
of property within the area proposed to be designated as a 134424
restricted floodway. The date of such hearing shall be not less 134425
than ten days after the completion of the publication provided for 134426
by this division. 134427

(C) The board shall hold a hearing at the time and place 134428
designated in the notice published under division (B) of this 134429
section at which time indorsements of and objections to the 134430
designation of such channel as a restricted channel or such area 134431
as a restricted floodway shall be heard. 134432

(D) The board may, after the completion of the hearing under 134433
division (C) of this section and after finding that the 134434
construction or alteration of structures or obstructions or 134435
relocation, alteration, restriction, deposit, or encroachment 134436
within the designated reach of such channel will restrict its 134437
capacity so as to constitute an unreasonable hazard to the safety 134438
of life and property in times of flood, adopt a resolution 134439
designating the reach of the channel described in the resolution 134440
of intent adopted under division (A) of this section or any 134441
modification thereof as a restricted channel. 134442

(E) In like manner the board may, after completion of a 134443
hearing under division (C) of this section and after finding that 134444
the construction or alteration of structures or obstructions or 134445
change of grade within a designated floodway area will restrict 134446

its capacity or efficiency as a means of carrying off flood water 134447
so as to constitute an unreasonable hazard to the safety of life 134448
and property in times of flood, adopt a resolution designating the 134449
area described in the resolution of intent adopted under division 134450
(A) of this section, or any modification thereof, as a restricted 134451
floodway. 134452

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 134453
of this section, on and after January 1, 1994, no person shall 134454
operate or maintain a public water system in this state without a 134455
license issued by the director of environmental protection. A 134456
person who operates or maintains a public water system on January 134457
1, 1994, shall obtain an initial license under this section in 134458
accordance with the following schedule: 134459

(1) If the public water system is a community water system, 134460
not later than January 31, 1994; 134461

(2) If the public water system is not a community water 134462
system and serves a nontransient population, not later than 134463
January 31, 1994; 134464

(3) If the public water system is not a community water 134465
system and serves a transient population, not later than January 134466
31, 1995. 134467

A person proposing to operate or maintain a new public water 134468
system after January 1, 1994, in addition to complying with 134469
section 6109.07 of the Revised Code and rules adopted under it, 134470
shall submit an application for an initial license under this 134471
section to the director prior to commencing operation of the 134472
system. 134473

A license or license renewal issued under this section shall 134474
be renewed annually. Such a license or license renewal shall 134475
expire on the thirtieth day of January in the year following its 134476

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 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the

public water system was not operated in substantial compliance 134508
with this chapter and rules adopted under it. The director shall 134509
adopt, and may amend and rescind, rules in accordance with Chapter 134510
119. of the Revised Code governing such suspensions and 134511
revocations. 134512

(D)(1) As used in division (D) of this section, "church" 134513
means a fellowship of believers, congregation, society, 134514
corporation, convention, or association that is formed primarily 134515
or exclusively for religious purposes and that is not formed or 134516
operated for the private profit of any person. 134517

(2) This section does not apply to a church that operates or 134518
maintains a public water system solely to provide water for that 134519
church or for a campground that is owned by the church and 134520
operated primarily or exclusively for members of the church and 134521
their families. A church that, on or before March 5, 1996, has 134522
obtained a license under this section for such a public water 134523
system need not obtain a license renewal under this section. 134524

(E) This section does not apply to any public or nonpublic 134525
school that meets minimum standards of the state board of 134526
education that operates or maintains a public water system solely 134527
to provide water for that school. 134528

(F) The environmental protection agency shall collect well 134529
log filing fees on behalf of the division of soil and water 134530
resources in the department of natural resources in accordance 134531
with section 1521.05 of the Revised Code and rules adopted under 134532
it. The fees shall be submitted to the division quarterly as 134533
provided in those rules. 134534

Sec. 6111.038. There is hereby created in the state treasury 134535
the surface water protection fund, consisting of moneys 134536
distributed to it. The director of environmental protection shall 134537
use moneys in the fund solely for administration and 134538

implementation of surface water protection programs, including at 134539
least programs required under the "Federal Water Pollution Control 134540
Act" and programs necessary to carry out the purposes of this 134541
chapter. Those programs shall include at least the development of 134542
water quality standards; the development of wasteload allocations; 134543
the establishment of water quality-based effluent limits; the 134544
monitoring and analysis of chemical, physical, and biological 134545
surface water quality; the issuance, modification, and renewal of 134546
NPDES permits and permits to install; the ensurance of compliance 134547
with permit conditions; the management and oversight of 134548
pretreatment programs; the provision of technical assistance to 134549
publicly owned treatment works; and the administration of the 134550
water pollution control loan fund created in section 6111.036 of 134551
the Revised Code. 134552

~~Moneys in the fund shall not be used to meet any state 134553
matching requirements that are necessary to obtain federal grants. 134554~~

Sec. 6111.044. Upon receipt of an application for an 134555
injection well drilling permit, an injection well operating 134556
permit, a renewal of an injection well operating permit, or a 134557
modification of an injection well drilling permit, operating 134558
permit, or renewal of an operating permit, the director of 134559
environmental protection shall determine whether the application 134560
is complete and demonstrates that the activities for which the 134561
permit, renewal permit, or modification is requested will comply 134562
with the Federal Water Pollution Control Act and regulations 134563
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 134564
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 134565
under it; and this chapter and the rules adopted under it. If the 134566
application demonstrates that the proposed activities will not 134567
comply or will pose an unreasonable risk of inducing seismic 134568
activity, inducing geologic fracturing, or contamination of an 134569
underground source of drinking water, the director shall deny the 134570

application. If the application does not make the required 134571
demonstrations, the director shall return it to the applicant with 134572
an indication of those matters about which a required 134573
demonstration was not made. If the director determines that the 134574
application makes the required demonstrations, the director shall 134575
transmit copies of the application and all of the accompanying 134576
maps, data, samples, and information to the chief of the division 134577
of ~~mineral~~ oil and gas resources management, the chief of the 134578
division of geological survey, ~~and~~ the chief of the division of 134579
soil and water resources, and, if the well is or is to be located 134580
in a coal bearing township designated under section 1561.06 of the 134581
Revised Code, the chief of the division of mineral resources 134582
management in the department of natural resources. 134583

The chief of the division of geological survey shall comment 134584
upon the application if the chief determines that the proposed 134585
well or injection will present an unreasonable risk of loss or 134586
damage to valuable mineral resources. If the chief submits 134587
comments on the application, those comments shall be accompanied 134588
by an evaluation of the geological factors upon which the comments 134589
are based, including fractures, faults, earthquake potential, and 134590
the porosity and permeability of the injection zone and confining 134591
zone, and by the documentation supporting the evaluation. The 134592
director shall take into consideration the chief's comments, and 134593
the accompanying evaluation of geologic factors and supporting 134594
documentation, when considering the application. The director 134595
shall provide written notice to the chief of the director's 134596
decision on the application and, if the chief's comments are not 134597
included in the permit, renewal permit, or modification, of the 134598
director's rationale for not including them. 134599

The chief of the division of ~~mineral~~ oil and gas resources 134600
management shall comment upon the application if the chief 134601
determines that the proposed well or injection will present an 134602

unreasonable risk that waste or contamination of recoverable oil 134603
or gas in the earth will occur. If the chief submits comments on 134604
the application, those comments shall be accompanied by an 134605
evaluation of the oil or gas reserves that, in the best 134606
professional judgment of the chief, are recoverable and will be 134607
adversely affected by the proposed well or injection, and by the 134608
documentation supporting the evaluation. The director shall take 134609
into consideration the chief's comments, and the accompanying 134610
evaluation and supporting documentation, when considering the 134611
application. The director shall provide written notice to the 134612
chief of the director's decision on the application and, if the 134613
chief's comments are not included in the permit, renewal permit, 134614
or modification, of the director's rationale for not including 134615
them. 134616

The chief of the division of soil and water resources shall 134617
assist the director in determining whether all underground sources 134618
of drinking water in the area of review of the proposed well or 134619
injection have been identified and correctly delineated in the 134620
application. If the application fails to identify or correctly 134621
delineate an underground source of drinking water, the chief shall 134622
provide written notice of that fact to the director. 134623

The chief of the division of mineral resources management 134624
~~also~~ shall review the application as follows: 134625

If the application concerns the drilling or conversion of a 134626
well or the injection into a well that is not or is not to be 134627
located within five thousand feet of the excavation and workings 134628
of a mine, the chief of the division of mineral resources 134629
management shall note upon the application that it has been 134630
examined by the division of mineral resources management, retain a 134631
copy of the application and map, and immediately return a copy of 134632
the application to the director. 134633

If the application concerns the drilling or conversion of a 134634

well or the injection into a well that is or is to be located 134635
within five thousand feet, but more than five hundred feet from 134636
the surface excavations and workings of a mine, the chief of the 134637
division of mineral resources management immediately shall notify 134638
the owner or lessee of the mine that the application has been 134639
filed and send to the owner or lessee a copy of the map 134640
accompanying the application setting forth the location of the 134641
well. The chief of the division of mineral resources management 134642
shall note on the application that the notice has been sent to the 134643
owner or lessee of the mine, retain a copy of the application and 134644
map, and immediately return a copy of the application to the 134645
director with the chief's notation on it. 134646

If the application concerns the drilling or conversion of a 134647
well or the injection into a well that is or is to be located 134648
within five thousand feet of the underground excavations and 134649
workings of a mine or within five hundred feet of the surface 134650
excavations and workings of a mine, the chief of the division of 134651
mineral resources management immediately shall notify the owner or 134652
lessee of the mine that the application has been filed and send to 134653
the owner or lessee a copy of the map accompanying the application 134654
setting forth the location of the well. If the owner or lessee 134655
objects to the application, the owner or lessee shall notify the 134656
chief of the division of mineral resources management of the 134657
objection, giving the reasons, within six days after the receipt 134658
of the notice. If the chief of the division of mineral resources 134659
management receives no objections from the owner or lessee of the 134660
mine within ten days after the receipt of the notice by the owner 134661
or lessee, or if in the opinion of the chief of the division of 134662
mineral resources management the objections offered by the owner 134663
or lessee are not sufficiently well founded, the chief shall 134664
retain a copy of the application and map and return a copy of the 134665
application to the director with any applicable notes concerning 134666
it. 134667

If the chief of the division of mineral resources management 134668
receives an objection from the owner or lessee of the mine as to 134669
the application, within ten days after receipt of the notice by 134670
the owner or lessee, and if in the opinion of the chief the 134671
objection is well founded, the chief shall disapprove the 134672
application and immediately return it to the director together 134673
with the chief's reasons for the disapproval. The director 134674
promptly shall notify the applicant for the permit, renewal 134675
permit, or modification of the disapproval. The applicant may 134676
appeal the disapproval of the application by the chief of the 134677
division of mineral resources management to the reclamation 134678
commission created under section 1513.05 of the Revised Code, and 134679
the commission shall hear the appeal in accordance with section 134680
1513.13 of the Revised Code. The appeal shall be filed within 134681
thirty days from the date the applicant receives notice of the 134682
disapproval. No comments concerning or disapproval of an 134683
application shall be delayed by the chief of the division of 134684
mineral resources management for more than fifteen days from the 134685
date of sending of notice to the mine owner or lessee as required 134686
by this section. 134687

The director shall not approve an application for an 134688
injection well drilling permit, an injection well operating 134689
permit, a renewal of an injection well operating permit, or a 134690
modification of an injection well drilling permit, operating 134691
permit, or renewal of an operating permit for a well that is or is 134692
to be located within three hundred feet of any opening of any mine 134693
used as a means of ingress, egress, or ventilation for persons 134694
employed in the mine, nor within one hundred feet of any building 134695
or flammable structure connected with the mine and actually used 134696
as a part of the operating equipment of the mine, unless the chief 134697
of the division of mineral resources management determines that 134698
life or property will not be endangered by drilling and operating 134699
the well in that location. 134700

Upon review by the chief of the division of ~~mineral oil and~~ 134701
gas resources management, the chief of the division of geological 134702
survey, and the chief of the division of soil and water resources, 134703
and if the chief of the division of mineral resources management 134704
has not disapproved the application, the director shall issue a 134705
permit, renewal permit, or modification with any terms and 134706
conditions that may be necessary to comply with the Federal Water 134707
Pollution Control Act and regulations adopted under it; the "Safe 134708
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 134709
amended, and regulations adopted under it; and this chapter and 134710
the rules adopted under it. The director shall not issue a permit, 134711
renewal permit, or modification to an applicant if the applicant 134712
or persons associated with the applicant have engaged in or are 134713
engaging in a substantial violation of this chapter that is 134714
endangering or may endanger human health or the environment or if, 134715
in the case of an applicant for an injection well drilling permit, 134716
the applicant, at the time of applying for the permit, did not 134717
hold an injection well operating permit or renewal of an injection 134718
well drilling permit and failed to demonstrate sufficient 134719
expertise and competency to operate the well in compliance with 134720
the applicable provisions of this chapter. 134721

If the director receives a disapproval from the chief of the 134722
division of mineral resources management regarding an application 134723
for an injection well drilling or operating permit, renewal 134724
permit, or modification, if required, the director shall issue an 134725
order denying the application. 134726

The director need not issue a proposed action under section 134727
3745.07 of the Revised Code or hold an adjudication hearing under 134728
that section and Chapter 119. of the Revised Code before issuing 134729
or denying a permit, renewal permit, or modification of a permit 134730
or renewal permit. Before issuing or renewing a permit to drill or 134731
operate a class I injection well or a modification of it, the 134732

director shall propose the permit, renewal permit, or modification 134733
in draft form and shall hold a public hearing to receive public 134734
comment on the draft permit, renewal permit, or modification. At 134735
least fifteen days before the public hearing on a draft permit, 134736
renewal permit, or modification, the director shall publish notice 134737
of the date, time, and location of the public hearing in at least 134738
one newspaper of general circulation serving the area where the 134739
well is or is to be located. The proposing of such a draft permit, 134740
renewal permit, or modification does not constitute the issuance 134741
of a proposed action under section 3745.07 of the Revised Code, 134742
and the holding of the public hearing on such a draft permit, 134743
renewal permit, or modification does not constitute the holding of 134744
an adjudication hearing under that section and Chapter 119. of the 134745
Revised Code. Appeals of orders other than orders of the chief of 134746
the division of mineral resources management shall be taken under 134747
sections 3745.04 to 3745.08 of the Revised Code. 134748

The director may order that an injection well drilling permit 134749
or an injection well operating permit or renewal permit be 134750
suspended and that activities under it cease after determining 134751
that those activities are occurring in violation of law, rule, 134752
order, or term or condition of the permit. Upon service of a copy 134753
of the order upon the permit holder or the permit holder's 134754
authorized agent or assignee, the permit and activities under it 134755
shall be suspended immediately without prior hearing and shall 134756
remain suspended until the violation is corrected and the order of 134757
suspension is lifted. If a violation is the second within a 134758
one-year period, the director, after a hearing, may revoke the 134759
permit. 134760

The director may order that an injection well drilling permit 134761
or an injection well operating permit or renewal permit be 134762
suspended and that activities under it cease if the director has 134763
reasonable cause to believe that the permit would not have been 134764

issued if the information available at the time of suspension had 134765
been available at the time a determination was made by one of the 134766
agencies acting under authority of this section. Upon service of a 134767
copy of the order upon the permit holder or the permit holder's 134768
authorized agent or assignee, the permit and activities under it 134769
shall be suspended immediately without prior hearing, but a permit 134770
may not be suspended for that reason without prior hearing unless 134771
immediate suspension is necessary to prevent waste or 134772
contamination of oil or gas, comply with the Federal Water 134773
Pollution Control Act and regulations adopted under it; the "Safe 134774
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 134775
amended, and regulations adopted under it; and this chapter and 134776
the rules adopted under it, or prevent damage to valuable mineral 134777
resources, prevent contamination of an underground source of 134778
drinking water, or prevent danger to human life or health. If 134779
after a hearing the director determines that the permit would not 134780
have been issued if the information available at the time of the 134781
hearing had been available at the time a determination was made by 134782
one of the agencies acting under authority of this section, the 134783
director shall revoke the permit. 134784

When a permit has been revoked, the permit holder or other 134785
person responsible for it immediately shall plug the well in the 134786
manner required by the director. 134787

The director may issue orders to prevent or require cessation 134788
of violations of this section, section 6111.043, 6111.045, 134789
6111.046, or 6111.047 of the Revised Code, rules adopted under any 134790
of those sections, and terms or conditions of permits issued under 134791
any of them. The orders may require the elimination of conditions 134792
caused by the violation. 134793

Sec. 6111.46. (A) The environmental protection agency shall 134794
exercise general supervision of the treatment and disposal of 134795

sewage and industrial wastes and the operation and maintenance of 134796
works or means installed for the collection, treatment, and 134797
disposal of sewage and industrial wastes. Such general supervision 134798
shall apply to all features of construction, operation, and 134799
maintenance of the works or means that do or may affect the proper 134800
treatment and disposal of sewage and industrial wastes. 134801

(B)(1) The agency shall investigate the works or means 134802
employed in the collection, treatment, and disposal of sewage and 134803
industrial wastes whenever considered necessary or whenever 134804
requested to do so by local health officials and may issue and 134805
enforce orders and shall adopt rules governing the operation and 134806
maintenance of the works or means of treatment and disposal of 134807
such sewage and industrial wastes. In adopting rules under this 134808
section, the agency shall establish standards governing the 134809
construction, operation, and maintenance of the works or means of 134810
collection, treatment, and disposal of sewage that is generated at 134811
recreational vehicle parks, recreation camps, combined park-camps, 134812
and temporary park-camps that are separate from such standards 134813
relative to manufactured home parks. 134814

(2) As used in division (B)(1) of this section: 134815

(a) "Manufactured home parks" has the same meaning as in 134816
section ~~3733.01~~ 4781.01 of the Revised Code. 134817

(b) "Recreational vehicle parks," "recreation camps," 134818
"combined park-camps," and "temporary park-camps" have the same 134819
meanings as in section 3729.01 of the Revised Code. 134820

(C) The agency may require the submission of records and data 134821
of construction, operation, and maintenance, including plans and 134822
descriptions of existing works or means of treatment and disposal 134823
of such sewage and industrial wastes. When the agency requires the 134824
submission of such records or information, the public officials or 134825
person, firm, or corporation having the works in charge shall 134826

comply promptly with that order. 134827

Sec. 6115.01. As used in sections 6115.01 to 6115.79 of the 134828
Revised Code: 134829

(A) "Publication" means once a week for three consecutive 134830
weeks in ~~each of two newspapers of different political~~ 134831
~~affiliations, if there are such newspapers, and a newspaper~~ 134832
of general circulation in the counties wherein publication is to be 134833
made or as provided in section 7.16 of the Revised Code. 134834
Publication need not be made on the same day of the week in each 134835
of the ~~three~~ weeks; but not less than fourteen days, excluding the 134836
day of first publication, shall intervene between the first 134837
publication and the last publication. Publication shall be 134838
complete on the date of the last publication. 134839

(B) "Person" means person, firm, partnership, association, or 134840
corporation, other than county, township, municipal corporation, 134841
or other political subdivision. 134842

(C) "Public corporation" means counties, townships, municipal 134843
corporations, school districts, road districts, ditch districts, 134844
park districts, levee districts, and all other governmental 134845
agencies clothed with the power of levying general or special 134846
taxes. 134847

(D) "Court" means the court of common pleas in which the 134848
petition for the organization of a sanitary district was filed and 134849
granted. In the case of a district lying in more than one county, 134850
"court" means the court comprised of one judge of the court of 134851
common pleas from each county as provided in section 6115.04 of 134852
the Revised Code. 134853

(E) "Land" or "property," unless otherwise specified, means 134854
real property, as "real property" is used in and defined by the 134855
laws of this state, and embraces all railroads, tramroads, roads, 134856

electric railroads, street and interurban railroads, streets and 134857
street improvements, telephones, telegraph, and transmission 134858
lines, gas, sewerage, and water systems, pipelines and 134859
rights-of-way of public service corporations, and all other real 134860
property whether public or private. 134861

(F) "Board of directors" applies to the duties of one 134862
director appointed in accordance with section 6115.10 of the 134863
Revised Code in a district lying wholly within one county. 134864

(G) "Biting arthropods" include mosquitoes, ticks, biting 134865
flies, or other biting arthropods capable of transmitting disease 134866
to humans. 134867

(H) "Bond" or "bonds" means bonds, notes, certificates of 134868
indebtedness, certificates of participation, commercial paper, and 134869
other instruments in writing, including, unless the context does 134870
not admit, bonds or notes issued in anticipation of the issuance 134871
of other bonds, issued by a sanitary district to evidence its 134872
obligation to repay money borrowed, or to pay interest, by, or to 134873
pay at any future time other money obligations of, the sanitary 134874
district. 134875

(I) "Financing costs" has the same meaning as in division (K) 134876
of section 133.01 of the Revised Code. 134877

Sec. 6115.20. (A) When it is determined to let the work 134878
relating to the improvements for which a sanitary district was 134879
established by contract, contracts in amounts to exceed ten 134880
thousand dollars shall be advertised after notice calling for bids 134881
has been published once a week for five consecutive weeks 134882
completed on the date of last publication or as provided in 134883
section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of 134884
general circulation within the sanitary district where the work is 134885
to be done. The board of directors of the sanitary district shall 134886
let bids as provided in this section or, if applicable, section 134887

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 engineer. The plans and specifications at all times shall be made and considered a part of the contract. The contract shall be approved by the board and signed by the president of the board and by the contractor and shall be executed in duplicate. In case of emergency the advertising of contracts may be waived upon the consent of the board with the approval of the court or judge in vacation.

(B) In the case of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties, any service to be purchased, including the services of an accountant, architect, attorney at law, physician, or professional engineer, at a cost in excess of ten thousand dollars shall be obtained in the manner provided in sections 153.65 to ~~153.71~~ 153.73 of the Revised Code. For the purposes of the application of those sections to division (B) of this section, all of the following apply:

(1) "Public authority," as used in those sections, shall be deemed to mean a sanitary district organized wholly for the

purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties;

(2) "Professional design firm," as used in those sections, shall be deemed to mean any person legally engaged in rendering professional design services as defined in division (B)(3) of this section;

(3) "Professional design services," as used in those sections, shall be deemed to mean accounting, architectural, legal, medical, or professional engineering services;

(4) The use of other terms in those sections shall be adapted accordingly, including, without limitation, for the purposes of division (D)~~(2)~~ of section 153.67 of the Revised Code;

(5) Divisions (A) to (C) of section 153.71 of the Revised Code do not apply.

(C) The board of directors of a district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use may contract for, purchase, or otherwise procure for the benefit of employees of the district and pay all or any part of the cost of group insurance policies that may provide benefits, including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, or prescription drugs. Any group insurance policy purchased under this division shall be purchased from the health care corporation that the board of directors determines offers the most cost-effective group insurance policy.

Sec. 6115.321. (A) The legislative authority of a municipal corporation whose territory is included within the territory of a sanitary district that is established solely for the reduction of populations of biting arthropods pursuant to division (F) of

section 6115.04 of the Revised Code may enact an ordinance by a 134950
majority vote to submit to the electors of the municipal 134951
corporation the question of whether the territory of the municipal 134952
corporation that is currently included in the district should be 134953
excluded from the district. If the legislative authority of a 134954
municipal corporation enacts such an ordinance, the clerk of the 134955
legislative authority shall transmit a certified copy of the 134956
ordinance to all of the applicable boards of elections. On receipt 134957
of such a certified copy of an ordinance from a legislative 134958
authority, each applicable board of elections shall submit the 134959
proposed question to the electors of the municipal corporation for 134960
approval or rejection at the next general election occurring 134961
subsequent to ninety days after the clerk certifies the ordinance 134962
to the boards of elections. A board of elections shall publish the 134963
full text of the proposed question as set forth in division (B) of 134964
this section one time in a newspaper of general circulation in the 134965
municipal corporation at least fifteen days prior to the election 134966
at which the question is to be submitted to the electors. 134967

(B) The form of the ballots cast at the election shall be as 134968
follows: 134969

"Shall the territory (name of municipal 134970
corporation) be excluded from the (name of sanitary 134971
district) established solely for the reduction of populations of 134972
biting arthropods? 134973

	<u>Yes</u>	
	<u>No</u>	"

(C) If a majority of electors voting on the question of 134977
excluding a municipal corporation from the sanitary district vote 134978
in favor of the exclusion, the clerk of the legislative authority 134979
of the municipal corporation shall transmit a copy of the 134980

<u>certified election results to all of the following:</u>	134981
<u>(1) The court of common pleas that entered the order that</u>	134982
<u>established the sanitary district in accordance with section</u>	134983
<u>6115.08 of the Revised Code;</u>	134984
<u>(2) The county auditor of each county in which territory of</u>	134985
<u>the municipal corporation is located;</u>	134986
<u>(3) The county treasurer of each county in which territory of</u>	134987
<u>the municipal corporation is located.</u>	134988
<u>(D) On receipt of a copy of the certified election results</u>	134989
<u>under division (C)(1) of this section, the applicable court of</u>	134990
<u>common pleas shall enter an order on the docket excluding the</u>	134991
<u>territory of the municipal corporation from the territory of the</u>	134992
<u>sanitary district. The exclusion shall take effect on the first</u>	134993
<u>day of January or the first day of July, whichever is earlier,</u>	134994
<u>following the vote in favor of the exclusion of the territory of</u>	134995
<u>the municipal corporation from the territory of the sanitary</u>	134996
<u>district.</u>	134997
<u>(E) On receipt of a copy of the certified election results</u>	134998
<u>under division (C)(2) of this section, a county auditor shall</u>	134999
<u>remove any assessment levied by or for the benefit of the sanitary</u>	135000
<u>district under this chapter on real property that is located</u>	135001
<u>within the territory of the municipal corporation that is to</u>	135002
<u>become due on or after the first day of January or the first day</u>	135003
<u>of July, whichever is earlier, following the vote in favor of the</u>	135004
<u>exclusion of the territory of the municipal corporation from the</u>	135005
<u>territory of the sanitary district.</u>	135006
<u>(F) On receipt of a copy of the certified election results</u>	135007
<u>under division (C)(3) of this section, a county treasurer shall</u>	135008
<u>not collect on or after the first day of January or the first day</u>	135009
<u>of July, whichever is earlier, following the vote in favor of the</u>	135010
<u>exclusion of the territory of the municipal corporation from the</u>	135011

territory of the sanitary district any assessment levied by or for 135012
the benefit of the sanitary district under this chapter on real 135013
property that is located within the territory of the municipal 135014
corporation. 135015

Sec. 6117.05. (A) Whenever any portion of a sewer district is 135016
incorporated as, or annexed to, a municipal corporation, the area 135017
so incorporated or annexed shall remain under the jurisdiction of 135018
the board of county commissioners for purposes of the acquisition 135019
and construction of sanitary and drainage facility and prevention 135020
or replacement facility improvements until all of those 135021
improvements for the area for which a resolution described in 135022
division (A) or (E) of section 6117.06 of the Revised Code has 135023
been adopted by the board have been acquired or completed or until 135024
the board has abandoned the improvements. The board, unless and 135025
until a conveyance is made to a municipal corporation in 135026
accordance with division (B) of this section, shall continue to 135027
have jurisdiction in the area so incorporated or annexed with 135028
respect to the management, maintenance, and operation of all 135029
sanitary and drainage facilities and prevention or replacement 135030
facilities so acquired or completed, or previously acquired or 135031
completed, including the right to establish rules and rates and 135032
charges for the use of, and connections to, the facilities. The 135033
incorporation or annexation of any part of a district shall not 135034
affect the legality or enforceability of any public obligations 135035
issued or incurred by the county for purposes of this chapter to 135036
provide for the payment of the cost of acquisition, construction, 135037
maintenance, or operation of any sanitary or drainage facilities 135038
or prevention or replacement facilities within the area, or the 135039
validity of any assessments levied or to be levied upon properties 135040
within the area to provide for the payment of the cost of 135041
acquisition, construction, maintenance, or operation of the 135042
facilities. 135043

(B) Any A board may convey, by mutual agreement, to a 135044
municipal corporation any completed sanitary or drainage 135045
facilities or prevention or replacement facilities acquired or 135046
constructed by a county under this chapter for the use of, or 135047
service of property located in, any county sewer district, or any 135048
part of those facilities, ~~that~~ to which any of the following 135049
applies: 135050

(1) The facilities are located within a the municipal 135051
corporation or within any area that is incorporated as, or annexed 135052
to, a the municipal corporation, ~~or any part of the.~~ 135053

(2) The facilities that serve a the municipal corporation or 135054
such an area, ~~may be conveyed, by mutual agreement between the~~ 135055
~~board and the municipal corporation, to~~ any area that is located 135056
within or that is incorporated as, or annexed to, the municipal 135057
corporation ~~on.~~ 135058

(3) The facilities are connected to facilities of the 135059
municipal corporation. 135060

The conveyance shall be completed with terms and for 135061
consideration as may be negotiated. Upon and after the conveyance, 135062
the municipal corporation shall manage, maintain, and operate the 135063
facilities in accordance with the agreement. The board may retain 135064
the right to joint use of all or part of any facilities so 135065
conveyed for the benefit of the district. Neither the validity of 135066
any assessment levied or to be levied, nor the legality or 135067
enforceability of any public obligations issued or incurred, to 135068
provide for the payment of the cost of the acquisition, 135069
construction, maintenance, or operation of the facilities or any 135070
part of them, shall be affected by the conveyance. 135071

Sec. 6117.06. (A) After the establishment of any sewer 135072
district, the board of county commissioners, if a sanitary or 135073
drainage facility or prevention or replacement facility 135074

improvement is to be undertaken, may have the county sanitary 135075
engineer prepare, or otherwise cause to be prepared, for the 135076
district, or revise as needed, a general plan of sewerage or 135077
drainage that is as complete in each case as can be developed at 135078
the time and that is devised with regard to any existing sanitary 135079
or drainage facilities or prevention or replacement facilities in 135080
the district and present as well as prospective needs for 135081
additional sanitary or drainage facilities or prevention or 135082
replacement facilities in the district. After the general plan, in 135083
original or revised form, has been approved by the board, it may 135084
adopt a resolution generally describing the improvement that is 135085
necessary to be acquired or constructed in accordance with the 135086
particular plan, declaring that the improvement is necessary for 135087
the preservation and promotion of the public health and welfare, 135088
and determining whether or not special assessments are to be 135089
levied and collected to pay any part of the cost of the 135090
improvement. 135091

(B) If special assessments are not to be levied and collected 135092
to pay any part of the cost of the improvement, the board, in the 135093
resolution provided for in division (A) of this section or in a 135094
subsequent resolution, including a resolution authorizing the 135095
issuance or incurrence of public obligations for the improvement, 135096
may authorize the improvement and the expenditure of the funds 135097
required for its acquisition or construction and may proceed with 135098
the improvement without regard to the procedures otherwise 135099
required by divisions (C), (D), and (E) of this section and by 135100
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 135101
are required only for improvements for which special assessments 135102
are to be levied and collected. 135103

(C) If special assessments are to be levied and collected 135104
pursuant to a determination made in the resolution provided for in 135105
division (A) of this section or in a subsequent resolution, the 135106

procedures referred to in division (B) of this section as being 135107
required for that purpose shall apply, and the board may have the 135108
county sanitary engineer prepare, or otherwise cause to be 135109
prepared, detailed plans, specifications, and an estimate of cost 135110
for the improvement, together with a tentative assessment of the 135111
cost based on the estimate. The tentative assessment shall be for 135112
the information of property owners and shall not be levied or 135113
certified to the county auditor for collection. The detailed 135114
plans, specifications, estimate of cost, and tentative assessment, 135115
if approved by the board, shall be carefully preserved in the 135116
office of the board or the county sanitary engineer and shall be 135117
open to the inspection of all persons interested in the 135118
improvement. 135119

(D) After the board's approval of the detailed plans, 135120
specifications, estimate of cost, and tentative assessment, and at 135121
least twenty-four days before adopting a resolution pursuant to 135122
division (E) of this section, the board, except to the extent that 135123
appropriate waivers of notice are obtained from affected owners, 135124
shall cause to be sent a notice of its intent to adopt the 135125
resolution to each owner of property proposed to be assessed that 135126
is listed on the records of the county auditor for current 135127
agricultural use value taxation pursuant to section 5713.31 of the 135128
Revised Code and that is not located in an agricultural district 135129
established under section 929.02 of the Revised Code. The notice 135130
shall satisfy all of the following: 135131

(1) Be sent by first class or certified mail; 135132

(2) Specify the proposed date of the adoption of the 135133
resolution; 135134

(3) Contain a statement that the improvement will be financed 135135
in whole or in part by special assessments and that all properties 135136
not located in an agricultural district established pursuant to 135137
section 929.02 of the Revised Code may be subject to a special 135138

assessment; 135139

(4) Contain a statement that an agricultural district may be 135140
established by filing an application with the county auditor. 135141

If it appears, by the return of the mailed notices or by 135142
other means, that one or more of the affected owners cannot be 135143
found or are not served by the mailed notice, the board shall 135144
cause the notice to be published once in a newspaper of general 135145
circulation in the county not later than ten days before the 135146
adoption of the resolution. 135147

(E) After complying with divisions (A), (C), and (D) of this 135148
section, the board may adopt a resolution declaring that the 135149
improvement, which shall be described as to its nature and its 135150
location, route, and termini, is necessary for the preservation 135151
and promotion of the public health and welfare, referring to the 135152
plans, specifications, estimate of cost, and tentative assessment, 135153
stating the place where they are on file and may be examined, and 135154
providing that the entire cost or a lesser designated part of the 135155
cost will be specially assessed against the benefited properties 135156
within the district and that any balance will be paid by the 135157
county at large from other available funds. The resolution also 135158
shall contain a description of the boundaries of that part of the 135159
district to be assessed and shall designate a time and place for 135160
objections to the improvement, to the tentative assessment, or to 135161
the boundaries of the assessment district to be heard by the 135162
board. The date of that hearing shall be not less than twenty-four 135163
days after the date of the first publication of the notice of the 135164
hearing required by this division. 135165

The board shall cause a notice of the hearing to be published 135166
once a week for two consecutive weeks in a newspaper of general 135167
circulation in the county, ~~and on~~ or as provided in section 7.16 135168
of the Revised Code. On or before the date of the second 135169
publication, ~~it~~ the board shall cause to be sent by first class or 135170

certified mail a copy of the notice to every owner of property to 135171
be assessed for the improvement whose address is known. 135172

The notice shall set forth the time and place of the hearing, 135173
a summary description of the proposed improvement, including its 135174
general route and termini, a summary description of the area 135175
constituting the assessment district, and the place where the 135176
plans, specifications, estimate of cost, and tentative assessment 135177
are on file and may be examined. Each mailed notice also shall 135178
include a statement that the property of the addressee will be 135179
assessed for the improvement. The notice also shall be sent by 135180
first class or certified mail, on or before the date of the second 135181
publication, to the clerk, or to the official discharging the 135182
duties of a clerk, of any municipal corporation any part of which 135183
lies within the assessment district and shall state whether or not 135184
any property belonging to the municipal corporation is to be 135185
assessed and, if so, shall identify that property. 135186

At the hearing, or at any adjournment of the hearing, of 135187
which no further published or mailed notice need be given, the 135188
board shall hear all parties whose properties are proposed to be 135189
assessed. Written objections to or endorsements of the proposed 135190
improvement, its character and termini, the boundaries of the 135191
assessment district, or the tentative assessment shall be received 135192
by the board for a period of five days after the completion of the 135193
hearing, and no action shall be taken by the board in the matter 135194
until after that period has elapsed. The minutes of the hearing 135195
shall be entered on the journal of the board, showing the persons 135196
who appear in person or by attorney, and all written objections 135197
shall be preserved and filed in the office of the board. 135198

Sec. 6117.07. After the expiration of the period of five days 135199
provided for in section 6117.06 of the Revised Code for the filing 135200
of written objections, the board of county commissioners shall 135201

determine whether or not it will proceed with the construction of 135202
the improvement mentioned in such section. Notice of the time and 135203
place of each meeting of the board of county commissioners, at 135204
which the resolution to proceed with the construction of such 135205
improvement will be considered, shall be given in writing to all 135206
persons who filed written objections as provided in section 135207
6117.06 of the Revised Code. Such notice shall contain the 135208
following language in addition to the time and place of the 135209
meeting of the board: "any person, firm, or corporation desiring 135210
to appeal from the final order or judgment of the board upon any 135211
of the questions mentioned in section 6117.09 of the Revised Code 135212
shall, on or before the date of the passage of the improvement 135213
resolution, give notice in writing of an intention to appeal, 135214
specifying therein the matters to be appealed from." If it decides 135215
to proceed therewith, the board shall ratify or amend the plans 135216
for the improvement and the character and termini thereof, the 135217
boundaries of the assessment district, and the tentative 135218
assessment, and may cause such revision of plans, boundaries, or 135219
assessments as the board considers necessary to be made by the 135220
county sanitary engineer. If the boundaries of the assessment 135221
district are amended so as to include any property not included 135222
within the boundaries as established by the resolution of 135223
necessity provided for in section 6117.06 of the Revised Code, the 135224
owners of all such property shall be notified by mail if their 135225
addresses are known, and notice shall be published once a week for 135226
two consecutive weeks in a newspaper of general circulation within 135227
the county or as provided in section 7.16 of the Revised Code that 135228
such amendments have been adopted and that a hearing will be given 135229
by the board at a time and place stated in such notice, at which 135230
all persons interested will be heard by the board. The date of 135231
such hearing shall be not less than twenty-four days after the 135232
first publication of such notice, and the hearing shall be 135233
conducted and records kept in the same manner as the first 135234

hearing. Five days shall be allowed for the filing of written 135235
objections as provided in such section for the first hearing. 135236

After the expiration of such five day period, the board shall 135237
ratify the plans for the improvement and the character and termini 135238
thereof, the boundaries of the assessment district, and the 135239
tentative assessment, or shall further amend the same. If the 135240
boundaries of the assessment district are amended so as to include 135241
any property not included in the assessment district as originally 135242
established or previously amended, further notice and hearing 135243
shall be given to the owners of such property in the same manner 135244
as for the first amendment of such boundaries, and the same 135245
procedure shall be repeated until all property owners affected 135246
have been given an opportunity to be heard. If the owners of all 135247
property added to an assessment district by amendment of the 135248
original boundaries thereof waive objection to such amendment in 135249
writing, no further notice or hearing shall be given. 135250

After the board has ratified the plans for the improvement 135251
and the character and termini thereof, the boundaries of the 135252
assessment district, and the tentative assessment, either as 135253
originally presented or as amended, and if it decides to proceed 135254
therewith, the board shall adopt a resolution to be known as the 135255
improvement resolution. Said improvement resolution shall declare 135256
the determination of such board to proceed with the construction 135257
of the improvement provided for in the resolution of necessity, in 135258
accordance with the plans and specifications provided for such 135259
improvement as ratified or amended, and whether bonds or 135260
certificates of indebtedness shall be issued in anticipation of 135261
the collection of special assessments, as provided in section 135262
6117.08 to 6117.45, inclusive, of the Revised Code, or that money 135263
in the county treasury unappropriated for any other purpose shall 135264
be appropriated to pay for said improvement. 135265

Sec. 6117.251. (A) After the establishment of any county sewer district, the board of county commissioners may determine by resolution that it is necessary to provide sanitary or drainage facility improvements or prevention or replacement facility improvements and to maintain and operate the improvements within the district or a designated portion of the district, that the improvements, which shall be generally described in the resolution, shall be constructed, that funds are required to pay the preliminary costs of the improvements to be incurred prior to the commencement of the proceedings for their construction, and that those funds shall be provided in accordance with this section.

(B) Prior to the adoption of the resolution, the board shall give notice of its pendency and of the proposed determination of the necessity of the improvements generally described in the resolution. The notice shall set forth a description of the properties to be benefited by the improvements and the time and place of a hearing of objections to and endorsements of the improvements. The notice shall be given ~~either~~ by publication in a newspaper of general circulation in the county once a week for two consecutive weeks, ~~or by publication as provided in section 7.16 of the Revised Code,~~ by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by ~~both~~ a combination of these manners, the first publication to be made or the mailing to occur at least two weeks prior to the date set for the hearing. At the hearing, or at any adjournment of the hearing, of which no further published or mailed notice need be given, the board shall hear all persons whose properties are proposed to be assessed and the evidence it considers to be necessary. The board then shall determine the necessity of the proposed improvements and whether the improvements shall be made

by the board and, if they are to be made, shall direct the 135298
preparation of tentative assessments upon the benefited properties 135299
and by whom they shall be prepared. 135300

(C) In order to obtain funds for the preparation of a general 135301
or revised general plan of sewerage or drainage for the district 135302
or part of the district, for the preparation of the detailed 135303
plans, specifications, estimate of cost, and tentative assessment 135304
for the proposed improvements, and for the cost of financing and 135305
legal services incident to the preparation of all of those plans 135306
and a plan of financing the proposed improvements, the board may 135307
levy upon the properties to be benefited in the district a 135308
preliminary assessment apportioned according to benefits or to tax 135309
valuation or partly by one method and partly by the other method 135310
as the board may determine. The assessments shall be in the amount 135311
determined to be necessary to obtain funds for the general and 135312
detailed plans and the cost of financing and legal services and 135313
shall be payable in the number of years that the board shall 135314
determine, not to exceed twenty years, together with interest on 135315
any public obligations that may be issued or incurred in 135316
anticipation of the collection of the assessments. 135317

(D) The board shall have power at any time to levy additional 135318
assessments according to benefits or to tax valuation or partly by 135319
one method and partly by the other method as the board may 135320
determine for the purposes described in division (C) of this 135321
section upon the benefited properties to complete the payment of 135322
the costs described in division (C) of this section or to pay the 135323
cost of any additional plans, specifications, estimate of cost, or 135324
tentative assessment and the cost of financing and legal services 135325
incident to the preparation of those plans and the plan of 135326
financing, which additional assessments shall be payable in the 135327
number of years that the board shall determine, not to exceed 135328
twenty years, together with interest on any public obligations 135329

that may be issued or incurred in anticipation of the collection 135330
of the additional assessments. 135331

(E) Prior to the adoption of a resolution levying assessments 135332
under this section, the board shall give notice either by one 135333
publication in a newspaper of general circulation in the county, 135334
or by mailing a copy of the notice by first class or certified 135335
mail to the owners of the properties proposed to be assessed at 135336
their respective tax mailing addresses, or by both manners, the 135337
publication to be made or the mailing to occur at least ten days 135338
prior to the date of the meeting at which the resolution shall be 135339
taken up for consideration; that notice shall state the time and 135340
place of the meeting at which the resolution is to be considered. 135341
At the time and place of the meeting, or at any adjournment of the 135342
meeting, of which no further published or mailed notice need be 135343
given, the board shall hear all persons whose properties are 135344
proposed to be assessed, shall correct any errors and make any 135345
revisions that appear to be necessary or just, and then may adopt 135346
a resolution levying upon the properties determined to be 135347
benefited the assessments as so corrected and revised. 135348

The assessments levied by the resolution shall be certified 135349
to the county auditor for collection in the same manner as taxes 135350
in the year or years in which they are payable. 135351

(F) Upon the adoption of the resolution described in division 135352
(E) of this section, no further action shall be taken or work done 135353
until ten days have elapsed. If, at the expiration of that period, 135354
no appeal has been effected by any property owner as provided in 135355
this division, the action of the board shall be final. If, at the 135356
end of that ten days, any owner of property to be assessed for the 135357
improvements has effected an appeal, no further action shall be 135358
taken and no work done in connection with the improvements under 135359
the resolution until the matters appealed from have been disposed 135360
of in court. 135361

Any owner of property to be assessed may appeal as provided 135362
and upon the grounds stated in sections 6117.09 to 6117.24 of the 135363
Revised Code. 135364

If no appeal has been perfected or if on appeal the 135365
resolution of the board is sustained, the board may authorize and 135366
enter into contracts to carry out the purposes for which the 135367
assessments have been levied without the prior issuance of notes, 135368
provided that the payments under those contracts do not fall due 135369
prior to the time by which the assessments are to be collected. 135370
The board may issue and sell bonds with a maximum maturity of 135371
twenty years in anticipation of the collection of the assessments 135372
and may issue notes in anticipation of the issuance of the bonds, 135373
which notes and bonds, as public obligations, shall be issued and 135374
sold as provided in Chapter 133. of the Revised Code. 135375

Sec. 6117.49. (A) If the board of county commissioners 135376
determines by resolution that the best interests of the county and 135377
those served by the sanitary or drainage facilities or the 135378
prevention or replacement facilities of a county sewer district so 135379
require, the board may sell or otherwise dispose of the facilities 135380
to another public agency or a person. The resolution declaring the 135381
necessity of that disposition shall recite the reasons for the 135382
sale or other disposition and shall establish any conditions or 135383
terms that the board may impose, including, but not limited to, a 135384
minimum sales price if a sale is proposed, a requirement for the 135385
submission by bidders of the schedule of rates and charges 135386
initially proposed to be paid for the services of the facilities, 135387
and other pertinent conditions or terms relating to the sale or 135388
other disposition. The resolution also shall designate a time and 135389
place for the hearing of objections to the sale or other 135390
disposition by the board. Notice of the adoption of the resolution 135391
and the time and place of the hearing shall be published as 135392
provided in section 7.16 of the Revised Code or once a week for 135393

two consecutive weeks, in a newspaper of general circulation in the sewer district and in the county. The public hearing on the sale or other disposition shall be held not less than twenty-four days following the date of first publication of the notice. A copy of the notice also shall be sent by first class or certified mail, on or before the date of the second publication, to any public agency within the area served by the facilities. At the public hearing, or at any adjournment of it, of which no further published or mailed notice need be given, the board shall hear all interested parties. A period of five days shall be given following the completion of the hearing for the filing of written objections by any interested persons or public agencies to the sale or other disposition, after which the board shall consider any objections and by resolution determine whether or not to proceed with the sale or other disposition. If the board determines to proceed with the sale or other disposition, it shall receive bids after advertising once a week for four consecutive weeks or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in the county and, subject to the right of the board to reject any or all bids, may make an award to a responsible bidder whose proposal is determined by the board to be in the best interests of the county and those served by the facilities.

(B) A conveyance of sanitary or drainage facilities or of prevention or replacement facilities by a county to a municipal corporation in accordance with division (B) of section 6117.05 of the Revised Code may be made without regard to division (A) of this section.

Sec. 6119.061. (A) Whenever any portion of a regional water and sewer district is incorporated as, or annexed to, a municipal corporation, the area so incorporated or annexed shall remain under the jurisdiction of the district for purposes of the acquisition, construction, or operation of a water resource

project until the water resource project has been acquired or 135426
completed or until the project is abandoned by the district. The 135427
board of trustees of the district, unless and until a conveyance 135428
is made to a municipal corporation in accordance with division (B) 135429
of this section, shall continue to have jurisdiction in the area 135430
so incorporated or annexed with respect to the management, 135431
maintenance, and operation of all water resource projects so 135432
acquired or completed or previously acquired or completed, 135433
including the right to establish rules and rates and charges for 135434
the use of, and connections to, the projects. The incorporation or 135435
annexation of any part of a district shall not affect the legality 135436
or enforceability of any public obligations issued or incurred by 135437
the district for purposes of this chapter to provide for the 135438
payment of the cost of acquisition, construction, maintenance, or 135439
operation of any water resource project or the validity of any 135440
assessments levied or to be levied on properties within the area 135441
to provide for the payment of the cost of acquisition, 135442
construction, maintenance, or operation of the project. 135443

(B) The board of trustees of a regional water and sewer 135444
district may convey, by mutual agreement, to a municipal 135445
corporation any completed water resource project acquired or 135446
constructed under this chapter for the use of, or service of 135447
property located in, the regional water and sewer district, or any 135448
part of that project to which any of the following applies: 135449

(1) The project is located within the municipal corporation 135450
or within any area that is incorporated as, or annexed to, the 135451
municipal corporation. 135452

(2) The project serves the municipal corporation or any area 135453
that is located within or that is incorporated as, or annexed to, 135454
the municipal corporation. 135455

(3) The project is connected to water supply or sanitary, 135456
drainage, prevention, or replacement facilities of the municipal 135457

corporation. 135458

The conveyance shall be completed with terms and for 135459
consideration as may be negotiated. Upon and after the conveyance, 135460
the municipal corporation shall manage, maintain, and operate the 135461
water resource project in accordance with the agreement. The board 135462
of trustees may retain the right to the joint use of all or part 135463
of any project so conveyed for the benefit of the district. 135464
Neither the validity of any assessment levied or to be levied, nor 135465
the legality or enforceability of any public obligations issued or 135466
incurred, to provide for the payment of the cost of the 135467
acquisition, construction, maintenance, or operation of the 135468
project or any part of the project shall be affected by the 135469
conveyance. 135470

Sec. 6119.10. The board of trustees of a regional water and 135471
sewer district or any officer or employee designated by the board 135472
may make any contract for the purchase of supplies or material or 135473
for labor for any work, under the supervision of the board, the 135474
cost of which shall not exceed twenty-five thousand dollars. When 135475
an expenditure, other than for the acquisition of real estate and 135476
interests in real estate, the discharge of noncontractual claims, 135477
personal services, the joint use of facilities or the exercise of 135478
powers with other political subdivisions, or the product or 135479
services of public utilities, exceeds twenty-five thousand 135480
dollars, the expenditures shall be made only after a notice 135481
calling for bids has been published ~~not less than~~ two consecutive 135482
weeks in ~~at least~~ one newspaper ~~having a~~ of general circulation 135483
within the district or as provided in section 7.16 of the Revised 135484
Code. If the bids are for a contract for the construction, 135485
demolition, alteration, repair, or reconstruction of an 135486
improvement, the board may let the contract to the lowest and best 135487
bidder who meets the requirements of section 153.54 of the Revised 135488
Code. If the bids are for a contract for any other work relating 135489

to the improvements for which a regional water and sewer district 135490
was established, the board of trustees of the regional water and 135491
sewer district may let the contract to the lowest or best bidder 135492
who gives a good and approved bond with ample security conditioned 135493
on the carrying out of the contract. The contract shall be in 135494
writing and shall be accompanied by or shall refer to plans and 135495
specifications for the work to be done, approved by the board. The 135496
plans and specifications shall at all times be made and considered 135497
part of the contract. The contract shall be approved by the board 135498
and signed by its president or other duly authorized officer and 135499
by the contractor. In case of a real and present emergency, the 135500
board of trustees of the district, by two-thirds vote of all 135501
members, may authorize the president or other duly authorized 135502
officer to enter into a contract for work to be done or for the 135503
purchase of supplies or materials without formal bidding or 135504
advertising. All contracts shall have attached the certificate 135505
required by section 5705.41 of the Revised Code duly executed by 135506
the secretary of the board of trustees of the district. The 135507
district may make improvements by force account or direct labor, 135508
provided that, if the estimated cost of supplies or material for 135509
any such improvement exceeds twenty-five thousand dollars, bids 135510
shall be received as provided in this section. For the purposes of 135511
the competitive bidding requirements of this section, the board 135512
shall not sever a contract for supplies or materials and labor 135513
into separate contracts for labor, supplies, or materials if the 135514
contracts are in fact a part of a single contract required to be 135515
bid competitively under this section. 135516

Sec. 6119.18. The board of trustees of a regional water and 135517
sewer district, by a vote of two-thirds of all its members, may 135518
declare by resolution that it is necessary to levy a tax in excess 135519
of the ten-mill limitation for the purpose of providing funds to 135520
pay current expenses of the district or for the purpose of paying 135521

any portion of the cost of one or more water resource projects or 135522
parts thereof or for both of such purposes, and that the question 135523
of such tax levy shall be submitted to the electors of the 135524
district at a general or primary election. Such resolution shall 135525
conform to the requirements of section 5705.19 of the Revised 135526
Code, except as otherwise permitted by this section and except 135527
that such levy may be for a period not longer than ten years. The 135528
resolution shall go into immediate effect upon its passage and no 135529
publication of the resolution is necessary other than that 135530
provided for in the notice of election. A copy of such resolution 135531
shall, immediately after its passage, be certified to the board of 135532
elections of the proper county or counties in the manner provided 135533
by section 5705.25 of the Revised Code, and such section shall 135534
govern the arrangements for the submission of such question and 135535
other matters with respect to such election to which such section 135536
refers. Publication of the notice of that election shall be made 135537
in one ~~or more newspapers having a~~ newspaper of general 135538
circulation in the district once a week for two consecutive weeks 135539
prior to the election, ~~and, if~~ or as provided in section 7.16 of 135540
the Revised Code. If the board of elections operates and maintains 135541
a web site, the board of elections shall post notice of the 135542
election on its web site for thirty days prior to the election. 135543

If a majority of the electors voting on the question vote in 135544
favor thereof, the board may make the necessary levy within the 135545
district at the additional rate or at any lesser rate on the tax 135546
list and duplicate for the purpose or purposes stated in the 135547
resolution. 135548

The taxes realized from such levy shall be collected at the 135549
same time and in the same manner as other taxes on such tax list 135550
and duplicate and such taxes, when collected, shall be paid to the 135551
district and deposited by it in a special fund which shall be 135552
established by the district for all revenues derived from such 135553

levy and for the proceeds of anticipation notes which shall be 135554
deposited in such fund. 135555

After the approval of such levy, the district may anticipate 135556
a fraction of the proceeds of such levy and, from time to time, 135557
during the life of such levy, issue anticipation notes in an 135558
amount not exceeding fifty per cent of the estimated proceeds of 135559
such levy to be collected in each year up to a period of five 135560
years after the date of issuance of such notes, less an amount 135561
equal to the proceeds of such levy previously obligated for each 135562
year by the issuance of anticipation notes, provided that the 135563
total amount maturing in any one year shall not exceed fifty per 135564
cent of the anticipated proceeds of such levy for that year. Each 135565
issue of notes shall be sold as provided in Chapter 133. of the 135566
Revised Code, and shall, except for such limitation that the total 135567
amount of such notes maturing in any one year shall not exceed 135568
fifty per cent of the anticipated proceeds of such levy for that 135569
year, mature serially in substantially equal installments during 135570
each year over a period not to exceed five years after their 135571
issuance. 135572

Sec. 6119.22. When a plan of sewerage devised in accordance 135573
with section 6119.19 of the Revised Code has been prepared, the 135574
board of trustees of the regional water and sewer district shall 135575
give at least ten days' notice in one newspaper of general 135576
circulation in such area or give notice as provided in section 135577
7.16 of the Revised Code, stating that such plans have been 135578
prepared and are filed in the office of the secretary of the board 135579
for examination and inspection by the parties interested. 135580

Any objection to such plan shall then be made to the board 135581
and it may amend or correct such plan, and shall thereupon file it 135582
as amended, or if no amendments are made, it shall file the 135583
original plan in the office of the secretary. 135584

Sec. 6119.25. When the board of trustees of a regional water and sewer district deems it necessary to construct all or a part of the sewers provided for in the plan devised in accordance with section 6119.19 of the Revised Code, the board shall declare by resolution the necessity thereof. Such resolution shall contain a declaration of the necessity of such improvement, a statement of the districts, areas, or parts thereof proposed to be constructed, the character of the materials to be used, a reference to the plans and specifications, where they are on file, and the mode of payment therefor, and shall publish the resolution once a week for not less than two nor more than four consecutive weeks in one newspaper of general circulation in the area or as provided in section 7.16 of the Revised Code.

Sec. 6119.58. In order to obtain funds for the preparation of plans, specifications, estimates of cost, tentative assessments, and a plan of financing for any water resource project or part thereof, the board of trustees of a regional water and sewer district may levy upon the property in such district to be benefited by such project assessments apportioned in accordance with one or more of the methods set forth in section 6119.42 of the Revised Code. The aggregate of such assessments shall not exceed the amount determined by the board of trustees to be necessary for such purpose, including costs of financing, legal services, and other incidental costs, and shall be payable in such number of annual installments, not less than one, as the board of trustees prescribes, together with interest on any water resource revenue notes and bonds which may be issued in anticipation of the collection of such assessments.

If the board of trustees proposes to obtain funds in accordance with this section, it shall determine by resolution that it is necessary to construct the water resource project and

to maintain and operate the same on behalf of the district. 135616

Prior to the adoption of the resolution making such 135617
determination, the board of trustees shall give notice of the 135618
pendency thereof and of the proposed determination of the 135619
necessity of the construction of such project therein generally 135620
described, and such notice shall set forth a description of the 135621
properties to be benefited by such project and the time and place 135622
of a hearing of objections to, and endorsements of, such project. 135623
Such notice shall be given by publication in ~~at least~~ one 135624
newspaper ~~having a~~ of general circulation in the district once a 135625
week for two consecutive weeks or as provided in section 7.16 of 135626
the Revised Code, the first publication to be at least two weeks 135627
prior to the date set for the hearing, provided that the board of 135628
trustees may give, or cause to be given, such alternative or 135629
further notice of such hearing as it finds to be necessary or 135630
appropriate. At such hearing, or at any adjournment thereof, of 135631
which no further notice need be given, the board of trustees shall 135632
hear all owners whose properties are proposed to be assessed and 135633
such other evidence as is considered to be necessary, and may then 135634
adopt its resolution determining that the proposed project is 135635
necessary and should be undertaken by the district. In such 135636
resolution, the board of trustees shall direct the preparation of 135637
the estimated assessments upon the benefited properties and by 135638
whom they shall be prepared. 135639

After such assessments have been prepared and filed in the 135640
office of the secretary of the board of trustees and prior to the 135641
adoption of the resolution levying such assessments, the board of 135642
trustees shall give notice of the pendency of such resolution and 135643
of the proposed determination to levy such assessments, and such 135644
notice shall set forth the time and place of a hearing of 135645
objections to such assessments. Such notice shall be given by 135646
publication once in ~~at least~~ one newspaper ~~having a~~ of general 135647

circulation in the district, such publication to be made at least 135648
ten days prior to the date set for the hearing, provided that the 135649
board of trustees may give or cause to be given, such alternative 135650
of further notice of such hearing as it finds to be necessary or 135651
appropriate. At such hearing, or at any adjournment thereof, of 135652
which no further notice need be given, the board of trustees shall 135653
hear all persons whose properties are proposed to be assessed, 135654
shall correct any errors and make any revisions in the estimated 135655
assessments that appear to be necessary or just, and may then 135656
adopt a resolution levying upon the properties determined to be 135657
benefited the assessments as originally prepared or as so 135658
corrected and revised. 135659

The board of trustees shall have the power at any time to 135660
levy additional assessments upon such properties to complete the 135661
payment of the costs for which the original assessments were 135662
levied or to provide funds for any additional plans, 135663
specifications, estimates of cost, tentative assessments, and 135664
other incidental costs, provided that the board shall first have 135665
held a hearing on objections to such additional assessments in the 135666
same manner as required by this section with respect to such 135667
original assessments. Such additional assessments shall be payable 135668
in such number of annual installments, not less than one, as the 135669
board of trustees prescribes, together with interest on any water 135670
resource revenue notes and bonds which may be issued in 135671
anticipation of the collection of such assessments. 135672

The board of trustees may authorize contracts to carry out 135673
the purposes for which such assessments have been levied without 135674
the prior issuance of water resource revenue notes and bonds, 135675
provided that the payments to be made by the district do not fall 135676
due prior to the times when such assessments shall be collected. 135677

Section 101.02. That existing sections 7.10, 7.11, 7.12, 135678

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3733.25, 3733.26, 3733.27, 3733.28, 3733.29, 3733.30, 3733.42, 135889
3733.43, 3733.431, 3733.44, 3733.45, 3733.46, 3733.47, 3733.471, 135890
3733.48, 3733.99, 3923.90, 3923.91, 4115.032, 4121.75, 4121.76, 135891
4121.77, 4121.78, 4121.79, 4582.37, 4981.23, 5101.5211, 5101.5212, 135892
5101.5213, 5101.5214, 5101.5215, 5101.5216, 5111.243, 5111.34, 135893
5111.861, 5111.893, 5111.971, 5122.36, 5123.172, 5123.181, 135894
5123.193, 5123.211, 5126.18, 5126.19, and 5747.52 of the Revised 135895
Code are hereby repealed. 135896
135897

Section 105.10. That sections 126.60, 126.601, 126.602, 135898
126.603, 126.604, and 126.605 of the Revised Code, as enacted by 135899
this act, are hereby repealed, effective June 30, 2013. 135900

Section 120.20. That sections 3721.16, 5111.709, 5119.221, 135901
5122.01, 5122.02, 5122.27, 5122.271, 5122.29, 5122.31, 5122.32, 135902
5123.092, 5123.19, 5123.191, 5123.35, 5123.60, 5123.61, 5123.63, 135903
5123.64, 5123.69, 5123.701, 5123.86, 5123.99, and 5126.33 be 135904
amended; that section 5123.60 (5123.601) be amended for the 135905
purpose of adopting a new section number as indicated in 135906
parentheses; and that new sections 5123.60 and 5123.602 of the 135907
Revised Code be enacted to read as follows: 135908

Sec. 3721.16. For each resident of a home, notice of a 135909
proposed transfer or discharge shall be in accordance with this 135910
section. 135911

(A)(1) The administrator of a home shall notify a resident in 135912
writing, and the resident's sponsor in writing by certified mail, 135913
return receipt requested, in advance of any proposed transfer or 135914
discharge from the home. The administrator shall send a copy of 135915
the notice to the state department of health. The notice shall be 135916
provided at least thirty days in advance of the proposed transfer 135917
or discharge, unless any of the following applies: 135918

(a) The resident's health has improved sufficiently to allow 135919
a more immediate discharge or transfer to a less skilled level of 135920
care; 135921

(b) The resident has resided in the home less than thirty 135922
days; 135923

(c) An emergency arises in which the safety of individuals in 135924
the home is endangered; 135925

(d) An emergency arises in which the health of individuals in 135926
the home would otherwise be endangered; 135927

(e) An emergency arises in which the resident's urgent 135928
medical needs necessitate a more immediate transfer or discharge. 135929

In any of the circumstances described in divisions (A)(1)(a) 135930
to (e) of this section, the notice shall be provided as many days 135931
in advance of the proposed transfer or discharge as is 135932
practicable. 135933

(2) The notice required under division (A)(1) of this section 135934
shall include all of the following: 135935

(a) The reasons for the proposed transfer or discharge; 135936

(b) The proposed date the resident is to be transferred or 135937
discharged; 135938

(c) The proposed location to which the resident is to be 135939
transferred or discharged; 135940

(d) Notice of the right of the resident and the resident's 135941
sponsor to an impartial hearing at the home on the proposed 135942
transfer or discharge, and of the manner in which and the time 135943
within which the resident or sponsor may request a hearing 135944
pursuant to section 3721.161 of the Revised Code; 135945

(e) A statement that the resident will not be transferred or 135946
discharged before the date specified in the notice unless the home 135947
and the resident or, if the resident is not competent to make a 135948
decision, the home and the resident's sponsor, agree to an earlier 135949
date; 135950

(f) The address of the legal services office of the 135951
department of health; 135952

(g) The name, address, and telephone number of a 135953
representative of the state long-term care ombudsperson program 135954
and, if the resident or patient has a developmental disability or 135955
mental illness, the name, address, and telephone number of the 135956
Ohio ~~legal rights service~~ protection and advocacy system. 135957

(B) No home shall transfer or discharge a resident before the 135958
date specified in the notice required by division (A) of this 135959

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;

(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;

(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.

(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.

(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 135990
resident and in writing by certified mail, return receipt 135991
requested, to the resident's sponsor, specifying the number of 135992
days, if any, during which the resident will be permitted under 135993
the medicaid program to return and resume residence in the home 135994
and specifying the medicaid program's coverage of the days during 135995
which the resident is absent from the home. An individual who is 135996
absent from a home for more than the number of days specified in 135997
the notice and continues to require the services provided by the 135998
facility shall be given priority for the first available bed in a 135999
semi-private room. 136000

Sec. 5111.709. (A) There is hereby created the medicaid 136001
buy-in advisory council. The council shall consist of all of the 136002
following: 136003

(1) The following voting members: 136004

(a) The executive director of assistive technology of Ohio or 136005
the executive director's designee; 136006

(b) The director of the axis center for public awareness of 136007
people with disabilities or the director's designee; 136008

(c) The executive director of the cerebral palsy association 136009
of Ohio or the executive director's designee; 136010

(d) The chief executive officer of Ohio advocates for mental 136011
health or the chief executive officer's designee; 136012

(e) The state director of the Ohio chapter of AARP or the 136013
state director's designee; 136014

(f) The director of the Ohio developmental disabilities 136015
council created under section 5123.35 of the Revised Code or the 136016
director's designee; 136017

(g) The executive director of the governor's council on 136018
people with disabilities created under section 3303.41 of the 136019

Revised Code or the executive director's designee;	136020
(h) The administrator of the legal rights service created	136021
under section 5123.60 of the Revised Code or the administrator's	136022
designee;	136023
(i) The chairperson of the Ohio Olmstead task force or the	136024
chairperson's designee;	136025
(j) <u>(i)</u> The executive director of the Ohio statewide	136026
independent living council or the executive director's designee;	136027
(k) <u>(j)</u> The president of the Ohio chapter of the national	136028
multiple sclerosis society or the president's designee;	136029
(l) <u>(k)</u> The executive director of the arc of Ohio or the	136030
executive director's designee;	136031
(m) <u>(l)</u> The executive director of the commission on minority	136032
health or the executive director's designee;	136033
(n) <u>(m)</u> The executive director of the brain injury association	136034
of Ohio or the executive director's designee;	136035
(o) <u>(n)</u> The executive officer of any other advocacy	136036
organization who volunteers to serve on the council, or such an	136037
executive officer's designee, if the other voting members, at a	136038
meeting called by the chairperson elected under division (C) of	136039
this section, determine it is appropriate for the advocacy	136040
organization to be represented on the council;	136041
(p) <u>(o)</u> One or more participants who volunteer to serve on the	136042
council and are selected by the other voting members at a meeting	136043
the chairperson calls after the medicaid buy-in for workers with	136044
disabilities program is implemented.	136045
(2) The following non-voting members:	136046
(a) The director of job and family services or the director's	136047
designee;	136048

(b) The administrator of the rehabilitation services 136049
commission or the administrator's designee; 136050

(c) The director of alcohol and drug addiction services or 136051
the director's designee; 136052

(d) The director of developmental disabilities or the 136053
director's designee; 136054

(e) The director of mental health or the director's designee; 136055

(f) The executive officer of any other government entity, or 136056
the executive officer's designee, if the voting members, at a 136057
meeting called by the chairperson, determine it is appropriate for 136058
the government entity to be represented on the council. 136059

(B) All members of the medicaid buy-in advisory council shall 136060
serve without compensation or reimbursement, except as serving on 136061
the council is considered part of their usual job duties. 136062

(C) The voting members of the medicaid buy-in advisory 136063
council shall elect one of the members of the council to serve as 136064
the council's chairperson for a two-year term. The chairperson may 136065
be re-elected to successive terms. 136066

(D) The department of job and family services shall provide 136067
the Ohio medicaid buy-in advisory council with accommodations for 136068
the council to hold its meetings and shall provide the council 136069
with other administrative assistance the council needs to perform 136070
its duties. 136071

Sec. 5119.221. (A) Upon petition by the director of mental 136072
health, the court of common pleas or the probate court may appoint 136073
a receiver to take possession of and operate a residential 136074
facility licensed pursuant to section 5119.22 of the Revised Code, 136075
when conditions existing at the residential facility present a 136076
substantial risk of physical or mental harm to residents and no 136077
other remedies at law are adequate to protect the health, safety, 136078

and welfare of the residents. 136079

Petitions filed pursuant to this section shall include: 136080

(1) A description of the specific conditions existing at the 136081
residential facility which present a substantial risk of physical 136082
or mental harm to residents; 136083

(2) A statement of the absence of other adequate remedies at 136084
law; 136085

(3) The number of individuals residing at the facility; 136086

(4) A statement that the facts have been brought to the 136087
attention of the owner or licensee and that conditions have not 136088
been remedied within a reasonable period of time or that the 136089
conditions, though remedied periodically, habitually exist at the 136090
residential facility as a pattern or practice; and 136091

(5) The name and address of the person holding the license 136092
for the residential facility. 136093

(B) A court in which a petition is filed pursuant to this 136094
section shall notify the person holding the license for the 136095
facility of the filing. The department shall send notice of the 136096
filing to the following, as appropriate: the ~~legal rights service~~ 136097
~~created pursuant to~~ Ohio protection and advocacy system as defined 136098
in section 5123.60 of the Revised Code; facility owner; facility 136099
operator; board of alcohol, drug addiction, and mental health 136100
services; board of health; department of developmental 136101
disabilities; department of job and family services; facility 136102
residents; and residents' families and guardians. The court shall 136103
provide a hearing on the petition within five court days of the 136104
time it was filed, except that the court may appoint a receiver 136105
prior to that time if it determines that the circumstances 136106
necessitate such action. 136107

Following a hearing on the petition, and upon a determination 136108

that the appointment of a receiver is warranted, the court shall 1361109
appoint a receiver and notify the department of mental health and 1361110
appropriate persons of this action. 1361111

In setting forth the powers of the receiver, the court may 1361112
generally authorize the receiver to do all that is prudent and 1361113
necessary to safely and efficiently operate the residential 1361114
facility within the requirements of state and federal law, but 1361115
shall require the receiver to obtain court approval prior to 1361116
making any single expenditure of more than five thousand dollars 1361117
to correct deficiencies in the structure or furnishings of a 1361118
facility. The court shall closely review the conduct of the 1361119
receiver and shall require regular and detailed reports. 1361120

(C) A receivership established pursuant to this section shall 1361121
be terminated, following notification of the appropriate parties 1361122
and a hearing, if the court determines either of the following: 1361123

(1) The residential facility has been closed and the former 1361124
residents have been relocated to an appropriate facility; 1361125

(2) Circumstances no longer exist at the residential facility 1361126
which present a substantial risk of physical or mental harm to 1361127
residents, and there is no deficiency in the residential facility 1361128
that is likely to create a future risk of harm. 1361129

Notwithstanding division (C)(2) of this section, the court 1361130
shall not terminate a receivership for a residential facility that 1361131
has previously operated under another receivership unless the 1361132
responsibility for the operation of the facility is transferred to 1361133
an operator approved by the court and the department of mental 1361134
health. 1361135

(D) Except for the department of mental health or appropriate 1361136
board of alcohol, drug addiction, and mental health services, no 1361137
party or person interested in an action shall be appointed a 1361138
receiver pursuant to this section. 1361139

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;

(b) Take and keep possession of property.

(2) The court shall authorize the receiver to do the following:

(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;

(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;

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:	136171 136172
(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;	136173 136174 136175
(ii) Providing for the transportation of residents' belongings and records;	136176 136177
(iii) Helping to locate alternative placements and develop plans for transfer;	136178 136179
(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.	136180 136181 136182
(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.	136183 136184 136185 136186 136187
(e) Compromise demands or claims; and	136188
(f) Generally do such acts respecting the residential facility as the court authorizes.	136189 136190
Notwithstanding any other provision of law, contracts which are necessary to carry out the powers and duties of the receiver need not be competitively bid.	136191 136192 136193
Sec. 5122.01. As used in this chapter and Chapter 5119. of the Revised Code:	136194 136195
(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.	136196 136197 136198 136199

(B) "Mentally ill person subject to hospitalization by court order" means a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community; or

(4) Would benefit from treatment in a hospital for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference

in this chapter to patient, or the context in which the reference 136231
occurs, is in conflict with any provision of sections 2945.37 to 136232
2945.402 of the Revised Code. 136233

(D) "Licensed physician" means a person licensed under the 136234
laws of this state to practice medicine or a medical officer of 136235
the government of the United States while in this state in the 136236
performance of the person's official duties. 136237

(E) "Psychiatrist" means a licensed physician who has 136238
satisfactorily completed a residency training program in 136239
psychiatry, as approved by the residency review committee of the 136240
American medical association, the committee on post-graduate 136241
education of the American osteopathic association, or the American 136242
osteopathic board of neurology and psychiatry, or who on July 1, 136243
1989, has been recognized as a psychiatrist by the Ohio state 136244
medical association or the Ohio osteopathic association on the 136245
basis of formal training and five or more years of medical 136246
practice limited to psychiatry. 136247

(F) "Hospital" means a hospital or inpatient unit licensed by 136248
the department of mental health under section 5119.20 of the 136249
Revised Code, and any institution, hospital, or other place 136250
established, controlled, or supervised by the department under 136251
Chapter 5119. of the Revised Code. 136252

(G) "Public hospital" means a facility that is tax-supported 136253
and under the jurisdiction of the department of mental health. 136254

(H) "Community mental health agency" means an agency that 136255
provides community mental health services that are certified by 136256
the director of mental health under section 5119.611 of the 136257
Revised Code. 136258

(I) "Licensed clinical psychologist" means a person who holds 136259
a current valid psychologist license issued under section 4732.12 136260
or 4732.15 of the Revised Code, and in addition, meets either of 136261

the following criteria: 136262

(1) Meets the educational requirements set forth in division 136263
(B) of section 4732.10 of the Revised Code and has a minimum of 136264
two years' full-time professional experience, or the equivalent as 136265
determined by rule of the state board of psychology, at least one 136266
year of which shall be a predoctoral internship, in clinical 136267
psychological work in a public or private hospital or clinic or in 136268
private practice, diagnosing and treating problems of mental 136269
illness or mental retardation under the supervision of a 136270
psychologist who is licensed or who holds a diploma issued by the 136271
American board of professional psychology, or whose qualifications 136272
are substantially similar to those required for licensure by the 136273
state board of psychology when the supervision has occurred prior 136274
to enactment of laws governing the practice of psychology; 136275

(2) Meets the educational requirements set forth in division 136276
(B) of section 4732.15 of the Revised Code and has a minimum of 136277
four years' full-time professional experience, or the equivalent 136278
as determined by rule of the state board of psychology, in 136279
clinical psychological work in a public or private hospital or 136280
clinic or in private practice, diagnosing and treating problems of 136281
mental illness or mental retardation under supervision, as set 136282
forth in division (I)(1) of this section. 136283

(J) "Health officer" means any public health physician; 136284
public health nurse; or other person authorized by or designated 136285
by a city health district; a general health district; or a board 136286
of alcohol, drug addiction, and mental health services to perform 136287
the duties of a health officer under this chapter. 136288

(K) "Chief clinical officer" means the medical director of a 136289
hospital, or a community mental health agency, or a board of 136290
alcohol, drug addiction, and mental health services, or, if there 136291
is no medical director, the licensed physician responsible for the 136292
treatment a hospital or community mental health agency provides. 136293

The chief clinical officer may delegate to the attending physician 136294
responsible for a patient's care the duties imposed on the chief 136295
clinical officer by this chapter. Within a community mental health 136296
agency, the chief clinical officer shall be designated by the 136297
governing body of the agency and shall be a licensed physician or 136298
licensed clinical psychologist who supervises diagnostic and 136299
treatment services. A licensed physician or licensed clinical 136300
psychologist designated by the chief clinical officer may perform 136301
the duties and accept the responsibilities of the chief clinical 136302
officer in the chief clinical officer's absence. 136303

(L) "Working day" or "court day" means Monday, Tuesday, 136304
Wednesday, Thursday, and Friday, except when such day is a 136305
holiday. 136306

(M) "Indigent" means unable without deprivation of 136307
satisfaction of basic needs to provide for the payment of an 136308
attorney and other necessary expenses of legal representation, 136309
including expert testimony. 136310

(N) "Respondent" means the person whose detention, 136311
commitment, hospitalization, continued hospitalization or 136312
commitment, or discharge is being sought in any proceeding under 136313
this chapter. 136314

(O) ~~"Legal rights service" means the service established~~ 136315
~~under "Ohio protection and advocacy system" has the same meaning~~ 136316
as in section 5123.60 of the Revised Code. 136317

(P) "Independent expert evaluation" means an evaluation 136318
conducted by a licensed clinical psychologist, psychiatrist, or 136319
licensed physician who has been selected by the respondent or the 136320
respondent's counsel and who consents to conducting the 136321
evaluation. 136322

(Q) "Court" means the probate division of the court of common 136323
pleas. 136324

- (R) "Expunge" means: 136325
- (1) The removal and destruction of court files and records, 136326
originals and copies, and the deletion of all index references; 136327
- (2) The reporting to the person of the nature and extent of 136328
any information about the person transmitted to any other person 136329
by the court; 136330
- (3) Otherwise insuring that any examination of court files 136331
and records in question shall show no record whatever with respect 136332
to the person; 136333
- (4) That all rights and privileges are restored, and that the 136334
person, the court, and any other person may properly reply that no 136335
such record exists, as to any matter expunged. 136336
- (S) "Residence" means a person's physical presence in a 136337
county with intent to remain there, except that: 136338
- (1) If a person is receiving a mental health service at a 136339
facility that includes nighttime sleeping accommodations, 136340
residence means that county in which the person maintained the 136341
person's primary place of residence at the time the person entered 136342
the facility; 136343
- (2) If a person is committed pursuant to section 2945.38, 136344
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 136345
residence means the county where the criminal charges were filed. 136346
- When the residence of a person is disputed, the matter of 136347
residence shall be referred to the department of mental health for 136348
investigation and determination. Residence shall not be a basis 136349
for a board's denying services to any person present in the 136350
board's service district, and the board shall provide services for 136351
a person whose residence is in dispute while residence is being 136352
determined and for a person in an emergency situation. 136353
- (T) "Admission" to a hospital or other place means that a 136354

patient is accepted for and stays at least one night at the 136355
hospital or other place. 136356

(U) "Prosecutor" means the prosecuting attorney, village 136357
solicitor, city director of law, or similar chief legal officer 136358
who prosecuted a criminal case in which a person was found not 136359
guilty by reason of insanity, who would have had the authority to 136360
prosecute a criminal case against a person if the person had not 136361
been found incompetent to stand trial, or who prosecuted a case in 136362
which a person was found guilty. 136363

(V) "Treatment plan" means a written statement of reasonable 136364
objectives and goals for an individual established by the 136365
treatment team, with specific criteria to evaluate progress 136366
towards achieving those objectives. The active participation of 136367
the patient in establishing the objectives and goals shall be 136368
documented. The treatment plan shall be based on patient needs and 136369
include services to be provided to the patient while the patient 136370
is hospitalized and after the patient is discharged. The treatment 136371
plan shall address services to be provided upon discharge, 136372
including but not limited to housing, financial, and vocational 136373
services. 136374

(W) "Community control sanction" has the same meaning as in 136375
section 2929.01 of the Revised Code. 136376

(X) "Post-release control sanction" has the same meaning as 136377
in section 2967.01 of the Revised Code. 136378

Sec. 5122.02. (A) Except as provided in division (D) of this 136379
section, any person who is eighteen years of age or older and who 136380
is, appears to be, or believes self to be mentally ill may make 136381
written application for voluntary admission to the chief medical 136382
officer of a hospital. 136383

(B) Except as provided in division (D) of this section, the 136384

application also may be made on behalf of a minor by a parent, a guardian of the person, or the person with custody of the minor, and on behalf of an adult incompetent person by the guardian or the person with custody of the incompetent person.

Any person whose admission is applied for under division (A) or (B) of this section may be admitted for observation, diagnosis, care, or treatment, in any hospital unless the chief clinical officer finds that hospitalization is inappropriate, and except that, in the case of a public hospital, no person shall be admitted without the authorization of the board of the person's county of residence.

(C) If a minor or person adjudicated incompetent due to mental illness whose voluntary admission is applied for under division (B) of this section is admitted, the court shall determine, upon petition by ~~the legal rights service~~, private or otherwise appointed counsel, a relative, or one acting as next friend, whether the admission or continued hospitalization is in the best interest of the minor or incompetent.

The chief clinical officer shall discharge any voluntary patient who has recovered or whose hospitalization the officer determines to be no longer advisable and may discharge any voluntary patient who refuses to accept treatment consistent with the written treatment plan required by section 5122.27 of the Revised Code.

(D) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily admit ~~himself or herself~~ the person or be voluntarily admitted to a hospital pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or 136416
~~his~~ the chief clinical officer's designee shall assure that all 136417
patients hospitalized or committed pursuant to this chapter shall: 136418

(A) Receive, within twenty days of their admission sufficient 136419
professional care to assure that an evaluation of current status, 136420
differential diagnosis, probable prognosis, and description of the 136421
current treatment plan is stated on the official chart; 136422

(B) Have a written treatment plan consistent with the 136423
evaluation, diagnosis, prognosis, and goals which shall be 136424
provided, upon request of the patient or patient's counsel, to the 136425
patient's counsel and to any private physician or licensed 136426
clinical psychologist designated by the patient or ~~his~~ the 136427
patient's counsel or to the ~~legal rights service~~ Ohio protection 136428
and advocacy system; 136429

(C) Receive treatment consistent with the treatment plan. The 136430
department of mental health shall set standards for treatment 136431
provided to such patients, consistent wherever possible with 136432
standards set by the joint commission on accreditation of 136433
healthcare organizations. 136434

(D) Receive periodic reevaluations of the treatment plan by 136435
the professional staff at intervals not to exceed ninety days; 136436

(E) Be provided with adequate medical treatment for physical 136437
disease or injury; 136438

(F) Receive humane care and treatment, including without 136439
limitation, the following: 136440

(1) The least restrictive environment consistent with the 136441
treatment plan; 136442

(2) The necessary facilities and personnel required by the 136443
treatment plan; 136444

(3) A humane psychological and physical environment; 136445

(4) The right to obtain current information concerning ~~his~~ the patient's treatment program and expectations in terms that ~~he~~ the patient can reasonably understand;

(5) Participation in programs designed to afford ~~him~~ the patient substantial opportunity to acquire skills to facilitate ~~his~~ return to the community or to terminate an involuntary commitment;

(6) The right to be free from unnecessary or excessive medication;

(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or ~~his~~ the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.

~~(G) Be notified of their rights under the law within twenty four hours of admission, according to rules established by the legal rights service.~~

If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, ~~he~~ the chief clinical officer shall immediately notify the patient, the court, ~~the legal rights service~~ Ohio protection and advocacy system, the director of mental health, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, ~~he~~ the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health agency, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a mentally ill person subject to

hospitalization by court order under division (B)(4) of section 136477
5122.01 of the Revised Code shall automatically be terminated. 136478

Sec. 5122.271. (A) Except as provided in divisions (C), (D), 136479
and (E) of this section, the chief clinical officer or, in a 136480
nonpublic hospital, the attending physician responsible for a 136481
patient's care shall provide all information, including expected 136482
physical and medical consequences, necessary to enable any patient 136483
of a hospital for the mentally ill to give a fully informed, 136484
intelligent, and knowing consent, the opportunity to consult with 136485
independent specialists and counsel, and the right to refuse 136486
consent for any of the following: 136487

(1) Surgery; 136488

(2) Convulsive therapy; 136489

(3) Major aversive interventions; 136490

(4) Sterilizations; 136491

(5) Any unusually hazardous treatment procedures; 136492

(6) Psycho-surgery. 136493

(B) No patient shall be subjected to any of the procedures 136494
listed in divisions (A)(4) to (6) of this section until both the 136495
patient's informed, intelligent, and knowing consent and the 136496
approval of the court have been obtained, except that court 136497
approval is not required for a legally competent and voluntary 136498
patient in a nonpublic hospital. 136499

(C) If, after providing the information required under 136500
division (A) of this section to the patient, the chief clinical 136501
officer or attending physician concludes that a patient is 136502
physically or mentally unable to receive the information required 136503
for surgery under division (A)(1) of this section, or has been 136504
adjudicated incompetent, the information may be provided to the 136505
patient's natural or court-appointed guardian, who may give an 136506

informed, intelligent, and knowing written consent. 136507

If a patient is physically or mentally unable to receive the 136508
information required for surgery under division (A)(1) of this 136509
section and has no guardian, the information, the recommendation 136510
of the chief clinical officer, and the concurring judgment of a 136511
licensed physician who is not a full-time employee of the state 136512
may be provided to the court in the county in which the hospital 136513
is located, which may approve the surgery. Before approving the 136514
surgery, the court shall notify the ~~legal rights service~~ Ohio 136515
protection and advocacy system created by section 5123.60 of the 136516
Revised Code, and shall notify the patient of the rights to 136517
consult with counsel, to have counsel appointed by the court if 136518
the patient is indigent, and to contest the recommendation of the 136519
chief clinical officer. 136520

(D) If, in a medical emergency, and after providing the 136521
information required under division (A) of this section to the 136522
patient, it is the judgment of one licensed physician that delay 136523
in obtaining surgery would create a grave danger to the health of 136524
the patient, it may be administered without the consent of the 136525
patient or the patient's guardian if the necessary information is 136526
provided to the patient's spouse or next of kin to enable that 136527
person to give informed, intelligent, and knowing written consent. 136528
If no spouse or next of kin can reasonably be contacted, or if the 136529
spouse or next of kin is contacted, but refuses to consent, the 136530
surgery may be performed upon the written authorization of the 136531
chief clinical officer or, in a nonpublic hospital, upon the 136532
written authorization of the attending physician responsible for 136533
the patient's care, and after the approval of the court has been 136534
obtained. However, if delay in obtaining court approval would 136535
create a grave danger to the life of the patient, the chief 136536
clinical officer or, in a nonpublic hospital, the attending 136537
physician responsible for the patient's care may authorize 136538

surgery, in writing, without court approval. If the surgery is 136539
authorized without court approval, the chief clinical officer or 136540
the attending physician who made the authorization and the 136541
physician who performed the surgery shall each execute an 136542
affidavit describing the circumstances constituting the emergency 136543
and warranting the surgery and the circumstances warranting their 136544
not obtaining prior court approval. The affidavit shall be filed 136545
with the court with which the request for prior approval would 136546
have been filed within five court days after the surgery, and a 136547
copy of the affidavit shall be placed in the patient's file and be 136548
given to the guardian, spouse, or next of kin of the patient, to 136549
the hospital at which the surgery was performed, and to the ~~legal~~ 136550
~~rights service created by~~ Ohio protection and advocacy system as 136551
defined in section 5123.60 of the Revised Code. 136552

(E) Major aversive interventions shall not be used unless a 136553
patient continues to engage in behavior destructive to self or 136554
others after other forms of therapy have been attempted. Major 136555
aversive interventions may be applied if approved by the director 136556
of mental health. ~~The director of the legal rights service created~~ 136557
~~by section 5123.60 of the Revised Code shall be notified of any~~ 136558
~~proposed major aversive intervention prior to review by the~~ 136559
~~director of mental health.~~ Major aversive interventions shall not 136560
be applied to a voluntary patient without the informed, 136561
intelligent, and knowing written consent of the patient or the 136562
patient's guardian. 136563

(F) Unless there is substantial risk of physical harm to self 136564
or others, or other than under division (D) of this section, this 136565
chapter does not authorize any form of compulsory medical, 136566
psychological, or psychiatric treatment of any patient who is 136567
being treated by spiritual means through prayer alone in 136568
accordance with a recognized religious method of healing without 136569
specific court authorization. 136570

(G) For purposes of this section, "convulsive therapy" does not include defibrillation.

Sec. 5122.29. All patients hospitalized or committed pursuant to this chapter have the following rights:

(A) The right to a written list of all rights enumerated in this chapter, to that person, ~~his~~ that person's legal guardian, and ~~his~~ that person's counsel. If the person is unable to read, the list shall be read and explained to ~~him~~ the person.

(B) The right at all times to be treated with consideration and respect for ~~his~~ the patient's privacy and dignity, including without limitation, the following:

(1) At the time a person is taken into custody for diagnosis, detention, or treatment under Chapter 5122. of the Revised Code, the person taking ~~him~~ that person into custody shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by that person;

(2) A person who is committed, voluntarily or involuntarily, shall be given reasonable protection from assault or battery by any other person.

(C) The right to communicate freely with and be visited at reasonable times by ~~his~~ the patient's private counsel or personnel of the ~~legal rights service~~ Ohio protection and advocacy system and, unless prior court restriction has been obtained, to communicate freely with and be visited at reasonable times by ~~his~~ the patient's personal physician or psychologist.

(D) The right to communicate freely with others, unless specifically restricted in the patient's treatment plan for clear treatment reasons, including without limitation the following:

(1) To receive visitors at reasonable times;

(2) To have reasonable access to telephones to make and receive confidential calls, including a reasonable number of free calls if unable to pay for them and assistance in calling if requested and needed.

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(E) The right to have ready access to letter writing materials, including a reasonable number of stamps without cost if unable to pay for them, and to mail and receive unopened correspondence and assistance in writing if requested and needed.

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(F) The right to the following personal privileges consistent with health and safety:

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(1) To wear ~~his~~ the patient's own clothes and maintain ~~his~~ the patient's own personal effects;

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(2) To be provided an adequate allowance for or allotment of neat, clean, and seasonable clothing if unable to provide ~~his~~ the patient's own;

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(3) To maintain ~~his~~ the patient's personal appearance according to ~~his~~ the patient's own personal taste, including head and body hair;

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(4) To keep and use personal possessions, including toilet articles;

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(5) To have access to individual storage space for ~~his~~ the patient's private use;

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(6) To keep and spend a reasonable sum of ~~his~~ the patient's own money for expenses and small purchases;

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(7) To receive and possess reading materials without censorship, except when the materials create a clear and present danger to the safety of persons in the facility.

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(G) The right to reasonable privacy, including both periods of privacy and places of privacy.

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(H) The right to free exercise of religious worship within

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the facility, including a right to services and sacred texts that 136631
are within the reasonable capacity of the facility to supply, 136632
provided that no patient shall be coerced into engaging in any 136633
religious activities. 136634

(I) The right to social interaction with members of either 136635
sex, subject to adequate supervision, unless such social 136636
interaction is specifically withheld under a patient's written 136637
treatment plan for clear treatment reasons. 136638

As used in this section, "clear treatment reasons" means that 136639
permitting the patient to communicate freely with others will 136640
present a substantial risk of physical harm to the patient or 136641
others or will substantially preclude effective treatment of the 136642
patient. If a right provided under this section is restricted or 136643
withheld for clear treatment reasons, the patient's written 136644
treatment plan shall specify the treatment designed to eliminate 136645
the restriction or withholding of the right at the earliest 136646
possible time. 136647

Sec. 5122.31. (A) All certificates, applications, records, 136648
and reports made for the purpose of this chapter and sections 136649
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 136650
Code, other than court journal entries or court docket entries, 136651
and directly or indirectly identifying a patient or former patient 136652
or person whose hospitalization has been sought under this 136653
chapter, shall be kept confidential and shall not be disclosed by 136654
any person except: 136655

(1) If the person identified, or the person's legal guardian, 136656
if any, or if the person is a minor, the person's parent or legal 136657
guardian, consents, and if the disclosure is in the best interests 136658
of the person, as may be determined by the court for judicial 136659
records and by the chief clinical officer for medical records; 136660

(2) When disclosure is provided for in this chapter or 136661

section ~~5123.60~~ 5123.601 of the Revised Code; 136662

(3) That hospitals, boards of alcohol, drug addiction, and 136663
mental health services, and community mental health agencies may 136664
release necessary medical information to insurers and other 136665
third-party payers, including government entities responsible for 136666
processing and authorizing payment, to obtain payment for goods 136667
and services furnished to the patient; 136668

(4) Pursuant to a court order signed by a judge; 136669

(5) That a patient shall be granted access to the patient's 136670
own psychiatric and medical records, unless access specifically is 136671
restricted in a patient's treatment plan for clear treatment 136672
reasons; 136673

(6) That hospitals and other institutions and facilities 136674
within the department of mental health may exchange psychiatric 136675
records and other pertinent information with other hospitals, 136676
institutions, and facilities of the department, and with community 136677
mental health agencies and boards of alcohol, drug addiction, and 136678
mental health services with which the department has a current 136679
agreement for patient care or services. Records and information 136680
that may be released pursuant to this division shall be limited to 136681
medication history, physical health status and history, financial 136682
status, summary of course of treatment in the hospital, summary of 136683
treatment needs, and a discharge summary, if any. 136684

(7) That hospitals within the department, other institutions 136685
and facilities within the department, hospitals licensed by the 136686
department under section 5119.20 of the Revised Code, and 136687
community mental health agencies may exchange psychiatric records 136688
and other pertinent information with payers and other providers of 136689
treatment and health services if the purpose of the exchange is to 136690
facilitate continuity of care for a patient; 136691

(8) That a patient's family member who is involved in the 136692

provision, planning, and monitoring of services to the patient may 136693
receive medication information, a summary of the patient's 136694
diagnosis and prognosis, and a list of the services and personnel 136695
available to assist the patient and the patient's family, if the 136696
patient's treating physician determines that the disclosure would 136697
be in the best interests of the patient. No such disclosure shall 136698
be made unless the patient is notified first and receives the 136699
information and does not object to the disclosure. 136700

(9) That community mental health agencies may exchange 136701
psychiatric records and certain other information with the board 136702
of alcohol, drug addiction, and mental health services and other 136703
agencies in order to provide services to a person involuntarily 136704
committed to a board. Release of records under this division shall 136705
be limited to medication history, physical health status and 136706
history, financial status, summary of course of treatment, summary 136707
of treatment needs, and discharge summary, if any. 136708

(10) That information may be disclosed to the executor or the 136709
administrator of an estate of a deceased patient when the 136710
information is necessary to administer the estate; 136711

(11) That records in the possession of the Ohio historical 136712
society may be released to the closest living relative of a 136713
deceased patient upon request of that relative; 136714

(12) That information may be disclosed to staff members of 136715
the appropriate board or to staff members designated by the 136716
director of mental health for the purpose of evaluating the 136717
quality, effectiveness, and efficiency of services and determining 136718
if the services meet minimum standards. Information obtained 136719
during such evaluations shall not be retained with the name of any 136720
patient. 136721

(13) That records pertaining to the patient's diagnosis, 136722
course of treatment, treatment needs, and prognosis shall be 136723

disclosed and released to the appropriate prosecuting attorney if 136724
the patient was committed pursuant to section 2945.38, 2945.39, 136725
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 136726
attorney designated by the board for proceedings pursuant to 136727
involuntary commitment under this chapter. 136728

(14) That the department of mental health may exchange 136729
psychiatric hospitalization records, other mental health treatment 136730
records, and other pertinent information with the department of 136731
rehabilitation and correction to ensure continuity of care for 136732
inmates who are receiving mental health services in an institution 136733
of the department of rehabilitation and correction. The department 136734
shall not disclose those records unless the inmate is notified, 136735
receives the information, and does not object to the disclosure. 136736
The release of records under this division is limited to records 136737
regarding an inmate's medication history, physical health status 136738
and history, summary of course of treatment, summary of treatment 136739
needs, and a discharge summary, if any. 136740

(15) That a community mental health agency that ceases to 136741
operate may transfer to either a community mental health agency 136742
that assumes its caseload or to the board of alcohol, drug 136743
addiction, and mental health services of the service district in 136744
which the patient resided at the time services were most recently 136745
provided any treatment records that have not been transferred 136746
elsewhere at the patient's request. 136747

(B) Before records are disclosed pursuant to divisions 136748
(A)(3), (6), (7), and (9) of this section, the custodian of the 136749
records shall attempt to obtain the patient's consent for the 136750
disclosure. No person shall reveal the contents of a medical 136751
record of a patient except as authorized by law. 136752

(C) The managing officer of a hospital who releases necessary 136753
medical information under division (A)(3) of this section to allow 136754
an insurance carrier or other third party payor to comply with 136755

section 5121.43 of the Revised Code shall neither be subject to 136756
criminal nor civil liability. 136757

Sec. 5122.32. (A) As used in this section: 136758

(1) "Quality assurance committee" means a committee that is 136759
appointed in the central office of the department of mental health 136760
by the director of mental health, a committee of a hospital or 136761
community setting program, a committee established pursuant to 136762
section 5119.47 of the Revised Code of the department of mental 136763
health appointed by the managing officer of the hospital or 136764
program, or a duly authorized subcommittee of a committee of that 136765
nature and that is designated to carry out quality assurance 136766
program activities. 136767

(2) "Quality assurance program" means a comprehensive program 136768
within the department of mental health to systematically review 136769
and improve the quality of medical and mental health services 136770
within the department and its hospitals and community setting 136771
programs, the safety and security of persons receiving medical and 136772
mental health services within the department and its hospitals and 136773
community setting programs, and the efficiency and effectiveness 136774
of the utilization of staff and resources in the delivery of 136775
medical and mental health services within the department and its 136776
hospitals and community setting programs. "Quality assurance 136777
program" includes the central office quality assurance committees, 136778
morbidity and mortality review committees, quality assurance 136779
programs of community setting programs, quality assurance 136780
committees of hospitals operated by the department of mental 136781
health, and the office of licensure and certification of the 136782
department. 136783

(3) "Quality assurance program activities" include collecting 136784
or compiling information and reports required by a quality 136785
assurance committee, receiving, reviewing, or implementing the 136786

recommendations made by a quality assurance committee, and 136787
credentialing, privileging, infection control, tissue review, peer 136788
review, utilization review including access to patient care 136789
records, patient care assessment records, and medical and mental 136790
health records, medical and mental health resource management, 136791
mortality and morbidity review, and identification and prevention 136792
of medical or mental health incidents and risks, whether performed 136793
by a quality assurance committee or by persons who are directed by 136794
a quality assurance committee. 136795

(4) "Quality assurance records" means the proceedings, 136796
discussion, records, findings, recommendations, evaluations, 136797
opinions, minutes, reports, and other documents or actions that 136798
emanate from quality assurance committees, quality assurance 136799
programs, or quality assurance program activities. "Quality 136800
assurance records" does not include aggregate statistical 136801
information that does not disclose the identity of persons 136802
receiving or providing medical or mental health services in 136803
department of mental health institutions. 136804

(B)(1) Except as provided in division (E) of this section, 136805
quality assurance records are confidential and are not public 136806
records under section 149.43 of the Revised Code, and shall be 136807
used only in the course of the proper functions of a quality 136808
assurance program. 136809

(2) Except as provided in division (E) of this section, no 136810
person who possesses or has access to quality assurance records 136811
and who knows that the records are quality assurance records shall 136812
willfully disclose the contents of the records to any person or 136813
entity. 136814

(C)(1) Except as provided in division (E) of this section, no 136815
quality assurance record shall be subject to discovery in, and is 136816
not admissible in evidence, in any judicial or administrative 136817
proceeding. 136818

(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 assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of mental health shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities:

(1) Persons who are employed or retained by the department of mental health and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of mental health hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law.

(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records.

(G) Nothing in this section shall limit the access of the ~~legal rights service~~ Ohio protection and advocacy system to records or personnel as ~~set forth in sections 5123.60 to 5123.604~~ required under section 5123.601 of the Revised Code. Nothing in this section shall limit the admissibility of documentary or testimonial evidence in an action brought by the ~~legal rights service~~ Ohio protection and advocacy system in its own name or on behalf of a client.

Sec. 5123.092. (A) There is hereby established at each institution and branch institution under the control of the department of developmental disabilities a citizen's advisory council consisting of thirteen members. At least seven of the

members shall be persons who are not providers of mental 136881
retardation services. Each council shall include parents or other 136882
relatives of residents of institutions under the control of the 136883
department, community leaders, professional persons in relevant 136884
fields, and persons who have an interest in or knowledge of mental 136885
retardation. The managing officer of the institution shall be a 136886
nonvoting member of the council. 136887

(B) The director of developmental disabilities shall be the 136888
appointing authority for the voting members of each citizen's 136889
advisory council. Each time the term of a voting member expires, 136890
the remaining members of the council shall recommend to the 136891
director one or more persons to serve on the council. The director 136892
may accept a nominee of the council or reject the nominee or 136893
nominees. If the director rejects the nominee or nominees, the 136894
remaining members of the advisory council shall further recommend 136895
to the director one or more other persons to serve on the advisory 136896
council. This procedure shall continue until a member is appointed 136897
to the advisory council. 136898

Each advisory council shall elect from its appointed members 136899
a chairperson, vice-chairperson, and a secretary to serve for 136900
terms of one year. Advisory council officers shall not serve for 136901
more than two consecutive terms in the same office. A majority of 136902
the advisory council members constitutes a quorum. 136903

(C) Terms of office shall be for three years, each term 136904
ending on the same day of the same month of the year as did the 136905
term which it succeeds. No member shall serve more than two 136906
consecutive terms, except that any former member may be appointed 136907
if one year or longer has elapsed since the member served two 136908
consecutive terms. Each member shall hold office from the date of 136909
appointment until the end of the term for which the member was 136910
appointed. Any vacancy shall be filled in the same manner in which 136911
the original appointment was made, and the appointee to a vacancy 136912

in an unexpired term shall serve the balance of the term of the 136913
original appointee. Any member shall continue in office subsequent 136914
to the expiration date of the member's term until the member's 136915
successor takes office, or until a period of sixty days has 136916
elapsed, whichever occurs first. 136917

(D) Members shall be expected to attend all meetings of the 136918
advisory council. Unexcused absence from two successive regularly 136919
scheduled meetings shall be considered prima-facie evidence of 136920
intent not to continue as a member. The chairperson of the board 136921
shall, after a member has been absent for two successive regularly 136922
scheduled meetings, direct a letter to the member asking if the 136923
member wishes to remain in membership. If an affirmative reply is 136924
received, the member shall be retained as a member except that, 136925
if, after having expressed a desire to remain a member, the member 136926
then misses a third successive regularly scheduled meeting without 136927
being excused, the chairperson shall terminate the member's 136928
membership. 136929

(E) A citizen's advisory council shall meet six times 136930
annually, or more frequently if three council members request the 136931
chairperson to call a meeting. The council shall keep minutes of 136932
each meeting and shall submit them to the managing officer of the 136933
institution with which the council is associated, and the 136934
department of developmental disabilities, ~~and the legal rights~~ 136935
~~service.~~ 136936

(F) Members of citizen's advisory councils shall receive no 136937
compensation for their services, except that they shall be 136938
reimbursed for their actual and necessary expenses incurred in the 136939
performance of their official duties by the institution with which 136940
they are associated from funds allocated to it, provided that 136941
reimbursement for those expenses shall not exceed limits imposed 136942
upon the department of developmental disabilities by 136943
administrative rules regulating travel within this state. 136944

(G) The councils shall have reasonable access to all patient treatment and living areas and records of the institution, except those records of a strictly personal or confidential nature. The councils shall have access to a patient's personal records with the consent of the patient or the patient's legal guardian or, if the patient is a minor, with the consent of the parent or legal guardian of the patient.

(H) As used in this section, "branch institution" means a facility that is located apart from an institution and is under the control of the managing officer of the institution.

Sec. 5123.19. (A) As used in this section and in sections 5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and 5123.20 of the Revised Code:

(1)(a) "Residential facility" means a home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under section 5126.05 of the Revised Code, a county home or district home operated pursuant to Chapter 5155. of the Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

(b) "Intermediate care facility for the mentally retarded" means a residential facility that is considered an intermediate care facility for the mentally retarded for the purposes of Chapter 5111. of the Revised Code.

(2) "Political subdivision" means a municipal corporation, county, or township.

(3) "Independent living arrangement" means an arrangement in

which a mentally retarded or developmentally disabled person 136975
resides in an individualized setting chosen by the person or the 136976
person's guardian, which is not dedicated principally to the 136977
provision of residential services for mentally retarded or 136978
developmentally disabled persons, and for which no financial 136979
support is received for rendering such service from any 136980
governmental agency by a provider of residential services. 136981

(4) "Licensee" means the person or government agency that has 136982
applied for a license to operate a residential facility and to 136983
which the license was issued under this section. 136984

(5) "Related party" has the same meaning as in section 136985
5123.16 of the Revised Code except that "provider" as used in the 136986
definition of "related party" means a person or government entity 136987
that held or applied for a license to operate a residential 136988
facility, rather than a person or government entity certified to 136989
provide supported living. 136990

(B) Every person or government agency desiring to operate a 136991
residential facility shall apply for licensure of the facility to 136992
the director of developmental disabilities unless the residential 136993
facility is subject to section 3721.02, 5119.73, 5103.03, or 136994
5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the 136995
Revised Code, a nursing home that is certified as an intermediate 136996
care facility for the mentally retarded under Title XIX of the 136997
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as 136998
amended, shall apply for licensure of the portion of the home that 136999
is certified as an intermediate care facility for the mentally 137000
retarded. 137001

(C) Subject to section 5123.196 of the Revised Code, the 137002
director of developmental disabilities shall license the operation 137003
of residential facilities. An initial license shall be issued for 137004
a period that does not exceed one year, unless the director denies 137005
the license under division (D) of this section. A license shall be 137006

renewed for a period that does not exceed three years, unless the 137007
director refuses to renew the license under division (D) of this 137008
section. The director, when issuing or renewing a license, shall 137009
specify the period for which the license is being issued or 137010
renewed. A license remains valid for the length of the licensing 137011
period specified by the director, unless the license is 137012
terminated, revoked, or voluntarily surrendered. 137013

(D) If it is determined that an applicant or licensee is not 137014
in compliance with a provision of this chapter that applies to 137015
residential facilities or the rules adopted under such a 137016
provision, the director may deny issuance of a license, refuse to 137017
renew a license, terminate a license, revoke a license, issue an 137018
order for the suspension of admissions to a facility, issue an 137019
order for the placement of a monitor at a facility, issue an order 137020
for the immediate removal of residents, or take any other action 137021
the director considers necessary consistent with the director's 137022
authority under this chapter regarding residential facilities. In 137023
the director's selection and administration of the sanction to be 137024
imposed, all of the following apply: 137025

(1) The director may deny, refuse to renew, or revoke a 137026
license, if the director determines that the applicant or licensee 137027
has demonstrated a pattern of serious noncompliance or that a 137028
violation creates a substantial risk to the health and safety of 137029
residents of a residential facility. 137030

(2) The director may terminate a license if more than twelve 137031
consecutive months have elapsed since the residential facility was 137032
last occupied by a resident or a notice required by division (K) 137033
of this section is not given. 137034

(3) The director may issue an order for the suspension of 137035
admissions to a facility for any violation that may result in 137036
sanctions under division (D)(1) of this section and for any other 137037
violation specified in rules adopted under division (H)(2) of this 137038

section. If the suspension of admissions is imposed for a 137039
violation that may result in sanctions under division (D)(1) of 137040
this section, the director may impose the suspension before 137041
providing an opportunity for an adjudication under Chapter 119. of 137042
the Revised Code. The director shall lift an order for the 137043
suspension of admissions when the director determines that the 137044
violation that formed the basis for the order has been corrected. 137045

(4) The director may order the placement of a monitor at a 137046
residential facility for any violation specified in rules adopted 137047
under division (H)(2) of this section. The director shall lift the 137048
order when the director determines that the violation that formed 137049
the basis for the order has been corrected. 137050

(5) If the director determines that two or more residential 137051
facilities owned or operated by the same person or government 137052
entity are not being operated in compliance with a provision of 137053
this chapter that applies to residential facilities or the rules 137054
adopted under such a provision, and the director's findings are 137055
based on the same or a substantially similar action, practice, 137056
circumstance, or incident that creates a substantial risk to the 137057
health and safety of the residents, the director shall conduct a 137058
survey as soon as practicable at each residential facility owned 137059
or operated by that person or government entity. The director may 137060
take any action authorized by this section with respect to any 137061
facility found to be operating in violation of a provision of this 137062
chapter that applies to residential facilities or the rules 137063
adopted under such a provision. 137064

(6) When the director initiates license revocation 137065
proceedings, no opportunity for submitting a plan of correction 137066
shall be given. The director shall notify the licensee by letter 137067
of the initiation of the proceedings. The letter shall list the 137068
deficiencies of the residential facility and inform the licensee 137069
that no plan of correction will be accepted. The director shall 137070

also send a copy of the letter to the county board of 137071
developmental disabilities. The county board shall send a copy of 137072
the letter to each of the following: 137073

(a) Each resident who receives services from the licensee; 137074

(b) The guardian of each resident who receives services from 137075
the licensee if the resident has a guardian; 137076

(c) The parent or guardian of each resident who receives 137077
services from the licensee if the resident is a minor. 137078

(7) Pursuant to rules which shall be adopted in accordance 137079
with Chapter 119. of the Revised Code, the director may order the 137080
immediate removal of residents from a residential facility 137081
whenever conditions at the facility present an immediate danger of 137082
physical or psychological harm to the residents. 137083

(8) In determining whether a residential facility is being 137084
operated in compliance with a provision of this chapter that 137085
applies to residential facilities or the rules adopted under such 137086
a provision, or whether conditions at a residential facility 137087
present an immediate danger of physical or psychological harm to 137088
the residents, the director may rely on information obtained by a 137089
county board of developmental disabilities or other governmental 137090
agencies. 137091

(9) In proceedings initiated to deny, refuse to renew, or 137092
revoke licenses, the director may deny, refuse to renew, or revoke 137093
a license regardless of whether some or all of the deficiencies 137094
that prompted the proceedings have been corrected at the time of 137095
the hearing. 137096

(E) The director shall establish a program under which public 137097
notification may be made when the director has initiated license 137098
revocation proceedings or has issued an order for the suspension 137099
of admissions, placement of a monitor, or removal of residents. 137100
The director shall adopt rules in accordance with Chapter 119. of 137101

the Revised Code to implement this division. The rules shall 137102
establish the procedures by which the public notification will be 137103
made and specify the circumstances for which the notification must 137104
be made. The rules shall require that public notification be made 137105
if the director has taken action against the facility in the 137106
eighteen-month period immediately preceding the director's latest 137107
action against the facility and the latest action is being taken 137108
for the same or a substantially similar violation of a provision 137109
of this chapter that applies to residential facilities or the 137110
rules adopted under such a provision. The rules shall specify a 137111
method for removing or amending the public notification if the 137112
director's action is found to have been unjustified or the 137113
violation at the residential facility has been corrected. 137114

(F)(1) Except as provided in division (F)(2) of this section, 137115
appeals from proceedings initiated to impose a sanction under 137116
division (D) of this section shall be conducted in accordance with 137117
Chapter 119. of the Revised Code. 137118

(2) Appeals from proceedings initiated to order the 137119
suspension of admissions to a facility shall be conducted in 137120
accordance with Chapter 119. of the Revised Code, unless the order 137121
was issued before providing an opportunity for an adjudication, in 137122
which case all of the following apply: 137123

(a) The licensee may request a hearing not later than ten 137124
days after receiving the notice specified in section 119.07 of the 137125
Revised Code. 137126

(b) If a timely request for a hearing that includes the 137127
licensee's current address is made, the hearing shall commence not 137128
later than thirty days after the department receives the request. 137129

(c) After commencing, the hearing shall continue 137130
uninterrupted, except for Saturdays, Sundays, and legal holidays, 137131
unless other interruptions are agreed to by the licensee and the 137132

director. 137133

(d) If the hearing is conducted by a hearing examiner, the 137134
hearing examiner shall file a report and recommendations not later 137135
than ten days after the last of the following: 137136

(i) The close of the hearing; 137137

(ii) If a transcript of the proceedings is ordered, the 137138
hearing examiner receives the transcript; 137139

(iii) If post-hearing briefs are timely filed, the hearing 137140
examiner receives the briefs. 137141

(e) A copy of the written report and recommendation of the 137142
hearing examiner shall be sent, by certified mail, to the licensee 137143
and the licensee's attorney, if applicable, not later than five 137144
days after the report is filed. 137145

(f) Not later than five days after the hearing examiner files 137146
the report and recommendations, the licensee may file objections 137147
to the report and recommendations. 137148

(g) Not later than fifteen days after the hearing examiner 137149
files the report and recommendations, the director shall issue an 137150
order approving, modifying, or disapproving the report and 137151
recommendations. 137152

(h) Notwithstanding the pendency of the hearing, the director 137153
shall lift the order for the suspension of admissions when the 137154
director determines that the violation that formed the basis for 137155
the order has been corrected. 137156

(G) Neither a person or government agency whose application 137157
for a license to operate a residential facility is denied nor a 137158
related party of the person or government agency may apply for a 137159
license to operate a residential facility before the date that is 137160
one year after the date of the denial. Neither a licensee whose 137161
residential facility license is revoked nor a related party of the 137162

licensee may apply for a residential facility license before the 137163
date that is five years after the date of the revocation. 137164

(H) In accordance with Chapter 119. of the Revised Code, the 137165
director shall adopt and may amend and rescind rules for licensing 137166
and regulating the operation of residential facilities, including 137167
intermediate care facilities for the mentally retarded. The rules 137168
for intermediate care facilities for the mentally retarded may 137169
differ from those for other residential facilities. The rules 137170
shall establish and specify the following: 137171

(1) Procedures and criteria for issuing and renewing 137172
licenses, including procedures and criteria for determining the 137173
length of the licensing period that the director must specify for 137174
each license when it is issued or renewed; 137175

(2) Procedures and criteria for denying, refusing to renew, 137176
terminating, and revoking licenses and for ordering the suspension 137177
of admissions to a facility, placement of a monitor at a facility, 137178
and the immediate removal of residents from a facility; 137179

(3) Fees for issuing and renewing licenses, which shall be 137180
deposited into the program fee fund created under section 5123.033 137181
of the Revised Code; 137182

(4) Procedures for surveying residential facilities; 137183

(5) Requirements for the training of residential facility 137184
personnel; 137185

(6) Classifications for the various types of residential 137186
facilities; 137187

(7) Certification procedures for licensees and management 137188
contractors that the director determines are necessary to ensure 137189
that they have the skills and qualifications to properly operate 137190
or manage residential facilities; 137191

(8) The maximum number of persons who may be served in a 137192

particular type of residential facility;	137193
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	137194 137195
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	137196 137197
(11) Procedures for waiving any provision of any rule adopted under this section.	137198 137199
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	137200 137201 137202 137203 137204 137205 137206 137207 137208
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's designee in conducting the survey.	137209 137210 137211 137212 137213 137214 137215 137216 137217
Following each survey, unless the director initiates a license revocation proceeding, the director or the director's designee shall provide the licensee with a report listing any deficiencies, specifying a timetable within which the licensee shall submit a plan of correction describing how the deficiencies will be corrected, and, when appropriate, specifying a timetable	137218 137219 137220 137221 137222 137223

within which the licensee must correct the deficiencies. After a 137224
plan of correction is submitted, the director or the director's 137225
designee shall approve or disapprove the plan. A copy of the 137226
report and any approved plan of correction shall be provided to 137227
any person who requests it. 137228

The director shall initiate disciplinary action against any 137229
department employee who notifies or causes the notification to any 137230
unauthorized person of an unannounced survey of a residential 137231
facility by an authorized representative of the department. 137232

(J) In addition to any other information which may be 137233
required of applicants for a license pursuant to this section, the 137234
director shall require each applicant to provide a copy of an 137235
approved plan for a proposed residential facility pursuant to 137236
section 5123.042 of the Revised Code. This division does not apply 137237
to renewal of a license or to an applicant for an initial or 137238
modified license who meets the requirements of section 5123.193 or 137239
5123.197 of the Revised Code. 137240

(K) A licensee shall notify the owner of the building in 137241
which the licensee's residential facility is located of any 137242
significant change in the identity of the licensee or management 137243
contractor before the effective date of the change if the licensee 137244
is not the owner of the building. 137245

Pursuant to rules which shall be adopted in accordance with 137246
Chapter 119. of the Revised Code, the director may require 137247
notification to the department of any significant change in the 137248
ownership of a residential facility or in the identity of the 137249
licensee or management contractor. If the director determines that 137250
a significant change of ownership is proposed, the director shall 137251
consider the proposed change to be an application for development 137252
by a new operator pursuant to section 5123.042 of the Revised Code 137253
and shall advise the applicant within sixty days of the 137254
notification that the current license shall continue in effect or 137255

a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(L) A county board of developmental disabilities, ~~the legal rights service,~~ and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(M) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are losing their license.

(N) Before issuing a license under this section to a residential facility that will accommodate at any time more than one mentally retarded or developmentally disabled individual, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated

territory, the clerk of the appropriate board of county 137287
commissioners and the fiscal officer of the appropriate board of 137288
township trustees. 137289

The director shall not issue the license for ten days after 137290
mailing the notice, excluding Saturdays, Sundays, and legal 137291
holidays, in order to give the notified local officials time in 137292
which to comment on the proposed issuance. 137293

Any legislative authority of a municipal corporation, board 137294
of county commissioners, or board of township trustees that 137295
receives notice under this division of the proposed issuance of a 137296
license for a residential facility may comment on it in writing to 137297
the director within ten days after the director mailed the notice, 137298
excluding Saturdays, Sundays, and legal holidays. If the director 137299
receives written comments from any notified officials within the 137300
specified time, the director shall make written findings 137301
concerning the comments and the director's decision on the 137302
issuance of the license. If the director does not receive written 137303
comments from any notified local officials within the specified 137304
time, the director shall continue the process for issuance of the 137305
license. 137306

(O) Any person may operate a licensed residential facility 137307
that provides room and board, personal care, habilitation 137308
services, and supervision in a family setting for at least six but 137309
not more than eight persons with mental retardation or a 137310
developmental disability as a permitted use in any residential 137311
district or zone, including any single-family residential district 137312
or zone, of any political subdivision. These residential 137313
facilities may be required to comply with area, height, yard, and 137314
architectural compatibility requirements that are uniformly 137315
imposed upon all single-family residences within the district or 137316
zone. 137317

(P) Any person may operate a licensed residential facility 137318

that provides room and board, personal care, habilitation 137319
services, and supervision in a family setting for at least nine 137320
but not more than sixteen persons with mental retardation or a 137321
developmental disability as a permitted use in any multiple-family 137322
residential district or zone of any political subdivision, except 137323
that a political subdivision that has enacted a zoning ordinance 137324
or resolution establishing planned unit development districts may 137325
exclude these residential facilities from those districts, and a 137326
political subdivision that has enacted a zoning ordinance or 137327
resolution may regulate these residential facilities in 137328
multiple-family residential districts or zones as a conditionally 137329
permitted use or special exception, in either case, under 137330
reasonable and specific standards and conditions set out in the 137331
zoning ordinance or resolution to: 137332

(1) Require the architectural design and site layout of the 137333
residential facility and the location, nature, and height of any 137334
walls, screens, and fences to be compatible with adjoining land 137335
uses and the residential character of the neighborhood; 137336

(2) Require compliance with yard, parking, and sign 137337
regulation; 137338

(3) Limit excessive concentration of these residential 137339
facilities. 137340

(Q) This section does not prohibit a political subdivision 137341
from applying to residential facilities nondiscriminatory 137342
regulations requiring compliance with health, fire, and safety 137343
regulations and building standards and regulations. 137344

(R) Divisions (O) and (P) of this section are not applicable 137345
to municipal corporations that had in effect on June 15, 1977, an 137346
ordinance specifically permitting in residential zones licensed 137347
residential facilities by means of permitted uses, conditional 137348
uses, or special exception, so long as such ordinance remains in 137349

effect without any substantive modification. 137350

(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: 137351
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(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. 137354
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 137360
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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. 137363
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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. 137368
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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. 137371
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(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 137374
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support from the department of developmental disabilities and 137381
which is in the review process prior to April 4, 1986. 137382

(U) The director or the director's designee may enter at any 137383
time, for purposes of investigation, any home, facility, or other 137384
structure that has been reported to the director or that the 137385
director has reasonable cause to believe is being operated as a 137386
residential facility without a license issued under this section. 137387

The director may petition the court of common pleas of the 137388
county in which an unlicensed residential facility is located for 137389
an order enjoining the person or governmental agency operating the 137390
facility from continuing to operate without a license. The court 137391
may grant the injunction on a showing that the person or 137392
governmental agency named in the petition is operating a 137393
residential facility without a license. The court may grant the 137394
injunction, regardless of whether the residential facility meets 137395
the requirements for receiving a license under this section. 137396

Sec. 5123.191. (A) The court of common pleas or a judge 137397
thereof in the judge's county, or the probate court, may appoint a 137398
receiver to take possession of and operate a residential facility 137399
licensed by the department of developmental disabilities, in 137400
causes pending in such courts respectively, when conditions 137401
existing at the facility present a substantial risk of physical or 137402
mental harm to residents and no other remedies at law are adequate 137403
to protect the health, safety, and welfare of the residents. 137404
Conditions at the facility that may present such risk of harm 137405
include, but are not limited to, instances when any of the 137406
following occur: 137407

(1) The residential facility is in violation of state or 137408
federal law or regulations. 137409

(2) The facility has had its license revoked or procedures 137410
for revocation have been initiated, or the facility is closing or 137411

intends to cease operations. 137412

(3) Arrangements for relocating residents need to be made. 137413

(4) Insolvency of the operator, licensee, or landowner 137414
threatens the operation of the facility. 137415

(5) The facility or operator has demonstrated a pattern and 137416
practice of repeated violations of state or federal laws or 137417
regulations. 137418

(B) A court in which a petition is filed pursuant to this 137419
section shall notify the person holding the license for the 137420
facility and the department of developmental disabilities of the 137421
filing. The court shall order the department to notify the ~~legal~~ 137422
~~rights service~~, facility owner, facility operator, county board of 137423
developmental disabilities, facility residents, and residents' 137424
parents and guardians of the filing of the petition. 137425

The court shall provide a hearing on the petition within five 137426
court days of the time it was filed, except that the court may 137427
appoint a receiver prior to that time if it determines that the 137428
circumstances necessitate such action. Following a hearing on the 137429
petition, and upon a determination that the appointment of a 137430
receiver is warranted, the court shall appoint a receiver and 137431
notify the department of developmental disabilities and 137432
appropriate persons of this action. 137433

(C) A residential facility for which a receiver has been 137434
named is deemed to be in compliance with section 5123.19 and 137435
Chapter 3721. of the Revised Code for the duration of the 137436
receivership. 137437

(D) When the operating revenue of a residential facility in 137438
receivership is insufficient to meet its operating expenses, 137439
including the cost of bringing the facility into compliance with 137440
state or federal laws or regulations, the court may order the 137441
state to provide necessary funding, except as provided in division 137442

(K) of this section. The state shall provide such funding, subject 137443
to the approval of the controlling board. The court may also order 137444
the appropriate authorities to expedite all inspections necessary 137445
for the issuance of licenses or the certification of a facility, 137446
and order a facility to be closed if it determines that reasonable 137447
efforts cannot bring the facility into substantial compliance with 137448
the law. 137449

(E) In establishing a receivership, the court shall set forth 137450
the powers and duties of the receiver. The court may generally 137451
authorize the receiver to do all that is prudent and necessary to 137452
safely and efficiently operate the residential facility within the 137453
requirements of state and federal law, but shall require the 137454
receiver to obtain court approval prior to making any single 137455
expenditure of more than five thousand dollars to correct 137456
deficiencies in the structure or furnishings of a facility. The 137457
court shall closely review the conduct of the receiver it has 137458
appointed and shall require regular and detailed reports. The 137459
receivership shall be reviewed at least every sixty days. 137460

(F) A receivership established pursuant to this section shall 137461
be terminated, following notification of the appropriate parties 137462
and a hearing, if the court determines either of the following: 137463

(1) The residential facility has been closed and the former 137464
residents have been relocated to an appropriate facility. 137465

(2) Circumstances no longer exist at the facility that 137466
present a substantial risk of physical or mental harm to 137467
residents, and there is no deficiency in the facility that is 137468
likely to create a future risk of harm. 137469

Notwithstanding division (F)(2) of this section, the court 137470
shall not terminate a receivership for a residential facility that 137471
has previously operated under another receivership unless the 137472
responsibility for the operation of the facility is transferred to 137473

an operator approved by the court and the department of 137474
developmental disabilities. 137475

(G) The department of developmental disabilities may, upon 137476
its own initiative or at the request of an owner, operator, or 137477
resident of a residential facility, or at the request of a 137478
resident's guardian or relative, or a county board of 137479
developmental disabilities, ~~or the legal rights service~~, petition 137480
the court to appoint a receiver to take possession of and operate 137481
a residential facility. When the department has been requested to 137482
file a petition by any of the parties listed above, it shall, 137483
within forty-eight hours of such request, either file such a 137484
petition or notify the requesting party of its decision not to 137485
file. If the department refuses to file, the requesting party may 137486
file a petition with the court requesting the appointment of a 137487
receiver to take possession of and operate a residential facility. 137488

Petitions filed pursuant to this division shall include the 137489
following: 137490

(1) A description of the specific conditions existing at the 137491
facility which present a substantial risk of physical or mental 137492
harm to residents; 137493

(2) A statement of the absence of other adequate remedies at 137494
law; 137495

(3) The number of individuals residing at the facility; 137496

(4) A statement that the facts have been brought to the 137497
attention of the owner or licensee and that conditions have not 137498
been remedied within a reasonable period of time or that the 137499
conditions, though remedied periodically, habitually exist at the 137500
facility as a pattern or practice; 137501

(5) The name and address of the person holding the license 137502
for the facility and the address of the department of 137503
developmental disabilities. 137504

The court may award to an operator appropriate costs and expenses, including reasonable attorney's fees, if it determines that a petitioner has initiated a proceeding in bad faith or merely for the purpose of harassing or embarrassing the operator.

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(H) Except for the department of developmental disabilities or a county board of developmental disabilities, no party or person interested in an action shall be appointed a receiver pursuant to this section.

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To assist the court in identifying persons qualified to be named as receivers, the director of developmental disabilities or 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.

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(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.

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(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.

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The court shall authorize the receiver to do the following:

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(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;

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(2) Honor all leases, mortgages, and secured transactions

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governing all buildings, goods, and fixtures of which the receiver 137536
has taken possession and continues to use, subject to the 137537
following conditions: 137538

(a) In the case of a rental agreement, only to the extent of 137539
payments that are for the use of the property during the period of 137540
the receivership; 137541

(b) In the case of a purchase agreement only to the extent of 137542
payments that come due during the period of the receivership. 137543

(3) If transfer of residents is necessary, provide for the 137544
orderly transfer of residents by doing the following: 137545

(a) Cooperating with all appropriate state and local agencies 137546
in carrying out the transfer of residents to alternative community 137547
placements; 137548

(b) Providing for the transportation of residents' belongings 137549
and records; 137550

(c) Helping to locate alternative placements and develop 137551
discharge plans; 137552

(d) Preparing residents for the trauma of discharge; 137553

(e) Permitting residents or guardians to participate in 137554
transfer or discharge planning except when an emergency exists and 137555
immediate transfer is necessary. 137556

(4) Make periodic reports on the status of the residential 137557
program to the appropriate state agency, county board of 137558
developmental disabilities, parents, guardians, and residents; 137559

(5) Compromise demands or claims; 137560

(6) Generally do such acts respecting the residential 137561
facility as the court authorizes. 137562

(K) Neither the receiver nor the department of developmental 137563
disabilities is liable for debts incurred by the owner or operator 137564

of a residential facility for which a receiver has been appointed. 137565

(L) The department of developmental disabilities may contract 137566
for the operation of a residential facility in receivership. The 137567
department shall establish the conditions of a contract. 137568
Notwithstanding any other provision of law, contracts that are 137569
necessary to carry out the powers and duties of the receiver need 137570
not be competitively bid. 137571

(M) The department of developmental disabilities, the 137572
department of job and family services, and the department of 137573
health shall provide technical assistance to any receiver 137574
appointed pursuant to this section. 137575

Sec. 5123.35. (A) There is hereby created the Ohio 137576
developmental disabilities council, which shall serve as an 137577
advocate for all persons with developmental disabilities. The 137578
council shall act in accordance with the "Developmental 137579
Disabilities Assistance and Bill of Rights Act," 98 Stat. 2662 137580
(1984), 42 U.S.C. 6001, as amended. The governor shall appoint the 137581
members of the council in accordance with 42 U.S.C. 6024. 137582

(B) The Ohio developmental disabilities council shall develop 137583
the state plan required by federal law as a condition of receiving 137584
federal assistance under 42 U.S.C. 6021 to 6030. The department of 137585
developmental disabilities, as the state agency selected by the 137586
governor for purposes of receiving the federal assistance, shall 137587
receive, account for, and disburse funds based on the state plan 137588
and shall provide assurances and other administrative support 137589
services required as a condition of receiving the federal 137590
assistance. 137591

(C) The federal funds may be disbursed through grants to or 137592
contracts with persons and government agencies for the provision 137593
of necessary or useful goods and services for developmentally 137594
disabled persons. The Ohio developmental disabilities council may 137595

award the grants or enter into the contracts. 137596

(D) The Ohio developmental disabilities council may award 137597
grants to or enter into contracts with a member of the council or 137598
an entity that the member represents if all of the following 137599
apply: 137600

(1) The member serves on the council as a representative of 137601
one of the principal state agencies concerned with services for 137602
persons with developmental disabilities as specified in 42 U.S.C. 137603
6024(b)(3), a representative of a university affiliated program as 137604
defined in 42 U.S.C. 6001(18), or a representative of the ~~legal~~ 137605
~~rights service created under~~ Ohio protection and advocacy system, 137606
as defined in section 5123.60 of the Revised Code. 137607

(2) The council determines that the member or the entity the 137608
member represents is capable of providing the goods or services 137609
specified under the terms of the grant or contract. 137610

(3) The member has not taken part in any discussion or vote 137611
of the council related to awarding the grant or entering into the 137612
contract, including service as a member of a review panel 137613
established by the council to award grants or enter into contracts 137614
or to make recommendations with regard to awarding grants or 137615
entering into contracts. 137616

(E) A member of the Ohio developmental disabilities council 137617
is not in violation of Chapter 102. or section 2921.42 of the 137618
Revised Code with regard to receiving a grant or entering into a 137619
contract under this section if the requirements of division (D) of 137620
this section have been met. 137621

Sec. 5123.60. (A) As used in this section and section 137622
5123.601 of the Revised Code, "Ohio protection and advocacy 137623
system" means the nonprofit entity designated by the governor in 137624
accordance with H.B. 153 of the 129th general assembly to serve as 137625

the state's protection and advocacy system and client assistance 137626
program. 137627

(B) The Ohio protection and advocacy system shall provide 137628
both of the following: 137629

(1) Advocacy services for people with disabilities, as 137630
provided under section 101 of the "Developmental Disabilities 137631
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 137632
42 U.S.C. 15001; 137633

(2) A client assistance program, as provided under section 137634
112 of the "Workforce Investment Act of 1998," 112 Stat. 1163 137635
(1998), 29 U.S.C. 732, as amended. 137636

(C) The Ohio protection and advocacy system may establish any 137637
guidelines necessary for its operation. 137638

Sec. ~~5123.60~~ 5123.601. (A) ~~A legal rights service is hereby~~ 137639
~~created and established to protect and advocate the rights of~~ 137640
~~mentally ill persons, mentally retarded persons, developmentally~~ 137641
~~disabled persons, and other disabled persons who may be~~ 137642
~~represented by the service pursuant to division (L) of this~~ 137643
~~section; to receive and act upon complaints concerning~~ 137644
~~institutional and hospital practices and conditions of~~ 137645
~~institutions for mentally retarded or developmentally disabled~~ 137646
~~persons and hospitals for the mentally ill; and to assure that all~~ 137647
~~persons detained, hospitalized, discharged, or institutionalized,~~ 137648
~~and all persons whose detention, hospitalization, discharge, or~~ 137649
~~institutionalization is sought or has been sought under this~~ 137650
~~chapter or Chapter 5122. of the Revised Code are fully informed of~~ 137651
~~their rights and adequately represented by counsel in proceedings~~ 137652
~~under this chapter or Chapter 5122. of the Revised Code and in any~~ 137653
~~proceedings to secure the rights of those persons. Notwithstanding~~ 137654
~~the definitions of "mentally retarded person" and "developmentally~~ 137655

~~disabled person" in section 5123.01 of the Revised Code, the legal rights service shall determine who is a mentally retarded or developmentally disabled person for purposes of this section and sections 5123.601 to 5123.604 of the Revised Code.~~

~~(B)(1) In regard to those persons detained, hospitalized, or institutionalized under Chapter 5122. of the Revised Code, the legal rights service shall undertake formal representation only of those persons who are involuntarily detained, hospitalized, or institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service.~~

~~(2) If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.~~

~~(3) Persons described in divisions (A) and (B)(1) of this section who are represented by the legal rights service are clients of the legal rights service.~~

~~(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.~~

~~The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.~~

~~(D)(1) The legal rights service commission is hereby created 137686
for the purposes of appointing an administrator of the legal 137687
rights service, advising the administrator, assisting the 137688
administrator in developing a budget, advising the administrator 137689
in establishing and annually reviewing a strategic plan, creating 137690
a procedure for filing and determination of grievances against the 137691
legal rights service, and establishing general policy guidelines, 137692
including guidelines for the commencement of litigation, for the 137693
legal rights service. The commission may adopt rules to carry 137694
these purposes into effect and may receive and act upon appeals of 137695
personnel decisions by the administrator. 137696~~

~~(2) The commission shall consist of seven members. One 137697
member, who shall serve as chairperson, shall be appointed by the 137698
chief justice of the supreme court, three members shall be 137699
appointed by the speaker of the house of representatives, and 137700
three members shall be appointed by the president of the senate. 137701
At least two members shall have experience in the field of 137702
developmental disabilities, and at least two members shall have 137703
experience in the field of mental health. No member shall be a 137704
provider or related to a provider of services to mentally 137705
retarded, developmentally disabled, or mentally ill persons. 137706~~

~~(3) Terms of office of the members of the commission shall be 137707
for three years, each term ending on the same day of the month of 137708
the year as did the term which it succeeds. Each member shall 137709
serve subsequent to the expiration of the member's term until a 137710
successor is appointed and qualifies, or until sixty days has 137711
elapsed, whichever occurs first. No member shall serve more than 137712
two consecutive terms. 137713~~

~~All vacancies in the membership of the commission shall be 137714
filled in the manner prescribed for regular appointments to the 137715
commission and shall be limited to the unexpired terms. 137716~~

~~(4) The commission shall meet at least four times each year. 137717~~

~~Members shall be reimbursed for their necessary and actual 137718
expenses incurred in the performance of their official duties. 137719~~

~~(5) The administrator of the legal rights service shall serve 137720
at the pleasure of the commission. 137721~~

~~The administrator shall be an attorney admitted to practice 137722
law in this state. The salary of the administrator shall be 137723
established in accordance with section 124.14 of the Revised Code. 137724~~

~~(E) The legal rights service shall be completely independent 137725
of the department of mental health and the department of 137726
developmental disabilities and, notwithstanding section 109.02 of 137727
the Revised Code, shall also be independent of the office of the 137728
attorney general. The administrator of the legal rights service, 137729
Ohio protection and advocacy system staff, and attorneys 137730
designated by the administrator system to represent persons 137731
detained, hospitalized, or institutionalized under this chapter or 137732
Chapter 5122. of the Revised Code shall have ready access to all 137733
of the following: 137734~~

(1) During normal business hours and at other reasonable 137735
times, all records, except records of community residential 137736
facilities and records of contract agencies of county boards of 137737
developmental disabilities and boards of alcohol, drug addiction, 137738
and mental health services, relating to expenditures of state and 137739
federal funds or to the commitment, care, treatment, and 137740
habilitation of all persons represented by the ~~legal rights~~ 137741
~~service~~ Ohio protection and advocacy system, including those who 137742
may be represented pursuant to division ~~(E)~~(D) of this section, or 137743
persons detained, hospitalized, institutionalized, or receiving 137744
services under this chapter or Chapter 340., 5119., 5122., or 137745
5126. of the Revised Code that are records maintained by the 137746
following entities providing services for those persons: 137747
departments; institutions; hospitals; boards of alcohol, drug 137748
addiction, and mental health services; county boards of 137749

developmental disabilities; and any other entity providing 137750
services to persons who may be represented by the ~~service~~ Ohio 137751
protection and advocacy system pursuant to division ~~(L)~~(D) of this 137752
section; 137753

(2) Any records maintained in computerized data banks of the 137754
departments or boards or, in the case of persons who may be 137755
represented by the ~~service~~ Ohio protection and advocacy system 137756
pursuant to division ~~(L)~~(D) of this section, any other entity that 137757
provides services to those persons; 137758

(3) During their normal working hours, personnel of the 137759
departments, facilities, boards, agencies, institutions, 137760
hospitals, and other service-providing entities; 137761

(4) At any time, all persons detained, hospitalized, or 137762
institutionalized; persons receiving services under this chapter 137763
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 137764
persons who may be represented by the ~~service~~ Ohio protection and 137765
advocacy system pursuant to division ~~(L)~~(D) of this section. 137766

(5) Records of a community residential facility, a contract 137767
agency of a board of alcohol, drug addiction, and mental health 137768
services, or a contract agency of a county board of developmental 137769
disabilities with one of the following consents: 137770

(a) The consent of the person, including when the person is a 137771
minor or has been adjudicated incompetent; 137772

(b) The consent of the person's guardian of the person, if 137773
any, or the parent if the person is a minor; 137774

(c) No consent, if the person is unable to consent for any 137775
reason, and the guardian of the person, if any, or the parent of 137776
the minor, has refused to consent or has not responded to a 137777
request for consent and either of the following has occurred: 137778

(i) A complaint regarding the person has been received by the 137779

~~legal rights service Ohio protection and advocacy system;~~ 137780

(ii) ~~The legal rights service Ohio protection and advocacy system has determined that there is probable cause to believe that such person has been subjected to abuse or neglect.~~ 137781
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~~(F) The administrator of the legal rights service shall do the following:~~ 137784
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~~(1) Administer and organize the work of the legal rights service and establish administrative or geographic divisions as the administrator considers necessary, proper, and expedient;~~ 137786
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~~(2) Adopt and promulgate rules that are not in conflict with rules adopted by the commission and prescribe duties for the efficient conduct of the business and general administration of the legal rights service;~~ 137789
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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;~~ 137793
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~~(4) Apply for and accept grants of funds, and accept charitable gifts and bequests;~~ 137797
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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.~~ 137799
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~~(6) Enter into contracts and make expenditures necessary for the efficient operation of the legal rights service;~~ 137806
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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~~ 137808
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~~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;~~

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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.~~

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~~(G)(1) The legal rights service may act directly or contract
with other organizations or individuals for the provision of the
services envisioned under this section.~~

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~~(2) Whenever possible, the administrator shall attempt to
facilitate the resolution of complaints through administrative
channels. Subject to division (G)(3) of this section, if attempts
at administrative resolution prove unsatisfactory, the
administrator may pursue any legal, administrative, and other
appropriate remedies or approaches that may be necessary to
accomplish the purposes of this section.~~

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~~(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:~~

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~~(a) At least four members of the commission, by their
affirmative vote, have consented to the pursuit of the class
action lawsuit;~~

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~~(b) At least five members of the commission are present at
the meeting of the commission at which that consent is obtained.~~

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~~(4) The class represented in any class action lawsuit brought
by the legal rights service shall include only persons who are
mentally ill, mentally retarded, or developmentally disabled.~~

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~~(5) 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.~~

~~(6)(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)(5) of this section, relationships~~ 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 between attorney and client.

~~(7) Any person who has been represented by the legal rights service or who has applied for and been denied representation and who files a grievance with the service concerning the representation or application may appeal the decision of the service on the grievance to the commission. The person may appeal notwithstanding any objections of the person's legal guardian. The commission may examine any records relevant to the appeal and shall maintain the confidentiality of any records that are required to be kept confidential.~~

~~(H)(C) The legal rights service, on the order of the administrator, with the approval by an affirmative vote of at least four members of the commission,~~ Ohio protection and advocacy system may compel by subpoena the appearance and sworn testimony of any person the administrator Ohio protection and advocacy system reasonably believes may be able to provide information or

to produce any documents, books, records, papers, or other 137872
information necessary to carry out its duties. On the refusal of 137873
any person to produce or authenticate any requested documents, the 137874
~~legal rights service~~ Ohio protection and advocacy system may apply 137875
to the Franklin county court of common pleas to compel the 137876
production or authentication of requested documents. If the court 137877
finds that failure to produce or authenticate any requested 137878
documents was improper, the court may hold the person in contempt 137879
as in the case of disobedience of the requirements of a subpoena 137880
issued from the court, or a refusal to testify in the court. 137881

~~(I) The legal rights service may conduct public hearings.~~ 137882

~~(J) The legal rights service may request from any 137883
governmental agency any cooperation, assistance, services, or data 137884
that will enable it to perform its duties.~~ 137885

~~(K) In any malpractice action filed against the administrator 137886
of the legal rights service, a member of the staff of the legal 137887
rights service, or an attorney designated by the administrator to 137888
perform legal services under division (E) of this section, the 137889
state shall, when the administrator, member, or attorney has acted 137890
in good faith and in the scope of employment, indemnify the 137891
administrator, member, or attorney for any judgment awarded or 137892
amount negotiated in settlement, and for any court costs or legal 137893
fees incurred in defense of the claim.~~ 137894

~~This division does not limit or waive, and shall not be 137895
construed to limit or waive, any defense that is available to the 137896
legal rights service, its administrator or employees, persons 137897
under a personal services contract with it, or persons designated 137898
under division (E) of this section, including, but not limited to, 137899
any defense available under section 9.86 of the Revised Code.~~ 137900

~~(L)(D) In addition to providing services to mentally ill, 137901
mentally retarded, or developmentally disabled persons, when a 137902~~

grant authorizing the provision of services to other individuals 137903
is accepted ~~pursuant to division (F)(4) of this section by the~~ 137904
~~Ohio protection and advocacy system, the legal rights service and~~ 137905
~~its ombudsperson section~~ Ohio protection and advocacy system may 137906
provide advocacy ~~or ombudsperson services~~ to those other 137907
individuals and exercise any other authority granted by this 137908
section ~~or sections 5123.601 to 5123.604 of the Revised Code~~ on 137909
behalf of those individuals. Determinations of whether an 137910
individual is eligible for services under this division shall be 137911
made by the ~~legal rights service~~ Ohio protection and advocacy 137912
system. 137913

Sec. 5123.602. (A) The class represented in any class action 137914
lawsuit brought by the Ohio protection and advocacy system shall 137915
include only persons who are mentally ill, mentally retarded, or 137916
developmentally disabled. 137917

(B) If compensation for the work of attorneys employed by the 137918
Ohio protection and advocacy system or an agency or political 137919
subdivision of the state is awarded to the system in a class 137920
action lawsuit pursued by the system, the compensation shall be 137921
limited to the actual hourly rate of pay for that legal work. 137922

Sec. 5123.61. (A) As used in this section: 137923

(1) "Law enforcement agency" means the state highway patrol, 137924
the police department of a municipal corporation, or a county 137925
sheriff. 137926

(2) "Abuse" has the same meaning as in section 5123.50 of the 137927
Revised Code, except that it includes a misappropriation, as 137928
defined in that section. 137929

(3) "Neglect" has the same meaning as in section 5123.50 of 137930
the Revised Code. 137931

(B) The department of developmental disabilities shall 137932

establish a registry office for the purpose of maintaining reports 137933
of abuse, neglect, and other major unusual incidents made to the 137934
department under this section and reports received from county 137935
boards of developmental disabilities under section 5126.31 of the 137936
Revised Code. The department shall establish committees to review 137937
reports of abuse, neglect, and other major unusual incidents. 137938

(C)(1) Any person listed in division (C)(2) of this section, 137939
having reason to believe that a person with mental retardation or 137940
a developmental disability has suffered or faces a substantial 137941
risk of suffering any wound, injury, disability, or condition of 137942
such a nature as to reasonably indicate abuse or neglect of that 137943
person, shall immediately report or cause reports to be made of 137944
such information to the entity specified in this division. Except 137945
as provided in section 5120.173 of the Revised Code or as 137946
otherwise provided in this division, the person making the report 137947
shall make it to a law enforcement agency or to the county board 137948
of developmental disabilities. If the report concerns a resident 137949
of a facility operated by the department of developmental 137950
disabilities the report shall be made either to a law enforcement 137951
agency or to the department. If the report concerns any act or 137952
omission of an employee of a county board of developmental 137953
disabilities, the report immediately shall be made to the 137954
department and to the county board. 137955

(2) All of the following persons are required to make a 137956
report under division (C)(1) of this section: 137957

(a) Any physician, including a hospital intern or resident, 137958
any dentist, podiatrist, chiropractor, practitioner of a limited 137959
branch of medicine as specified in section 4731.15 of the Revised 137960
Code, hospital administrator or employee of a hospital, nurse 137961
licensed under Chapter 4723. of the Revised Code, employee of an 137962
ambulatory health facility as defined in section 5101.61 of the 137963
Revised Code, employee of a home health agency, employee of an 137964

adult care facility licensed under Chapter 3722. of the Revised Code, or employee of a community mental health facility; 137965
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(b) Any school teacher or school authority, social worker, psychologist, attorney, peace officer, coroner, or residents' rights advocate as defined in section 3721.10 of the Revised Code; 137967
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(c) A superintendent, board member, or employee of a county board of developmental disabilities; an administrator, board member, or employee of a residential facility licensed under section 5123.19 of the Revised Code; an administrator, board member, or employee of any other public or private provider of services to a person with mental retardation or a developmental disability, or any MR/DD employee, as defined in section 5123.50 of the Revised Code; 137970
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(d) A member of a citizen's advisory council established at an institution or branch institution of the department of developmental disabilities under section 5123.092 of the Revised Code; 137978
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(e) A clergyman who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability, while acting in an official or professional capacity in that position, or a person who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability and who, while acting in an official or professional capacity, renders spiritual treatment through prayer in accordance with the tenets of an organized religion. 137982
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(3)(a) The reporting requirements of this division do not apply to ~~members of the legal rights service commission or to~~ employees of the ~~legal rights service~~ Ohio protection and advocacy system. 137991
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(b) An attorney or physician is not required to make a report 137995

pursuant to division (C)(1) of this section concerning any 137996
communication the attorney or physician receives from a client or 137997
patient in an attorney-client or physician-patient relationship, 137998
if, in accordance with division (A) or (B) of section 2317.02 of 137999
the Revised Code, the attorney or physician could not testify with 138000
respect to that communication in a civil or criminal proceeding, 138001
except that the client or patient is deemed to have waived any 138002
testimonial privilege under division (A) or (B) of section 2317.02 138003
of the Revised Code with respect to that communication and the 138004
attorney or physician shall make a report pursuant to division 138005
(C)(1) of this section, if both of the following apply: 138006

(i) The client or patient, at the time of the communication, 138007
is a person with mental retardation or a developmental disability. 138008

(ii) The attorney or physician knows or suspects, as a result 138009
of the communication or any observations made during that 138010
communication, that the client or patient has suffered or faces a 138011
substantial risk of suffering any wound, injury, disability, or 138012
condition of a nature that reasonably indicates abuse or neglect 138013
of the client or patient. 138014

(4) Any person who fails to make a report required under 138015
division (C) of this section and who is an MR/DD employee, as 138016
defined in section 5123.50 of the Revised Code, shall be eligible 138017
to be included in the registry regarding misappropriation, abuse, 138018
neglect, or other specified misconduct by MR/DD employees 138019
established under section 5123.52 of the Revised Code. 138020

(D) The reports required under division (C) of this section 138021
shall be made forthwith by telephone or in person and shall be 138022
followed by a written report. The reports shall contain the 138023
following: 138024

(1) The names and addresses of the person with mental 138025
retardation or a developmental disability and the person's 138026

custodian, if known; 138027

(2) The age of the person with mental retardation or a 138028
developmental disability; 138029

(3) Any other information that would assist in the 138030
investigation of the report. 138031

(E) When a physician performing services as a member of the 138032
staff of a hospital or similar institution has reason to believe 138033
that a person with mental retardation or a developmental 138034
disability has suffered injury, abuse, or physical neglect, the 138035
physician shall notify the person in charge of the institution or 138036
that person's designated delegate, who shall make the necessary 138037
reports. 138038

(F) Any person having reasonable cause to believe that a 138039
person with mental retardation or a developmental disability has 138040
suffered or faces a substantial risk of suffering abuse or neglect 138041
may report or cause a report to be made of that belief to the 138042
entity specified in this division. Except as provided in section 138043
5120.173 of the Revised Code or as otherwise provided in this 138044
division, the person making the report shall make it to a law 138045
enforcement agency or the county board of developmental 138046
disabilities. If the person is a resident of a facility operated 138047
by the department of developmental disabilities, the report shall 138048
be made to a law enforcement agency or to the department. If the 138049
report concerns any act or omission of an employee of a county 138050
board of developmental disabilities, the report immediately shall 138051
be made to the department and to the county board. 138052

(G)(1) Upon the receipt of a report concerning the possible 138053
abuse or neglect of a person with mental retardation or a 138054
developmental disability, the law enforcement agency shall inform 138055
the county board of developmental disabilities or, if the person 138056
is a resident of a facility operated by the department of 138057

developmental disabilities, the director of the department or the 138058
director's designee. 138059

(2) On receipt of a report under this section that includes 138060
an allegation of action or inaction that may constitute a crime 138061
under federal law or the law of this state, the department of 138062
developmental disabilities shall notify the law enforcement 138063
agency. 138064

(3) When a county board of developmental disabilities 138065
receives a report under this section that includes an allegation 138066
of action or inaction that may constitute a crime under federal 138067
law or the law of this state, the superintendent of the board or 138068
an individual the superintendent designates under division (H) of 138069
this section shall notify the law enforcement agency. The 138070
superintendent or individual shall notify the department of 138071
developmental disabilities when it receives any report under this 138072
section. 138073

(4) When a county board of developmental disabilities 138074
receives a report under this section and believes that the degree 138075
of risk to the person is such that the report is an emergency, the 138076
superintendent of the board or an employee of the board the 138077
superintendent designates shall attempt a face-to-face contact 138078
with the person with mental retardation or a developmental 138079
disability who allegedly is the victim within one hour of the 138080
board's receipt of the report. 138081

(H) The superintendent of the board may designate an 138082
individual to be responsible for notifying the law enforcement 138083
agency and the department when the county board receives a report 138084
under this section. 138085

(I) An adult with mental retardation or a developmental 138086
disability about whom a report is made may be removed from the 138087
adult's place of residence only by law enforcement officers who 138088

consider that the adult's immediate removal is essential to 138089
protect the adult from further injury or abuse or in accordance 138090
with the order of a court made pursuant to section 5126.33 of the 138091
Revised Code. 138092

(J) A law enforcement agency shall investigate each report of 138093
abuse or neglect it receives under this section. In addition, the 138094
department, in cooperation with law enforcement officials, shall 138095
investigate each report regarding a resident of a facility 138096
operated by the department to determine the circumstances 138097
surrounding the injury, the cause of the injury, and the person 138098
responsible. The investigation shall be in accordance with the 138099
memorandum of understanding prepared under section 5126.058 of the 138100
Revised Code. The department shall determine, with the registry 138101
office which shall be maintained by the department, whether prior 138102
reports have been made concerning an adult with mental retardation 138103
or a developmental disability or other principals in the case. If 138104
the department finds that the report involves action or inaction 138105
that may constitute a crime under federal law or the law of this 138106
state, it shall submit a report of its investigation, in writing, 138107
to the law enforcement agency. If the person with mental 138108
retardation or a developmental disability is an adult, with the 138109
consent of the adult, the department shall provide such protective 138110
services as are necessary to protect the adult. The law 138111
enforcement agency shall make a written report of its findings to 138112
the department. 138113

If the person is an adult and is not a resident of a facility 138114
operated by the department, the county board of developmental 138115
disabilities shall review the report of abuse or neglect in 138116
accordance with sections 5126.30 to 5126.33 of the Revised Code 138117
and the law enforcement agency shall make the written report of 138118
its findings to the county board. 138119

(K) Any person or any hospital, institution, school, health 138120

department, or agency participating in the making of reports 138121
pursuant to this section, any person participating as a witness in 138122
an administrative or judicial proceeding resulting from the 138123
reports, or any person or governmental entity that discharges 138124
responsibilities under sections 5126.31 to 5126.33 of the Revised 138125
Code shall be immune from any civil or criminal liability that 138126
might otherwise be incurred or imposed as a result of such actions 138127
except liability for perjury, unless the person or governmental 138128
entity has acted in bad faith or with malicious purpose. 138129

(L) No employer or any person with the authority to do so 138130
shall discharge, demote, transfer, prepare a negative work 138131
performance evaluation, reduce pay or benefits, terminate work 138132
privileges, or take any other action detrimental to an employee or 138133
retaliate against an employee as a result of the employee's having 138134
made a report under this section. This division does not preclude 138135
an employer or person with authority from taking action with 138136
regard to an employee who has made a report under this section if 138137
there is another reasonable basis for the action. 138138

(M) Reports made under this section are not public records as 138139
defined in section 149.43 of the Revised Code. Information 138140
contained in the reports on request shall be made available to the 138141
person who is the subject of the report, to the person's legal 138142
counsel, and to agencies authorized to receive information in the 138143
report by the department or by a county board of developmental 138144
disabilities. 138145

(N) Notwithstanding section 4731.22 of the Revised Code, the 138146
physician-patient privilege shall not be a ground for excluding 138147
evidence regarding the injuries or physical neglect of a person 138148
with mental retardation or a developmental disability or the cause 138149
thereof in any judicial proceeding resulting from a report 138150
submitted pursuant to this section. 138151

Sec. 5123.63. Every state agency, county board of 138152
developmental disabilities, or political subdivision that provides 138153
services, either directly or through a contract, to persons with 138154
mental retardation or a developmental disability shall give each 138155
provider a copy of the list of rights contained in section 5123.62 138156
of the Revised Code. Each public and private provider of services 138157
shall carry out the requirements of this section in addition to 138158
any other posting or notification requirements imposed by local, 138159
state, or federal law or rules. 138160

The provider shall make copies of the list of rights and 138161
shall be responsible for an initial distribution of the list to 138162
each individual receiving services from the provider. If the 138163
individual is unable to read the list, the provider shall 138164
communicate the contents of the list to the individual to the 138165
extent practicable in a manner that the individual understands. 138166
The individual receiving services or the parent, guardian, or 138167
advocate of the individual shall sign an acknowledgement of 138168
receipt of a copy of the list of rights, and a copy of the signed 138169
acknowledgement shall be placed in the individual's file. The 138170
provider shall also be responsible for answering any questions and 138171
giving any explanations necessary to assist the individual to 138172
understand the rights enumerated. Instruction in these rights 138173
shall be documented. 138174

Each provider shall make available to all persons receiving 138175
services and all employees and visitors a copy of the list of 138176
rights and the addresses and telephone numbers of the ~~legal rights~~ 138177
~~service~~ Ohio protection and advocacy system, the department of 138178
developmental disabilities, and the county board of developmental 138179
disabilities of the county in which the provider provides 138180
services. 138181

Sec. 5123.64. (A) Every provider of services to persons with 138182

mental retardation or a developmental disability shall establish 138183
policies and programs to ensure that all staff members are 138184
familiar with the rights enumerated in section 5123.62 of the 138185
Revised Code and observe those rights in their contacts with 138186
persons receiving services. Any policy, procedure, or rule of the 138187
provider that conflicts with any of the rights enumerated shall be 138188
null and void. Every provider shall establish written procedures 138189
for resolving complaints of violations of those rights. A copy of 138190
the procedures shall be provided to any person receiving services 138191
or to any parent, guardian, or advocate of a person receiving 138192
services. 138193

(B) Any person with mental retardation or a developmental 138194
disability who believes that the person's rights as enumerated in 138195
section 5123.62 of the Revised Code have been violated may: 138196

(1) Bring the violation to the attention of the provider for 138197
resolution; 138198

(2) Report the violation to the department of developmental 138199
disabilities, the ~~ombudsman section of the legal rights service~~ 138200
Ohio protection and advocacy system, or the appropriate county 138201
board of developmental disabilities; 138202

(3) Take any other appropriate action to ensure compliance 138203
with sections ~~5123.60~~ 5123.61 to 5123.64 of the Revised Code, 138204
including the filing of a legal action to enforce rights or to 138205
recover damages for violation of rights. 138206

Sec. 5123.69. (A) Except as provided in division ~~(E)~~(D) of 138207
this section, any person who is eighteen years of age or older and 138208
who is or believes self to be mentally retarded may make written 138209
application to the managing officer of any institution for 138210
voluntary admission. Except as provided in division ~~(E)~~(D) of this 138211
section, the application may be made on behalf of a minor by a 138212
parent or guardian, and on behalf of an adult adjudicated mentally 138213

incompetent by a guardian. 138214

(B) The managing officer of an institution, with the 138215
concurrence of the chief program director, may admit a person 138216
applying pursuant to this section only after a comprehensive 138217
evaluation has been made of the person and only if the 138218
comprehensive evaluation concludes that the person is mentally 138219
retarded and would benefit significantly from admission. 138220

~~(C) If application for voluntary admission of a minor or of a 138221
person adjudicated mentally incompetent is made by the parent or 138222
guardian of the minor or by the guardian of an incompetent and the 138223
minor or incompetent is admitted, the probate division of the 138224
court of common pleas shall determine, upon petition by the legal 138225
rights service, whether the voluntary admission or continued 138226
institutionalization is in the best interest of the minor or 138227
incompetent. 138228~~

~~(D)~~ The managing officer shall discharge any voluntary 138229
resident if, in the judgment of the chief program director, the 138230
results of a comprehensive examination indicate that 138231
institutionalization no longer is advisable. In light of the 138232
results of the comprehensive evaluation, the managing officer also 138233
may discharge any voluntary resident if, in the judgment of the 138234
chief program director, the discharge would contribute to the most 138235
effective use of the institution in the habilitation and care of 138236
the mentally retarded. 138237

~~(E)~~(D) A person who is found incompetent to stand trial or 138238
not guilty by reason of insanity and who is committed pursuant to 138239
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 138240
Code shall not voluntarily commit self pursuant to this section 138241
until after the final termination of the commitment, as described 138242
in division (J) of section 2945.401 of the Revised Code. 138243

Sec. 5123.701. (A) Except as provided in division ~~(E)~~(D) of 138244

this section, any person in the community who is eighteen years of age or older and who is or believes self to be mentally retarded may make written application to the managing officer of any institution for temporary admission for short-term care. The application may be made on behalf of a minor by a parent or guardian, and on behalf of an adult adjudicated mentally incompetent by a guardian.

(B) For purposes of this section, short-term care shall be defined to mean appropriate services provided to a person with mental retardation for no more than fourteen consecutive days and for no more than forty-two days in a fiscal year. When circumstances warrant, the fourteen-day period may be extended at the discretion of the managing officer. Short-term care is provided in a developmental center to meet the family's or caretaker's needs for separation from the person with mental retardation.

(C) The managing officer of an institution, with the concurrence of the chief program director, may admit a person for short-term care only after a medical examination has been made of the person and only if the managing officer concludes that the person is mentally retarded.

~~(D) If application for admission for short term care of a minor or of a person adjudicated mentally incompetent is made by the minor's parent or guardian or by the incompetent's guardian and the minor or incompetent is admitted, the probate division of the court of common pleas shall determine, upon petition by the legal rights service, whether the admission for short term care is in the best interest of the minor or the incompetent.~~

~~(E)~~ A person who is found not guilty by reason of insanity shall not admit self to an institution for short-term care unless a hearing was held regarding the person pursuant to division (A) of section 2945.40 of the Revised Code and either of the following

applies:	138277
(1) The person was found at the hearing not to be a mentally retarded person subject to institutionalization by court order;	138278 138279
(2) The person was found at the hearing to be a mentally retarded person subject to institutionalization by court order, was involuntarily committed, and was finally discharged.	138280 138281 138282
(F) (E) The mentally retarded person, liable relatives, and guardians of mentally retarded persons admitted for respite care shall pay support charges in accordance with sections 5121.01 to 5121.21 of the Revised Code.	138283 138284 138285 138286
(G) (F) At the conclusion of each period of short-term care, the person shall return to the person's family or caretaker. Under no circumstances shall a person admitted for short-term care according to this section remain in the institution after the period of short-term care unless the person is admitted according to section 5123.70, sections 5123.71 to 5123.76, or section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code.	138287 138288 138289 138290 138291 138292 138293 138294
Sec. 5123.86. (A) Except as provided in divisions (C), (D), (E), and (F) of this section, the chief medical officer shall provide all information, including expected physical and medical consequences, necessary to enable any resident of an institution for the mentally retarded to give a fully informed, intelligent, and knowing consent if any of the following procedures are proposed:	138295 138296 138297 138298 138299 138300 138301
(1) Surgery;	138302
(2) Convulsive therapy;	138303
(3) Major aversive interventions;	138304
(4) Sterilization;	138305

(5) Experimental procedures; 138306

(6) Any unusual or hazardous treatment procedures. 138307

(B) No resident shall be subjected to any of the procedures 138308
listed in division (A)(4), (5), or (6) of this section without the 138309
resident's informed consent. 138310

(C) If a resident is physically or mentally unable to receive 138311
the information required for surgery under division (A)(1) of this 138312
section, or has been adjudicated incompetent, the information may 138313
be provided to the resident's natural or court-appointed guardian, 138314
including an agency providing guardianship services under contract 138315
with the department of developmental disabilities under sections 138316
5123.55 to 5123.59 of the Revised Code, who may give the informed, 138317
intelligent, and knowing written consent for surgery. Consent for 138318
surgery shall not be provided by a guardian who is an officer or 138319
employee of the department of mental health or the department of 138320
developmental disabilities. 138321

If a resident is physically or mentally unable to receive the 138322
information required for surgery under division (A)(1) of this 138323
section and has no guardian, then the information, the 138324
recommendation of the chief medical officer, and the concurring 138325
judgment of a licensed physician who is not a full-time employee 138326
of the state may be provided to the court in the county in which 138327
the institution is located, which may approve the surgery. Before 138328
approving the surgery, the court shall notify the ~~legal rights~~ 138329
~~service~~ Ohio protection and advocacy system created by section 138330
5123.60 of the Revised Code, and shall notify the resident of the 138331
resident's rights to consult with counsel, to have counsel 138332
appointed by the court if the resident is indigent, and to contest 138333
the recommendation of the chief medical officer. 138334

(D) If, in the judgment of two licensed physicians, delay in 138335
obtaining consent for surgery would create a grave danger to the 138336

health of a resident, emergency surgery may be performed without 138337
the consent of the resident if the necessary information is 138338
provided to the resident's guardian, including an agency providing 138339
guardianship services under contract with the department of 138340
developmental disabilities under sections 5123.55 to 5123.59 of 138341
the Revised Code, or to the resident's spouse or next of kin to 138342
enable that person or agency to give an informed, intelligent, and 138343
knowing written consent. 138344

If the guardian, spouse, or next of kin cannot be contacted 138345
through exercise of reasonable diligence, or if the guardian, 138346
spouse, or next of kin is contacted, but refuses to consent, then 138347
the emergency surgery may be performed upon the written 138348
authorization of the chief medical officer and after court 138349
approval has been obtained. However, if delay in obtaining court 138350
approval would create a grave danger to the life of the resident, 138351
the chief medical officer may authorize surgery, in writing, 138352
without court approval. If the surgery is authorized without court 138353
approval, the chief medical officer who made the authorization and 138354
the physician who performed the surgery shall each execute an 138355
affidavit describing the circumstances constituting the emergency 138356
and warranting the surgery and the circumstances warranting their 138357
not obtaining prior court approval. The affidavit shall be filed 138358
with the court with which the request for prior approval would 138359
have been filed within five court days after the surgery, and a 138360
copy of the affidavit shall be placed in the resident's file and 138361
shall be given to the guardian, spouse, or next of kin of the 138362
resident, to the hospital at which the surgery was performed, and 138363
to the ~~legal rights service~~ Ohio protection and advocacy system 138364
created by section 5123.60 of the Revised Code. 138365

(E)(1) If it is the judgment of two licensed physicians, as 138366
described in division (E)(2) of this section, that a medical 138367
emergency exists and delay in obtaining convulsive therapy creates 138368

a grave danger to the life of a resident who is both mentally 138369
retarded and mentally ill, convulsive therapy may be administered 138370
without the consent of the resident if the resident is physically 138371
or mentally unable to receive the information required for 138372
convulsive therapy and if the necessary information is provided to 138373
the resident's natural or court-appointed guardian, including an 138374
agency providing guardianship services under contract with the 138375
department of developmental disabilities under sections 5123.55 to 138376
5123.59 of the Revised Code, or to the resident's spouse or next 138377
of kin to enable that person or agency to give an informed, 138378
intelligent, and knowing written consent. If neither the 138379
resident's guardian, spouse, nor next of kin can be contacted 138380
through exercise of reasonable diligence, or if the guardian, 138381
spouse, or next of kin is contacted, but refuses to consent, then 138382
convulsive therapy may be performed upon the written authorization 138383
of the chief medical officer and after court approval has been 138384
obtained. 138385

(2) The two licensed physicians referred to in division 138386
(E)(1) of this section shall not be associated with each other in 138387
the practice of medicine or surgery by means of a partnership or 138388
corporate arrangement, other business arrangement, or employment. 138389
At least one of the physicians shall be a psychiatrist as defined 138390
in division (E) of section 5122.01 of the Revised Code. 138391

(F) Major aversive interventions shall not be used unless a 138392
resident continues to engage in behavior destructive to self or 138393
others after other forms of therapy have been attempted. ~~The~~ 138394
~~director of the legal rights service created by section 5123.60 of~~ 138395
~~the Revised Code shall be notified of any proposed major aversive~~ 138396
~~intervention.~~ Major aversive interventions shall not be applied to 138397
a voluntary resident without the informed, intelligent, and 138398
knowing written consent of the resident or the resident's 138399
guardian, including an agency providing guardianship services 138400

under contract with the department of developmental disabilities 138401
under sections 5123.55 to 5123.59 of the Revised Code. 138402

(G)(1) This chapter does not authorize any form of compulsory 138403
medical or psychiatric treatment of any resident who is being 138404
treated by spiritual means through prayer alone in accordance with 138405
a recognized religious method of healing. 138406

(2) For purposes of this section, "convulsive therapy" does 138407
not include defibrillation. 138408

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 138409
of the Revised Code is guilty of a misdemeanor of the first 138410
degree. 138411

(B) Whoever violates division (C), (E), or (G)(3) of section 138412
5123.61 of the Revised Code is guilty of a misdemeanor of the 138413
fourth degree or, if the abuse or neglect constitutes a felony, a 138414
misdemeanor of the second degree. In addition to any other 138415
sanction or penalty authorized or required by law, if a person who 138416
is convicted of or pleads guilty to a violation of division (C), 138417
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 138418
employee, as defined in section 5123.50 of the Revised Code, the 138419
offender shall be eligible to be included in the registry 138420
regarding misappropriation, abuse, neglect, or other specified 138421
misconduct by MR/DD employees established under section 5123.52 of 138422
the Revised Code. 138423

~~(C) Whoever violates division (A) of section 5123.604 of the 138424
Revised Code is guilty of a misdemeanor of the second degree. 138425~~

~~(D) Whoever violates division (B) of section 5123.604 of the 138426
Revised Code shall be fined not more than one thousand dollars. 138427
Each violation constitutes a separate offense. 138428~~

Sec. 5126.33. (A) A county board of developmental 138429
disabilities may file a complaint with the probate court of the 138430

county in which an adult with mental retardation or a 138431
developmental disability resides for an order authorizing the 138432
board to arrange services described in division (C) of section 138433
5126.31 of the Revised Code for that adult if the adult is 138434
eligible to receive services or support under section 5126.041 of 138435
the Revised Code and the board has been unable to secure consent. 138436
The complaint shall include: 138437

(1) The name, age, and address of the adult; 138438

(2) Facts describing the nature of the abuse, neglect, or 138439
exploitation and supporting the board's belief that services are 138440
needed; 138441

(3) The types of services proposed by the board, as set forth 138442
in the protective service plan described in division (J) of 138443
section 5126.30 of the Revised Code and filed with the complaint; 138444

(4) Facts showing the board's attempts to obtain the consent 138445
of the adult or the adult's guardian to the services. 138446

(B) The board shall give the adult notice of the filing of 138447
the complaint and in simple and clear language shall inform the 138448
adult of the adult's rights in the hearing under division (C) of 138449
this section and explain the consequences of a court order. This 138450
notice shall be personally served upon all parties, and also shall 138451
be given to the adult's legal counsel, if any, ~~and the legal~~ 138452
~~rights service~~. The notice shall be given at least twenty-four 138453
hours prior to the hearing, although the court may waive this 138454
requirement upon a showing that there is a substantial risk that 138455
the adult will suffer immediate physical harm in the twenty-four 138456
hour period and that the board has made reasonable attempts to 138457
give the notice required by this division. 138458

(C) Upon the filing of a complaint for an order under this 138459
section, the court shall hold a hearing at least twenty-four hours 138460
and no later than seventy-two hours after the notice under 138461

division (B) of this section has been given unless the court has 138462
waived the notice. All parties shall have the right to be present 138463
at the hearing, present evidence, and examine and cross-examine 138464
witnesses. The Ohio Rules of Evidence shall apply to a hearing 138465
conducted pursuant to this division. The adult shall be 138466
represented by counsel unless the court finds that the adult has 138467
made a voluntary, informed, and knowing waiver of the right to 138468
counsel. If the adult is indigent, the court shall appoint counsel 138469
to represent the adult. The board shall be represented by the 138470
county prosecutor or an attorney designated by the board. 138471

(D)(1) The court shall issue an order authorizing the board 138472
to arrange the protective services if it finds, on the basis of 138473
clear and convincing evidence, all of the following: 138474

(a) The adult has been abused, neglected, or exploited; 138475

(b) The adult is incapacitated; 138476

(c) There is a substantial risk to the adult of immediate 138477
physical harm or death; 138478

(d) The adult is in need of the services; 138479

(e) No person authorized by law or court order to give 138480
consent for the adult is available or willing to consent to the 138481
services. 138482

(2) The board shall develop a detailed protective service 138483
plan describing the services that the board will provide, or 138484
arrange for the provision of, to the adult to prevent further 138485
abuse, neglect, or exploitation. The board shall submit the plan 138486
to the court for approval. The protective service plan may be 138487
changed only by court order. 138488

(3) In formulating the order, the court shall consider the 138489
individual protective service plan and shall specifically 138490
designate the services that are necessary to deal with the abuse, 138491

neglect, or exploitation or condition resulting from abuse, 138492
neglect, or exploitation and that are available locally, and 138493
authorize the board to arrange for these services only. The court 138494
shall limit the provision of these services to a period not 138495
exceeding six months, renewable for an additional six-month period 138496
on a showing by the board that continuation of the order is 138497
necessary. 138498

(E) If the court finds that all other options for meeting the 138499
adult's needs have been exhausted, it may order that the adult be 138500
removed from the adult's place of residence and placed in another 138501
residential setting. Before issuing that order, the court shall 138502
consider the adult's choice of residence and shall determine that 138503
the new residential setting is the least restrictive alternative 138504
available for meeting the adult's needs and is a place where the 138505
adult can obtain the necessary requirements for daily living in 138506
safety. The court shall not order an adult to a hospital or public 138507
hospital as defined in section 5122.01 or a state institution as 138508
defined in section 5123.01 of the Revised Code. 138509

(F) The court shall not authorize a change in an adult's 138510
placement ordered under division (E) of this section unless it 138511
finds compelling reasons to justify a change. The parties to whom 138512
notice was given in division (B) of this section shall be given 138513
notice of a proposed change at least five working days prior to 138514
the change. 138515

(G) The adult, the board, or any other person who received 138516
notice of the petition may file a motion for modification of the 138517
court order at any time. 138518

(H) The county board shall pay court costs incurred in 138519
proceedings brought pursuant to this section. The adult shall not 138520
be required to pay for court-ordered services. 138521

(I)(1) After the filing of a complaint for an order under 138522

this section, the court, prior to the final disposition, may enter 138523
any temporary order that the court finds necessary to protect the 138524
adult with mental retardation or a developmental disability from 138525
abuse, neglect, or exploitation including, but not limited to, the 138526
following: 138527

(a) A temporary protection order; 138528

(b) An order requiring the evaluation of the adult; 138529

(c) An order requiring a party to vacate the adult's place of 138530
residence or legal settlement, provided that, subject to division 138531
(K)(1)(d) of this section, no operator of a residential facility 138532
licensed by the department may be removed under this division; 138533

(d) In the circumstances described in, and in accordance with 138534
the procedures set forth in, section 5123.191 of the Revised Code, 138535
an order of the type described in that section that appoints a 138536
receiver to take possession of and operate a residential facility 138537
licensed by the department. 138538

(2) The court may grant an ex parte order pursuant to this 138539
division on its own motion or if a party files a written motion or 138540
makes an oral motion requesting the issuance of the order and 138541
stating the reasons for it if it appears to the court that the 138542
best interest and the welfare of the adult require that the court 138543
issue the order immediately. The court, if acting on its own 138544
motion, or the person requesting the granting of an ex parte 138545
order, to the extent possible, shall give notice of its intent or 138546
of the request to all parties, the adult's legal counsel, if any, 138547
~~and the legal rights service.~~ If the court issues an ex parte 138548
order, the court shall hold a hearing to review the order within 138549
seventy-two hours after it is issued or before the end of the next 138550
day after the day on which it is issued, whichever occurs first. 138551
The court shall give written notice of the hearing to all parties 138552
to the action. 138553

Section 120.21. That existing sections 3721.16, 5111.709, 138554
5119.221, 5122.01, 5122.02, 5122.27, 5122.271, 5122.29, 5122.31, 138555
5122.32, 5123.092, 5123.19, 5123.191, 5123.35, 5123.60, 5123.61, 138556
5123.63, 5123.64, 5123.69, 5123.701, 5123.86, 5123.99, and 5126.33 138557
of the Revised Code are hereby repealed. 138558

Section 120.22. That sections 5123.601, 5123.602, 5123.603, 138559
5123.604, and 5123.605 of the Revised Code are hereby repealed. 138560

Section 120.23. Sections 120.20, 120.21, and 120.22 of this 138561
act take effect October 1, 2012. 138562

Section 201.10. Except as otherwise provided in this act, all 138563
appropriation items in this act are appropriated out of any moneys 138564
in the state treasury to the credit of the designated fund that 138565
are not otherwise appropriated. For all appropriations made in 138566
this act, the amounts in the first column are for fiscal year 2012 138567
and the amounts in the second column are for fiscal year 2013. 138568
138569

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 138570

General Services Fund Group 138571

4J80 889601	CPA Education	\$	200,000	\$	200,000	138572
	Assistance					
4K90 889609	Operating Expenses	\$	977,200	\$	977,500	138573
TOTAL GSF General Services Fund						138574
Group						
		\$	1,177,200	\$	1,177,500	138575
TOTAL ALL BUDGET FUND GROUPS						138576
		\$	1,177,200	\$	1,177,500	

Section 205.10. ADJ ADJUTANT GENERAL 138578

General Revenue Fund 138579

GRF 745401	Ohio Military Reserve	\$	12,308	\$	12,308	138580
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GRF	745404	Air National Guard	\$	1,810,606	\$	1,810,606	138581
GRF	745407	National Guard	\$	400,000	\$	400,000	138582
		Benefits					
GRF	745409	Central	\$	2,692,098	\$	2,692,098	138583
		Administration					
GRF	745499	Army National Guard	\$	3,687,888	\$	3,689,871	138584
TOTAL GRF		General Revenue Fund	\$	8,602,900	\$	8,604,883	138585
		General Services Fund Group					138586
5340	745612	Property Operations	\$	534,304	\$	534,304	138587
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	138588
		Activities					
5360	745620	Camp Perry and	\$	1,178,311	\$	978,846	138589
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	62,000	\$	62,000	138590
		Facilities					
		Maintenance					
TOTAL GSF		General Services Fund	\$	1,903,215	\$	1,703,750	138591
		Group					
		Federal Special Revenue Fund Group					138592
3410	745615	Air National Guard	\$	2,977,692	\$	2,977,692	138593
		Base Security					
3420	745616	Army National Guard	\$	10,970,050	\$	10,970,050	138594
		Service Agreement					
3E80	745628	Air National Guard	\$	16,958,595	\$	16,958,595	138595
		Operations and					
		Maintenance					
3R80	745603	Counter Drug	\$	25,000	\$	25,000	138596
		Operations					
TOTAL FED		Federal Special Revenue	\$	30,931,337	\$	30,931,337	138597
		Fund Group					

State Special Revenue Fund Group				138598
5U80 745613 Community Match	\$	250,000	\$ 250,000	138599
Armories				
TOTAL SSR State Special Revenue Fund Group	\$	250,000	\$ 250,000	138600
TOTAL ALL BUDGET FUND GROUPS	\$	41,687,452	\$ 41,489,970	138601
NATIONAL GUARD BENEFITS				138602
The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.				138603 138604 138605 138606
For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.				138607 138608 138609 138610 138611
STATE ACTIVE DUTY COSTS				138612
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.				138613 138614 138615 138616 138617 138618 138619
Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				138620
General Revenue Fund				138621
GRF 100403 Public Employees	\$	400,000	\$ 400,000	138622
Health Care Program				
GRF 100415 OAKS Rental Payments	\$	23,024,500	\$ 23,006,300	138623
GRF 100416 STARS Lease Rental	\$	4,970,700	\$ 4,971,300	138624

		Payments				
GRF	100418	Web Sites and Business Gateway	\$	2,895,063	\$	2,795,176 138625
GRF	100419	IT Security Infrastructure	\$	742,535	\$	742,648 138626
GRF	100439	Equal Opportunity Certification Programs	\$	625,000	\$	625,000 138627
GRF	100447	OBA - Building Rent Payments	\$	53,260,000	\$	83,504,200 138628
GRF	100448	OBA - Building Operating Payments	\$	21,000,000	\$	21,000,000 138629
GRF	100449	DAS - Building Operating Payments	\$	7,551,245	\$	7,551,571 138630
GRF	100451	Minority Affairs	\$	24,016	\$	24,016 138631
GRF	130321	State Agency Support Services	\$	2,779,457	\$	2,780,032 138632
TOTAL GRF		General Revenue Fund	\$	117,272,516	\$	147,400,243 138633
		General Services Fund Group				138634
1120	100616	DAS Administration	\$	4,900,000	\$	4,900,000 138635
1150	100632	Central Service Agency	\$	911,995	\$	912,305 138636
1170	100644	General Services Division - Operating	\$	13,000,000	\$	13,000,000 138637
1220	100637	Fleet Management	\$	2,000,000	\$	2,000,000 138638
1250	100622	Human Resources Division - Operating	\$	16,922,295	\$	16,717,009 138639
1250	100657	Benefits Communication	\$	925,586	\$	921,531 138640
1280	100620	Collective Bargaining	\$	3,462,529	\$	3,464,148 138641
1300	100606	Risk Management Reserve	\$	6,000,000	\$	7,000,000 138642
1310	100639	State Architect's Office	\$	9,812,132	\$	9,813,342 138643
1320	100631	DAS Building Management	\$	11,000,000	\$	11,000,000 138644

5JQ0 100658	Professions Licensing	\$	2,000,000	\$	1,000,000	138668
	System					
TOTAL SSR State Special Revenue						138669
Fund Group		\$	2,000,000	\$	1,000,000	138670
TOTAL ALL BUDGET FUND GROUPS		\$	351,849,353	\$	381,007,815	138671

Section 207.10.10. PUBLIC EMPLOYEES HEALTH CARE PROGRAM 138673

The foregoing appropriation item 100403, Public Employees 138674
Health Care Program, shall be used by the Department of 138675
Administrative Services to carry out its duties prescribed in 138676
Section 515.60 of this act. 138677

Section 207.10.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM 138678

The Ohio Administrative Knowledge System (OAKS) is an 138679
enterprise resource planning system that replaced the state's 138680
central services infrastructure systems, including, but not 138681
limited to, the Central Accounting System, the Human 138682
Resources/Payroll System, the Capital Improvements Projects 138683
Tracking System, the Fixed Assets Management System, and the 138684
Procurement System. The Department of Administrative Services, in 138685
conjunction with the Office of Budget and Management, may update 138686
or add functionality to the OAKS system that will support shared 138687
services, financial or human resources functions, and enterprise 138688
applications that improve the state's operational efficiency. This 138689
includes, but is not limited to, the installation and 138690
implementation of hardware and software. Any lease-purchase 138691
arrangement entered into under Chapter 125. of the Revised Code to 138692
finance the OAKS system and the enhancements described above, 138693
including any fractionalized interest therein, as defined in 138694
division (N) of section 133.01 of the Revised Code, shall provide 138695
that at the end of the lease period, the financed asset becomes 138696
the property of the state. 138697

Section 207.10.30. OAKS LEASE RENTAL PAYMENTS 138698

The foregoing appropriation item 100415, OAKS Rental 138699
Payments, shall be used for payments at the times they are 138700
required to be made for the period from July 1, 2011, through June 138701
30, 2013, pursuant to leases and agreements entered into under 138702
Chapter 125. of the Revised Code, as supplemented by Section 138703
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 138704
other prior acts of the General Assembly, with respect to 138705
financing the costs associated with the acquisition, development, 138706
installation, and implementation of the Ohio Administrative 138707
Knowledge System. If it is determined that additional 138708
appropriations are necessary for this purpose, the amounts are 138709
hereby appropriated. 138710

Section 207.10.40. STATE TAXATION ACCOUNTING AND REVENUE 138711
SYSTEM 138712

The Department of Administrative Services, in conjunction 138713
with the Department of Taxation, may acquire the State Taxation 138714
Accounting and Revenue System (STARS) pursuant to Chapter 125. of 138715
the Revised Code, including, but not limited to, the application 138716
hardware and software and installation and implementation thereof, 138717
for the use of the Department of Taxation. STARS is an integrated 138718
tax collection and audit system that will replace all of the 138719
state's existing separate tax software and administration systems 138720
for the various taxes collected by the state. Any lease-purchase 138721
arrangement used under Chapter 125. of the Revised Code to acquire 138722
STARS, including any fractionalized interests therein as defined 138723
in division (N) of section 133.01 of the Revised Code, shall 138724
provide that at the end of the lease period, STARS becomes the 138725
property of the state. 138726

Section 207.10.50. STARS LEASE RENTAL PAYMENTS 138727

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used for payments at the times they are required to be made for the period from July 1, 2011, through June 30, 2013, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and other prior acts of the General Assembly, with respect to financing the cost for the acquisition, development, installation, and implementation of the State Taxation Accounting and Revenue System (STARS). If it is determined that additional appropriations are necessary for this purpose, the amounts are appropriated.

Section 207.10.60. EQUAL OPPORTUNITY CERTIFICATION PROGRAMS 138739

The foregoing appropriation item 100439, Equal Opportunity Certification Programs, shall be used to pay costs associated with the equal employment opportunity project tracking software that were formerly paid from appropriation item 100423, EEO Project Tracking Software.

Section 207.10.70. BUILDING RENT PAYMENTS 138745

The foregoing appropriation item 100447, OBA - Building Rent Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2011, through June 30, 2013, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code.

The foregoing appropriation item 100448, OBA - Building Operating Payments, shall be used to meet all payments at the times that they are required to be made during the period from July 1, 2011, through June 30, 2013, by the Department of

Administrative Services to the Ohio Building Authority pursuant to 138758
leases and agreements under Chapter 152. of the Revised Code, but 138759
limited to the aggregate amount of \$42,800,000. 138760

The payments to the Ohio Building Authority are for paying 138761
the expenses of agencies that occupy space in various state 138762
facilities. The Department of Administrative Services may enter 138763
into leases and agreements with the Ohio Building Authority 138764
providing for the payment of these expenses. The Ohio Building 138765
Authority shall report to the Department of Administrative 138766
Services and the Office of Budget and Management not later than 138767
five months after the start of each fiscal year the actual 138768
expenses incurred by the Ohio Building Authority in operating the 138769
facilities and any balances remaining from payments and rentals 138770
received in the prior fiscal year. The Department of 138771
Administrative Services shall reduce subsequent payments by the 138772
amount of the balance reported to it by the Ohio Building 138773
Authority. 138774

Section 207.10.80. DAS - BUILDING OPERATING PAYMENTS 138775

The foregoing appropriation item 100449, DAS - Building 138776
Operating Payments, shall be used to pay the rent expenses of 138777
veterans organizations pursuant to section 123.024 of the Revised 138778
Code in fiscal years 2012 and 2013. 138779

The foregoing appropriation item, 100449, DAS - Building 138780
Operating Payments, also may be used to provide funding for the 138781
cost of property appraisals or building studies that the 138782
Department of Administrative Services may be required to obtain 138783
for property that is being sold by the state or property under 138784
consideration to be renovated or purchased by the state. 138785

Notwithstanding section 125.28 of the Revised Code, the 138786
remaining portion of the appropriation may be used to pay the 138787
operating expenses of state facilities maintained by the 138788

Department of Administrative Services that are not billed to 138789
building tenants. These expenses may include, but are not limited 138790
to, the costs for vacant space and space undergoing renovation, 138791
and the rent expenses of tenants that are relocated because of 138792
building renovations. These payments shall be processed by the 138793
Department of Administrative Services through intrastate transfer 138794
vouchers and placed in the Building Management Fund (Fund 1320). 138795

Section 207.10.90. CENTRAL SERVICE AGENCY FUND 138796

Appropriation item 100632, Central Service Agency, shall be 138797
used to purchase the equipment, products, and services that are 138798
needed to maintain existing automated applications for the 138799
professional licensing boards and to support board licensing 138800
functions in fiscal years 2012 and 2013 until these functions are 138801
replaced by the Ohio Professionals Licensing System. Appropriation 138802
item 100632, Central Service Agency, may also be used for these 138803
purposes for the Casino Control Commission if the commission 138804
elects to use these automated applications for its licensing 138805
functions. The Department of Administrative Services shall 138806
establish charges for recovering the costs of carrying out these 138807
functions. The charges shall be billed to the professional 138808
licensing boards, and the Casino Control Commission if applicable, 138809
and deposited via intrastate transfer vouchers to the credit of 138810
the Central Service Agency Fund (Fund 1150). 138811

Section 207.20.10. GENERAL SERVICE CHARGES 138812

The Department of Administrative Services, with the approval 138813
of the Director of Budget and Management, shall establish charges 138814
for recovering the costs of administering the programs funded by 138815
the General Services Fund (Fund 1170) and the State Printing Fund 138816
(Fund 2100). Such charges within Fund 1170 may be used to recover 138817
the cost of paying a vendor to establish reduced pricing for 138818

contracted supplies or services. 138819

If the Director of Administrative Services determines that 138820
additional amounts are necessary to pay for consulting and 138821
administrative costs related to securing lower pricing, the 138822
Director of Administrative Services may request that the Director 138823
of Budget and Management approve additional expenditures. Such 138824
approved additional amounts are appropriated to appropriation item 138825
100644, General Services Division-Operating. 138826

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 138827

With approval of the Director of Budget and Management, the 138828
Department of Administrative Services may seek reimbursement from 138829
state agencies for the actual costs and expenses the Department 138830
incurs in the collective bargaining arbitration process. The 138831
reimbursements shall be processed through intrastate transfer 138832
vouchers and credited to the Collective Bargaining Fund (Fund 138833
1280). 138834

Section 207.20.30. EQUAL OPPORTUNITY PROGRAM 138835

The Department of Administrative Services, with the approval 138836
of the Director of Budget and Management, shall establish charges 138837
for recovering the costs of administering the activities supported 138838
by the State EEO Fund (Fund 1880). These charges shall be 138839
deposited to the credit of the State EEO Fund (Fund 1880) upon 138840
payment made by state agencies, state-supported or state-assisted 138841
institutions of higher education, and tax-supported agencies, 138842
municipal corporations, and other political subdivisions of the 138843
state, for services rendered. 138844

Section 207.20.40. INVESTMENT RECOVERY FUND 138845

Notwithstanding division (B) of section 125.14 of the Revised 138846
Code, cash balances in the Investment Recovery Fund (Fund 4270) 138847

may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Asset Management Services Program, including, but not limited to, the cost of establishing and maintaining procedures for inventory records for state property as described in section 125.16 of the Revised Code.

Of the foregoing appropriation item 100602, Investment Recovery, up to \$2,092,697 in fiscal year 2012 and up to \$2,092,697 in fiscal year 2013 may be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the Asset Management Services Program under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code.

Of the foregoing appropriation item 100602, Investment Recovery, \$3,500,000 in each fiscal year shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to authorize additional amounts. Such authorized additional amounts are hereby appropriated.

Section 207.20.50. DAS INFORMATION SERVICES

There is hereby established in the State Treasury the DAS

Information Services Fund. The foregoing appropriation item 138879
100603, DAS Information Services, shall be used to pay the costs 138880
of providing information systems and services in the Department of 138881
Administrative Services. Any state agency, board, or commission 138882
may use DAS Information Services by paying for the services 138883
rendered. 138884

The Department of Administrative Services shall establish 138885
user charges for all information systems and services that are 138886
allowable in the statewide indirect cost allocation plan submitted 138887
annually to the United States Department of Health and Human 138888
Services. These charges shall comply with federal regulations and 138889
shall be deposited to the credit of the DAS Information Services 138890
Fund (Fund 4P30). 138891

Section 207.20.60. PROFESSIONAL DEVELOPMENT FUND 138892

The foregoing appropriation item 100610, Professional 138893
Development, shall be used to make payments from the Professional 138894
Development Fund (Fund 5L70) under section 124.182 of the Revised 138895
Code. If it is determined by the Director of Administrative 138896
Services that additional amounts are necessary, the Director of 138897
Administrative Services may request that the Director of Budget 138898
and Management approve additional amounts. Such approved 138899
additional amounts are hereby appropriated. 138900

Section 207.20.70. EMPLOYEE EDUCATIONAL DEVELOPMENT 138901

The foregoing appropriation item 100619, Employee Educational 138902
Development, shall be used to make payments from the Employee 138903
Educational Development Fund (Fund 5V60) under section 124.86 of 138904
the Revised Code. The fund shall be used to pay the costs of 138905
administering educational programs under existing collective 138906
bargaining agreements with District 1199, the Health Care and 138907
Social Service Union; State Council of Professional Educators; 138908

Ohio Education Association and National Education Association; the 138909
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 138910
State Troopers Association, Units 1 and 15. 138911

If it is determined by the Director of Administrative 138912
Services that additional amounts are necessary, the Director of 138913
Administrative Services may request that the Director of Budget 138914
and Management approve additional amounts. Such approved 138915
additional amounts are hereby appropriated. 138916

Section 207.20.80. CENTRALIZED GATEWAY ENHANCEMENT FUND 138917

(A) As used in this section, "Ohio Business Gateway" refers 138918
to the internet-based system operated by the Department of 138919
Administrative Services with the advice of the Ohio Business 138920
Gateway Steering Committee established under section 5703.57 of 138921
the Revised Code. The Ohio Business Gateway is established to 138922
provide businesses a central web site where various filings and 138923
payments are submitted online to government. The information is 138924
then distributed to the various government entities that interact 138925
with the business community. 138926

(B) As used in this section: 138927

(1) "State Portal" refers to the official web site of the 138928
state, operated by the Department of Administrative Services. 138929

(2) "Shared Hosting Environment" refers to the computerized 138930
system operated by the Department of Administrative Services for 138931
the purpose of providing capability for state agencies to host web 138932
sites. 138933

(C) There is hereby created in the state treasury the 138934
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 138935
appropriation item 100634, Centralized Gateway Enhancement, shall 138936
be used by the Department of Administrative Services to pay the 138937
costs of enhancing, expanding, and operating the infrastructure of 138938

the Ohio Business Gateway, State Portal, and Shared Hosting 138939
Environment. The Director of Administrative Services shall submit 138940
spending plans to the Director of Budget and Management to justify 138941
operating transfers to the fund from the General Revenue Fund. 138942
Upon approval, the Director of Budget and Management shall 138943
transfer approved amounts to the fund, not to exceed the amount of 138944
the annual appropriation in each fiscal year. The spending plans 138945
may be based on the recommendations of the Ohio Business Gateway 138946
Steering Committee or its successor. 138947

Section 207.20.90. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 138948
FUND 138949

Upon request of the Director of Administrative Services, the 138950
Director of Budget and Management may make the following transfers 138951
from the Major IT Purchases Fund (Fund 4N60): 138952

(1) Up to \$2,800,000 in each fiscal year of the biennium to 138953
the State Architect's Fund (Fund 1310) to support the OAKS Capital 138954
Improvements Module and other costs of the State Architect's 138955
Office that are not directly related to capital projects managed 138956
by the State Architect; 138957

(2) Up to \$310,276 in fiscal year 2012 and up to \$305,921 in 138958
fiscal year 2013 to the Director's Office Fund (Fund 1120) to 138959
support operating expenses of the Accountability and Results 138960
Initiative. 138961

Section 207.20.93. CASH TRANSFERS FROM THE BUILDING 138962
MANAGEMENT FUND TO THE STATE ARCHITECT'S FUND 138963

Upon request of the Director of Administrative Services, the 138964
Director of Budget and Management may transfer up to \$2,000,000 138965
from the Building Management Fund (Fund 1320) to the State 138966
Architect's Fund (Fund 1310) to support the OAKS Capital 138967
Improvements Module and other costs of the State Architect's 138968

Office that are not directly related to capital projects managed 138969
by the State Architect. If the cash balance in the State 138970
Architect's Fund (Fund 1310) is determined to be sufficient, the 138971
Director of Administrative Services may request that the Director 138972
of Budget and Management transfer cash from the State Architect's 138973
Fund (Fund 1310) to the Building Management Fund (Fund 1320) in an 138974
amount equal to the initial cash transfer made under this section 138975
plus applicable interest. 138976

Section 207.30.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 138977
DEBT SERVICE PAYMENTS 138978

The Director of Administrative Services, in consultation with 138979
the Multi-Agency Radio Communication System (MARCS) Steering 138980
Committee and the Director of Budget and Management, shall 138981
determine the share of debt service payments attributable to 138982
spending for MARCS components that are not specific to any one 138983
agency and that shall be charged to agencies supported by the 138984
motor fuel tax. Such share of debt service payments shall be 138985
calculated for MARCS capital disbursements made beginning July 1, 138986
1997. Within thirty days of any payment made from appropriation 138987
item 100447, OBA - Building Rent Payments, the Director of 138988
Administrative Services shall certify to the Director of Budget 138989
and Management the amount of this share. The Director of Budget 138990
and Management shall transfer such amounts to the General Revenue 138991
Fund from the State Highway Safety Fund (Fund 7036) established in 138992
section 4501.06 of the Revised Code. 138993

The Director of Administrative Services shall consider 138994
renting or leasing existing tower sites at reasonable or current 138995
market rates, so long as these existing sites are equipped with 138996
the technical capabilities to support the MARCS project. 138997

Section 207.30.20. OHIO PROFESSIONALS LICENSING SYSTEM 138998

There is hereby created in the state treasury the Ohio Professionals Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio Professionals Licensing System, shall be used to make payments from the fund. The fund shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards. The Director of Budget and Management may transfer up to a total of \$3,000,000 in cash from the Occupational Licensing and Regulatory Fund (4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission - Operating Fund (Fund 5HS0) if the Casino Control Commission elects to use the replacement automated licensing system, to the Ohio Professionals Licensing System Fund during the FY 2012-FY 2013 biennium. These transfers shall be in proportion to the number of current licensees, or current and anticipated licensees in the case of the Casino Control Commission if applicable. The purpose of these cash transfers is to fund the initial acquisition and development of the system. Any cash balances not expended in fiscal year 2012 are reappropriated in fiscal year 2013.

Effective with the implementation of the replacement licensing system, the Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system. The charges shall be billed to the professional licensing boards, and the Casino Control Commission if applicable, and deposited via intrastate transfer vouchers to the credit of the Ohio Professionals Licensing System Fund.

Section 207.30.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY

Whenever the Director of Administrative Services declares a "public exigency," as provided in division (C) of section 123.15 of the Revised Code, the Director shall also notify the members of

the Controlling Board.					139030
Section 209.10. AGE DEPARTMENT OF AGING					139031
General Revenue Fund					139032
GRF 490321	Operating Expenses	\$ 1,501,616	\$ 1,502,442		139033
GRF 490410	Long-Term Care	\$ 482,271	\$ 482,271		139034
Ombudsman					
GRF 490411	Senior Community	\$ 7,130,952	\$ 7,131,236		139035
Services					
GRF 490414	Alzheimer's Respite	\$ 1,917,740	\$ 1,917,757		139036
GRF 490423	Long Term Care Budget	\$ 3,419,250	\$ 3,419,250		139037
- State					
GRF 490506	National Senior	\$ 241,413	\$ 241,413		139038
Service Corps					
TOTAL GRF	General Revenue Fund	\$ 14,693,242	\$ 14,694,369		139039
General Services Fund Group					139040
4800 490606	Senior Community	\$ 372,518	\$ 372,523		139041
Outreach and					
Education					
TOTAL GSF	General Services Fund				139042
Group		\$ 372,518	\$ 372,523		139043
Federal Special Revenue Fund Group					139044
3220 490618	Federal Aging Grants	\$ 14,000,000	\$ 14,000,000		139045
3C40 490623	Long Term Care Budget	\$ 3,525,000	\$ 3,525,000		139046
3M40 490612	Federal Independence	\$ 63,655,080	\$ 63,655,080		139047
Services					
TOTAL FED	Federal Special Revenue				139048
Fund Group		\$ 81,180,080	\$ 81,180,080		139049
State Special Revenue Fund Group					139050
4C40 490609	Regional Long-Term	\$ 935,000	\$ 935,000		139051
Care Ombudsman					

		Program					
5BA0	490620	Ombudsman Support	\$	750,000	\$	750,000	139052
5K90	490613	Long Term Care	\$	820,400	\$	820,400	139053
		Consumers Guide					
5W10	490616	Resident Services	\$	344,692	\$	344,700	139054
		Coordinator Program					
TOTAL	SSR	State Special Revenue					139055
Fund Group			\$	2,850,092	\$	2,850,100	139056
TOTAL ALL BUDGET FUND GROUPS			\$	99,095,932	\$	99,097,072	139057

Section 209.20. LONG-TERM CARE 139059

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

Section 209.30. LONG-TERM CARE OMBUDSMAN 139075

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

SENIOR COMMUNITY SERVICES	139080
The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.	139081 139082 139083 139084 139085 139086 139087 139088 139089 139090 139091
ALZHEIMER'S RESPITE	139092
The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.	139093 139094 139095
SENIOR COMMUNITY OUTREACH AND EDUCATION	139096
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.	139097 139098 139099 139100
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS	139101 139102
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.	139103 139104 139105 139106 139107 139108 139109 139110

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	139111
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.	139112 139113 139114 139115
TRANSFER OF RESIDENT PROTECTION FUNDS	139116
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.	139117 139118 139119 139120 139121 139122 139123 139124
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.	139125 139126 139127 139128
LONG-TERM CARE CONSUMERS GUIDE	139129
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.	139130 139131 139132 139133 139134
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	139135 139136 139137 139138 139139 139140 139141

providers reviewed in the Ohio Long-Term Care Consumer Guide. 139142

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 139143

General Revenue Fund 139144

GRF 700401 Animal Disease Control \$ 3,936,687 \$ 3,936,687 139145

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 139146

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 139147

GRF 700406 Consumer Analytical Lab \$ 1,287,556 \$ 1,287,556 139148

GRF 700407 Food Safety \$ 848,792 \$ 848,792 139149

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 139150

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 139151

GRF 700415 Poultry Inspection \$ 392,978 \$ 392,978 139152

GRF 700418 Livestock Regulation Program \$ 1,108,071 \$ 1,108,071 139153

GRF 700424 Livestock Testing and Inspections \$ 102,770 \$ 102,770 139154

GRF 700499 Meat Inspection Program - State Share \$ 4,175,097 \$ 4,175,097 139155

GRF 700501 County Agricultural Societies \$ 391,413 \$ 391,413 139156

TOTAL GRF General Revenue Fund \$ 14,054,229 \$ 14,054,229 139157

General Services Fund Group 139158

5DA0 700644 Laboratory Administration Support \$ 1,094,867 \$ 1,094,867 139159

5GH0 700655 Central Support Indirect Cost \$ 4,456,842 \$ 4,456,842 139160

TOTAL GSF General Services Fund Group \$ 5,551,709 \$ 5,551,709 139161

Federal Special Revenue Fund Group 139162

3260 700618 Meat Inspection \$ 4,950,000 \$ 4,950,000 139163

		Program - Federal					
		Share					
3360	700617	Ohio Farm Loan	\$	150,000	\$	150,000	139164
		Revolving Fund					
3820	700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000	139165
3AB0	700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	139166
3J40	700607	Indirect Cost	\$	600,000	\$	600,000	139167
3R20	700614	Federal Plant	\$	1,000,000	\$	1,000,000	139168
		Industry					
TOTAL FED		Federal Special Revenue					139169
Fund Group			\$	9,700,000	\$	9,700,000	139170
State Special Revenue Fund Group							139171
4960	700626	Ohio Grape Industries	\$	846,611	\$	846,611	139172
4970	700627	Commodity Handlers	\$	483,402	\$	483,402	139173
		Regulatory Program					
4C90	700605	Commercial Feed and Seed	\$	1,816,897	\$	1,816,897	139174
4D20	700609	Auction Education	\$	41,000	\$	41,000	139175
4E40	700606	Utility Radiological Safety	\$	131,785	\$	131,785	139176
4P70	700610	Food Safety Inspection	\$	1,085,836	\$	1,085,836	139177
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	139178
4R20	700637	Dairy Industry Inspection	\$	1,758,247	\$	1,758,247	139179
4T60	700611	Poultry and Meat Inspection	\$	180,000	\$	180,000	139180
4T70	700613	Ohio Proud International and Domestic Market Development	\$	50,000	\$	50,000	139181
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142	139182
5B80	700629	Auctioneers	\$	359,823	\$	359,823	139183

5FC0	700648	Plant Pest Program	\$	1,164,000	\$	1,164,000	139184
5H20	700608	Metrology Lab and Scale Certification	\$	750,000	\$	750,000	139185
5HP0	700656	Livestock Care Standards Board	\$	80,000	\$	80,000	139186
5L80	700604	Livestock Management Program	\$	584,000	\$	584,000	139187
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,366,383	\$	4,366,383	139188
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,418,041	\$	3,418,041	139189
TOTAL SSR State Special Revenue							139190
Fund Group			\$	18,321,667	\$	18,321,667	139191
Clean Ohio Conservation Fund Group							139192
7057	700632	Clean Ohio Agricultural Easement	\$	310,000	\$	310,000	139193
TOTAL CLF Clean Ohio Conservation Fund Group			\$	310,000	\$	310,000	139194
TOTAL ALL BUDGET FUND GROUPS			\$	47,937,605	\$	47,937,605	139195
COUNTY AGRICULTURAL SOCIETIES							139196
The foregoing appropriation item 700501, County Agricultural							139197
Societies, shall be used to reimburse county and independent							139198
agricultural societies for expenses related to Junior Fair							139199
activities.							139200
CLEAN OHIO AGRICULTURAL EASEMENT							139201
The foregoing appropriation item 700632, Clean Ohio							139202
Agricultural Easement, shall be used by the Department of							139203
Agriculture in administering Ohio Agricultural Easement Fund (Fund							139204
7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to							139205
5301.70 of the Revised Code.							139206

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				139207
General Services Fund Group				139208
5EG0 898608 Energy Strategy	\$	240,382	\$ 240,681	139209
Development				
TOTAL GSF General Services Fund	\$	240,382	\$ 240,681	139210
Agency Fund Group				139211
4Z90 898602 Small Business	\$	288,050	\$ 288,232	139212
Ombudsman				
5700 898601 Operating Expenses	\$	323,980	\$ 323,980	139213
5A00 898603 Small Business	\$	71,087	\$ 71,087	139214
Assistance				
TOTAL AGY Agency Fund Group	\$	683,117	\$ 683,299	139215
TOTAL ALL BUDGET FUND GROUPS	\$	923,499	\$ 923,980	139216

Section 213.20. ENERGY STRATEGY DEVELOPMENT 139218

The Ohio Air Quality Development Authority shall establish 139219
the Energy Strategy Development Program for the purpose of 139220
developing energy initiatives, projects, and policy for the state. 139221
Issues addressed by such initiatives, projects, and policy shall 139222
not be limited to those governed by Chapter 3706. of the Revised 139223
Code. 139224

There is hereby created in the state treasury the Energy 139225
Strategy Development Fund (Fund 5EG0). The fund shall consist of 139226
money credited to it and money obtained for advanced energy 139227
projects from federal or private grants, loans, or other sources. 139228
Money in the fund shall be used to carry out the purposes of the 139229
program. Interest earned on the money in the fund shall be 139230
credited to the General Revenue Fund. 139231

On July 1 of each fiscal year, or as soon as possible 139232
thereafter, the Director of Budget and Management may transfer 139233
cash from the funds specified below, in the amounts specified 139234

below, to the Energy Strategy Development Fund. Fund 5EG0 may 139235
 accept contributions and transfers made to the fund. On July 1, 139236
 2013, or as soon as possible thereafter, the Director shall 139237
 transfer to the General Revenue Fund all cash credited to Fund 139238
 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 139239

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2012</u>	<u>FY 2013</u>	
1170	Office Services	Department of Administrative Services	\$27,405	\$27,439	139240 139241
5GH0	Central Support Indirect Cost	Department of Agriculture	\$27,405	\$27,439	139242
1350	Supportive Services	Department of Development	\$27,405	\$27,439	139243
2190	Central Support Indirect Cost	Environmental Protection Agency	\$27,405	\$27,439	139244
1570	Central Support Indirect Chargeback	Department of Natural Resources	\$27,405	\$27,439	139245
7002	Highway Operating	Department of Transportation	\$39,150	\$39,199	139246

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 139247
AUTHORITY TRUST ACCOUNT 139248

Notwithstanding any other provision of law to the contrary, 139249
 the Air Quality Development Authority may reimburse the Air 139250
 Quality Development Authority trust account established under 139251
 section 3706.10 of the Revised Code from all operating funds of 139252
 the agency for expenses pertaining to the administration and 139253
 shared costs incurred by the Air Quality Development Authority in 139254
 the execution of responsibilities as prescribed in Chapter 3706. 139255
 of the Revised Code. Reimbursement shall be made by voucher and 139256
 completed in accordance with the administrative indirect costs 139257
 allocation plan approved by the Office of Budget and Management. 139258

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION				139259
SERVICES				139260
General Revenue Fund				139261
GRF 038401	Treatment Services	\$ 11,225,590	\$ 7,020,974	139262
GRF 038404	Prevention Services	\$ 868,659	\$ 868,659	139263
GRF 038501	Medicaid Match	\$ 23,959,113	\$ 0	139264
TOTAL GRF General Revenue Fund				139265
General Services Fund				139266
5T90 038616	Problem Gambling	\$ 335,000	\$ 335,000	139267
Services				
TOTAL GSF General Services Fund				139268
Group				
Federal Special Revenue Fund Group				139269
3G40 038614	Substance Abuse Block	\$ 69,000,000	\$ 69,000,000	139270
Grant				
3H80 038609	Demonstration Grants	\$ 8,675,580	\$ 8,675,580	139271
3J80 038610	Medicaid	\$ 69,200,000	\$ 0	139272
3N80 038611	Administrative	\$ 300,000	\$ 300,000	139273
Reimbursement				
TOTAL FED Federal Special Revenue				139274
Fund Group				139275
State Special Revenue Fund Group				139276
4750 038621	Statewide Treatment	\$ 16,000,000	\$ 14,000,000	139277
and Prevention				
5JW0 038615	Board Match	\$ 3,000,000	\$ 3,000,000	139278
Reimbursement				
6890 038604	Education and	\$ 75,000	\$ 75,000	139279
Conferences				
TOTAL SSR State Special Revenue				139280
Fund Group				139281
TOTAL ALL BUDGET FUND GROUPS				139282

Section 215.20. ALCOHOL AND DRUG ADDICTION MEDICAID MATCH 139284

(A) As used in this section, "community alcohol and drug 139285
addiction Medicaid services" means services provided under the 139286
component, or aspect of the component, of the Medicaid program 139287
that the Department of Alcohol and Drug Addiction Services 139288
administers pursuant to a contract entered into with the 139289
Department of Job and Family Services under section 5111.91 of the 139290
Revised Code. 139291

(B) Subject to division (C) of this section, the foregoing 139292
appropriation item 038501, Medicaid Match, shall be used by the 139293
Department of Alcohol and Drug Addiction Services to make payments 139294
for community alcohol and drug addiction Medicaid services. 139295

(C) For state fiscal year 2012, the Department shall allocate 139296
foregoing appropriation item 038501, Medicaid Match, to boards of 139297
alcohol, drug addiction, and mental health services in accordance 139298
with a distribution methodology the Department shall establish. 139299
Notwithstanding sections 5111.911 and 5111.913 of the Revised 139300
Code, the boards shall use the funds allocated to them under this 139301
section to pay claims for community alcohol and drug addiction 139302
Medicaid services provided during fiscal year 2012. The boards 139303
shall use all federal financial participation that the Department 139304
receives for claims paid for community alcohol and drug addiction 139305
Medicaid services provided during fiscal year 2012 as the first 139306
payment source to pay claims for community alcohol and drug 139307
addiction Medicaid services provided during fiscal year 2012. The 139308
boards are not required to use any funds other than the funds 139309
allocated to them under this section and the federal financial 139310
participation received for claims for community alcohol and drug 139311
addiction Medicaid services provided during fiscal year 2012 to 139312
pay for such claims. 139313

(D) The Department shall enter into an agreement with each 139314

board regarding the issue of paying claims that are for community 139315
alcohol and drug addiction Medicaid services provided before July 139316
1, 2011, and submitted for payment on or after that date. Such 139317
claims shall be paid in accordance with the agreements. A board 139318
shall receive the federal financial participation received for 139319
claims for community alcohol and drug addiction Medicaid services 139320
that were provided before July 1, 2011, and paid by the board. 139321

Section 217.10. ARC ARCHITECTS BOARD 139322

General Services Fund Group 139323
4K90 891609 Operating Expenses \$ 494,459 \$ 478,147 139324
TOTAL GSF General Services Fund 139325
Group \$ 494,459 \$ 478,147 139326
TOTAL ALL BUDGET FUND GROUPS \$ 494,459 \$ 478,147 139327

Section 219.10. ART OHIO ARTS COUNCIL 139329

General Revenue Fund 139330
GRF 370321 Operating Expenses \$ 1,305,704 \$ 1,305,704 139331
GRF 370502 State Program \$ 6,000,000 \$ 8,000,000 139332
Subsidies
TOTAL GRF General Revenue Fund \$ 7,305,704 \$ 9,305,704 139333
General Services Fund Group 139334
4600 370602 Management Expenses \$ 247,000 \$ 247,000 139335
and Donations
4B70 370603 Percent for Art \$ 247,000 \$ 247,000 139336
Acquisitions
TOTAL GSF General Services Fund \$ 494,000 \$ 494,000 139337
Group
Federal Special Revenue Fund Group 139338
3140 370601 Federal Support \$ 1,000,000 \$ 1,000,000 139339
TOTAL FED Federal Special Revenue \$ 1,000,000 \$ 1,000,000 139340
Fund Group

TOTAL ALL BUDGET FUND GROUPS		\$	8,799,704	\$	10,799,704	139341
FEDERAL SUPPORT						139342
Notwithstanding any provision of law to the contrary, the						139343
foregoing appropriation item 370601, Federal Support, shall be						139344
used by the Ohio Arts Council for subsidies only, and not for its						139345
administrative costs, unless the Council is required to use a						139346
portion of the funds for administrative costs under conditions of						139347
the federal grant.						139348
Section 221.10. ATH ATHLETIC COMMISSION						139349
General Services Fund Group						139350
4K90 175609 Operating Expenses		\$	281,904	\$	292,509	139351
TOTAL GSF General Services Fund		\$	281,904	\$	292,509	139352
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	281,904	\$	292,509	139353
Section 223.10. AGO ATTORNEY GENERAL						139355
General Revenue Fund						139356
GRF 055321 Operating Expenses		\$	42,514,169	\$	42,514,169	139357
GRF 055405 Law-Related Education		\$	100,000	\$	100,000	139358
GRF 055411 County Sheriffs' Pay		\$	757,921	\$	757,921	139359
Supplement						
GRF 055415 County Prosecutors'		\$	831,499	\$	831,499	139360
Pay Supplement						
TOTAL GRF General Revenue Fund		\$	44,203,589	\$	44,203,589	139361
General Services Fund Group						139362
1060 055612 General Reimbursement		\$	43,197,968	\$	43,011,277	139363
1950 055660 Workers' Compensation		\$	8,415,504	\$	8,415,504	139364
Section						
4180 055615 Charitable		\$	7,286,000	\$	7,286,000	139365
Foundations						
4200 055603 Attorney General		\$	1,871,674	\$	1,839,074	139366

		Antitrust				
4210	055617	Police Officers'	\$	2,124,942	\$	2,088,805 139367
		Training Academy Fee				
4Z20	055609	BCI Asset Forfeiture	\$	1,529,685	\$	1,521,731 139368
		and Cost				
		Reimbursement				
5900	055633	Peace Officer Private	\$	98,370	\$	98,370 139369
		Security Fund				
5A90	055618	Telemarketing Fraud	\$	7,500	\$	7,500 139370
		Enforcement				
5L50	055619	Law Enforcement	\$	300,222	\$	0 139371
		Assistance Program				
6310	055637	Consumer Protection	\$	3,799,115	\$	3,718,973 139372
		Enforcement				
TOTAL GSF		General Services Fund				139373
Group			\$	68,630,980	\$	67,987,234 139374
Federal Special Revenue Fund Group						139375
3060	055620	Medicaid Fraud	\$	4,211,235	\$	4,122,399 139376
		Control				
3810	055611	Civil Rights Legal	\$	402,540	\$	402,540 139377
		Service				
3830	055634	Crime Victims	\$	13,000,000	\$	13,000,000 139378
		Assistance				
3E50	055638	Attorney General	\$	1,223,606	\$	1,222,172 139379
		Pass-Through Funds				
3R60	055613	Attorney General	\$	3,823,251	\$	3,673,251 139380
		Federal Funds				
TOTAL FED		Federal Special Revenue				139381
Fund Group			\$	22,660,632	\$	22,420,362 139382
State Special Revenue Fund Group						139383
4020	055616	Victims of Crime	\$	26,000,000	\$	26,000,000 139384
4170	055621	Domestic Violence	\$	25,000	\$	25,000 139385

		Shelter				
4190	055623	Claims Section	\$	44,197,843	\$	41,953,025 139386
4L60	055606	DARE Programs	\$	4,477,962	\$	4,477,962 139387
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000 139388
6590	055641	Solid and Hazardous	\$	662,227	\$	651,049 139389
		Waste Background				
		Investigations				
TOTAL SSR State Special Revenue						139390
Fund Group			\$	75,963,032	\$	73,707,036 139391
Holding Account Redistribution Fund Group						139392
R004	055631	General Holding	\$	1,000,000	\$	1,000,000 139393
		Account				
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000 139394
R018	055630	Consumer Frauds	\$	750,000	\$	750,000 139395
R042	055601	Organized Crime	\$	25,025	\$	25,025 139396
		Commission				
		Distributions				
R054	055650	Collection Outside	\$	4,500,000	\$	4,500,000 139397
		Counsel Payments				
TOTAL 090 Holding Account						139398
Redistribution Fund Group			\$	6,276,025	\$	6,276,025 139399
Tobacco Master Settlement Agreement Fund Group						139400
J087	055635	Law Enforcement	\$	2,300,000	\$	0 139401
		Technology, Training,				
		and Facility				
		Enhancements				
U087	055402	Tobacco Settlement	\$	2,527,992	\$	2,514,690 139402
		Oversight,				
		Administration, and				
		Enforcement				
TOTAL TSF Tobacco Master Settlement			\$	4,827,992	\$	2,514,690 139403
Agreement Fund Group						

TOTAL ALL BUDGET FUND GROUPS	\$ 222,562,250	\$ 217,108,936	139404
COUNTY SHERIFFS' PAY SUPPLEMENT			139405
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.			139406 139407 139408 139409
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.			139410 139411 139412 139413 139414 139415
COUNTY PROSECUTORS' PAY SUPPLEMENT			139416
The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.			139417 139418 139419 139420
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.			139421 139422 139423 139424 139425 139426 139427
WORKERS' COMPENSATION SECTION			139428
The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject			139429 139430 139431 139432 139433 139434

to adjustment.	139435
In addition, the Bureau of Workers' Compensation shall	139436
transfer payments at the beginning of each quarter for the support	139437
of the Workers' Compensation Fraud Unit.	139438
All amounts shall be mutually agreed upon by the Attorney	139439
General, the Bureau of Workers' Compensation, and the Ohio	139440
Industrial Commission.	139441
ATTORNEY GENERAL PASS-THROUGH FUNDS	139442
The foregoing appropriation item 055638, Attorney General	139443
Pass-Through Funds, shall be used to receive federal grant funds	139444
provided to the Attorney General by other state agencies,	139445
including, but not limited to, the Department of Youth Services	139446
and the Department of Public Safety.	139447
GENERAL HOLDING ACCOUNT	139448
The foregoing appropriation item 055631, General Holding	139449
Account, shall be used to distribute moneys under the terms of	139450
relevant court orders or other settlements received in a variety	139451
of cases involving the Office of the Attorney General. If it is	139452
determined that additional amounts are necessary for this purpose,	139453
the amounts are hereby appropriated.	139454
ANTITRUST SETTLEMENTS	139455
The foregoing appropriation item 055632, Antitrust	139456
Settlements, shall be used to distribute moneys under the terms of	139457
relevant court orders or other out of court settlements in	139458
antitrust cases or antitrust matters involving the Office of the	139459
Attorney General. If it is determined that additional amounts are	139460
necessary for this purpose, the amounts are hereby appropriated.	139461
CONSUMER FRAUDS	139462
The foregoing appropriation item 055630, Consumer Frauds,	139463
shall be used for distribution of moneys from court-ordered	139464

judgments against sellers in actions brought by the Office of 139465
Attorney General under sections 1334.08 and 4549.48 and division 139466
(B) of section 1345.07 of the Revised Code. These moneys shall be 139467
used to provide restitution to consumers victimized by the fraud 139468
that generated the court-ordered judgments. If it is determined 139469
that additional amounts are necessary for this purpose, the 139470
amounts are hereby appropriated. 139471

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 139472

The foregoing appropriation item 055601, Organized Crime 139473
Commission Distributions, shall be used by the Organized Crime 139474
Investigations Commission, as provided by section 177.011 of the 139475
Revised Code, to reimburse political subdivisions for the expenses 139476
the political subdivisions incur when their law enforcement 139477
officers participate in an organized crime task force. If it is 139478
determined that additional amounts are necessary for this purpose, 139479
the amounts are hereby appropriated. 139480

COLLECTION OUTSIDE COUNSEL PAYMENTS 139481

The foregoing appropriation item 055650, Collection Outside 139482
Counsel Payments, shall be used for the purpose of paying 139483
contingency counsel fees for cases where debtors mistakenly paid 139484
the client agencies instead of the Attorney General's Revenue 139485
Recovery/Collections Enforcement Section. If it is determined that 139486
additional amounts are necessary for this purpose, the amounts are 139487
hereby appropriated. 139488

Section 225.10. AUD AUDITOR OF STATE 139489

General Revenue Fund 139490

GRF 070321 Operating Expenses \$ 27,434,452 \$ 27,434,452 139491

GRF 070403 Fiscal \$ 800,000 \$ 800,000 139492

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund	\$	28,234,452	\$	28,234,452	139493
Auditor of State Fund Group					139494
1090 070601 Public Audit Expense	\$	9,000,000	\$	8,700,000	139495
- Intra-State					
4220 070602 Public Audit Expense	\$	31,422,959	\$	31,052,999	139496
- Local Government					
5840 070603 Training Program	\$	181,250	\$	181,250	139497
5JZ0 070606 LEAP Revolving Loans	\$	850,000	\$	650,000	139498
6750 070605 Uniform Accounting	\$	3,500,000	\$	3,500,000	139499
Network					
TOTAL AUD Auditor of State Fund					139500
Group	\$	44,954,209	\$	44,084,249	139501
TOTAL ALL BUDGET FUND GROUPS	\$	73,188,661	\$	72,318,701	139502
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					139503
The foregoing appropriation item 070403, Fiscal					139504
Watch/Emergency Technical Assistance, shall be used for expenses					139505
incurred by the Office of the Auditor of State in its role					139506
relating to fiscal watch or fiscal emergency activities under					139507
Chapters 118. and 3316. of the Revised Code. Expenses include, but					139508
are not limited to, the following: duties related to the					139509
determination or termination of fiscal watch or fiscal emergency					139510
of municipal corporations, counties, townships, or school					139511
districts; development of preliminary accounting reports;					139512
performance of annual forecasts; provision of performance audits;					139513
and supervisory, accounting, or auditing services for the					139514
municipal corporations, counties, townships, or school districts.					139515
An amount equal to the unexpended, unencumbered portion of					139516
appropriation item 070403, Fiscal Watch/Emergency Technical					139517
Assistance, at the end of fiscal year 2012 is hereby					139518
reappropriated for the same purpose in fiscal year 2013.					139519
Section 227.10. BRB BOARD OF BARBER EXAMINERS					139520

General Services Fund Group					139521
4K90 877609 Operating Expenses	\$	656,320	\$	649,211	139522
TOTAL GSF General Services Fund					139523
Group	\$	656,320	\$	649,211	139524
TOTAL ALL BUDGET FUND GROUPS	\$	656,320	\$	649,211	139525
 Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT					139527
General Revenue Fund					139528
GRF 042321 Budget Development	\$	2,362,025	\$	2,378,166	139529
and Implementation					
GRF 042416 Office of Health	\$	306,285	\$	0	139530
Transformation					
GRF 042423 Liquor Enterprise	\$	500,000	\$	0	139531
Transaction					
TOTAL GRF General Revenue Fund	\$	3,168,310	\$	2,378,166	139532
General Services Fund Group					139533
1050 042603 State Accounting and	\$	21,917,230	\$	22,006,331	139534
Budgeting					
5N40 042602 OAKS Project	\$	1,358,000	\$	1,309,500	139535
Implementation					
5Z80 042608 Office of Health	\$	57,752	\$	0	139536
Transformation					
Administration					
TOTAL GSF General Services Fund	\$	23,332,982	\$	23,315,831	139537
Group					
Federal Special Revenue Fund Group					139538
3CM0 042606 Office of Health	\$	384,037	\$	145,500	139539
Transformation -					
Federal					
TOTAL FED Federal Special Revenue	\$	384,037	\$	145,500	139540
Fund Group					
Agency Fund Group					139541

5EH0 042604	Forgery Recovery	\$	50,000	\$	50,000	139542
TOTAL AGY	Agency Fund Group	\$	50,000	\$	50,000	139543
TOTAL ALL BUDGET FUND GROUPS		\$	26,935,329	\$	25,889,497	139544

LIQUOR ENTERPRISE TRANSACTION 139545

The foregoing appropriation item 042423, Liquor Enterprise Transaction, shall be used by the Director of Budget and Management, without need for any other approval, to retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the Director's judgment to commence negotiation of the transfer agreement referred to in sections 4313.01 and 4313.02 of the Revised Code, as enacted by this act. Any amounts expended from appropriation item 042423 shall be reimbursed from the proceeds of the enterprise acquisition project transaction authorized in those sections. 139546
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The Director of Budget and Management, in consultation with the Director of Commerce, may negotiate an initial agreement with JobsOhio, which shall be executed by the Directors of Budget and Management and Commerce upon its completion. 139557
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AUDIT COSTS AND DUES 139561

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, State Accounting and Budgeting. 139562
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Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation. 139567
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SHARED SERVICES CENTER 139570

The Director of Budget and Management shall use the OAKS Project Implementation Fund (Fund 5N40) and the Accounting and 139571
139572

Budgeting Fund (Fund 1050) to support a Shared Services Center 139573
within the Office of Budget and Management for the purpose of 139574
consolidating statewide business functions and common 139575
transactional processes. 139576

The Director of Budget and Management shall include the 139577
recovery of costs to operate the Shared Services Center in the 139578
accounting and budgeting services payroll rate and through a 139579
direct charge using intrastate transfer vouchers to agencies for 139580
services rendered. The Director of Budget and Management shall 139581
determine the cost recovery methodology. Such cost recovery 139582
revenues shall be deposited to the credit of Fund 1050. 139583

INTERNAL CONTROL AND AUDIT OVERSIGHT 139584

The Director of Budget and Management shall include the 139585
recovery of costs to operate the Internal Control and Audit 139586
Oversight Program in the accounting and budgeting services payroll 139587
rate and through a direct charge using intrastate transfer 139588
vouchers to agencies reviewed by the program. The Director of 139589
Budget and Management, with advice from the Internal Audit 139590
Advisory Council, shall determine the cost recovery methodology. 139591
Such cost recovery revenues shall be deposited to the credit of 139592
the Accounting and Budgeting Fund (Fund 1050). 139593

FORGERY RECOVERY 139594

The foregoing appropriation item 042604, Forgery Recovery, 139595
shall be used to reissue warrants that have been certified as 139596
forgeries by the rightful recipient as determined by the Bureau of 139597
Criminal Identification and Investigation and the Treasurer of 139598
State. Upon receipt of funds to cover the reissuance of the 139599
warrant, the Director of Budget and Management shall reissue a 139600
state warrant of the same amount. 139601

GRF TRANSFER TO THE OAKS PROJECT IMPLEMENTATION FUND 139602

On July 1 of each fiscal year, or as soon as possible 139603

thereafter, the Director of Budget and Management shall transfer 139604
an amount not to exceed \$1,100,000 in cash from the General 139605
Revenue Fund to the OAKS Project Implementation Fund (Fund 5N40). 139606

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 139607

General Revenue Fund 139608

GRF 874100 Personal Services \$ 1,272,017 \$ 1,272,017 139609

GRF 874320 Maintenance and \$ 529,391 \$ 529,391 139610
Equipment

TOTAL GRF General Revenue Fund \$ 1,801,408 \$ 1,801,408 139611

General Services Fund Group 139612

4G50 874603 Capitol Square \$ 15,000 \$ 15,000 139613

Education Center and
Arts

4S70 874602 Statehouse Gift \$ 686,708 \$ 686,708 139614

Shop/Events

TOTAL GSF General Services 139615

Fund Group \$ 701,708 \$ 701,708 139616

Underground Parking Garage 139617

2080 874601 Underground Parking \$ 3,290,052 \$ 3,186,573 139618

Garage Operations

TOTAL UPG Underground Parking 139619

Garage \$ 3,290,052 \$ 3,186,573 139620

TOTAL ALL BUDGET FUND GROUPS \$ 5,793,168 \$ 5,689,689 139621

WAREHOUSE PAYMENTS 139622

Of the foregoing appropriation item 874601, Underground 139623

Parking Garage Operations, \$48,000 in each fiscal year shall be 139624

used to meet all payments at the times they are required to be 139625

made during the period from July 1, 2011, through June 30, 2013, 139626

to the Ohio Building Authority for bond service charges relating 139627

to the purchase and improvement of a warehouse acquired pursuant 139628

to section 105.41 of the Revised Code, in which to store items of 139629
the Capitol Collection Trust and, whenever necessary, equipment or 139630
other property of the Board. 139631

UNDERGROUND PARKING GARAGE FUND 139632

Notwithstanding division (G) of section 105.41 of the Revised 139633
Code and any other provision to the contrary, moneys in the 139634
Underground Parking Garage Fund (Fund 2080) may be used for 139635
personnel and operating costs related to the operations of the 139636
Statehouse and the Statehouse Underground Parking Garage. 139637

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 139638
SCHOOLS 139639

General Services Fund Group 139640

4K90 233601 Operating Expenses \$ 558,658 \$ 579,328 139641

TOTAL GSF General Services Fund \$ 558,658 \$ 579,328 139642

Group

TOTAL ALL BUDGET FUND GROUPS \$ 558,658 \$ 579,328 139643

Section 235.10. CAC CASINO CONTROL COMMISSION 139645

State Special Revenue Fund Group 139646

5HS0 955321 Casino Control - \$ 8,263,312 \$ 13,121,283 139647

Operating

TOTAL SSR State Special Revenue \$ 8,263,312 \$ 13,121,283 139648

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,263,312 \$ 13,121,283 139649

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 139651

General Services Fund Group 139652

4K90 930609 Operating Expenses \$ 433,734 \$ 417,827 139653

TOTAL GSF General Services Fund \$ 433,734 \$ 417,827 139654

Group

TOTAL ALL BUDGET FUND GROUPS	\$	433,734	\$	417,827	139655
Section 239.10. CHR STATE CHIROPRACTIC BOARD					139657
General Services Fund Group					139658
4K90 878609 Operating Expenses	\$	592,916	\$	584,925	139659
TOTAL GSF General Services Fund	\$	592,916	\$	584,925	139660
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	592,916	\$	584,925	139661
Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION					139663
General Revenue Fund					139664
GRF 876321 Operating Expenses	\$	4,725,784	\$	4,725,784	139665
TOTAL GRF General Revenue Fund	\$	4,725,784	\$	4,725,784	139666
General Services Fund Group					139667
2170 876604 Operations Support	\$	8,000	\$	8,000	139668
TOTAL GSF General Services					139669
Fund Group	\$	8,000	\$	8,000	139670
Federal Special Revenue Fund Group					139671
3340 876601 Federal Programs	\$	2,762,000	\$	2,762,000	139672
TOTAL FED Federal Special Revenue					139673
Fund Group	\$	2,762,000	\$	2,762,000	139674
TOTAL ALL BUDGET FUND GROUPS	\$	7,495,784	\$	7,495,784	139675
Section 243.10. COM DEPARTMENT OF COMMERCE					139677
General Revenue Fund					139678
GRF 800401 Construction	\$	920,000	\$	920,000	139679
Compliance					
TOTAL GRF General Revenue Fund	\$	920,000	\$	920,000	139680
General Services Fund Group					139681
1630 800620 Division of	\$	6,200,000	\$	6,200,000	139682
Administration					

1630	800637	Information	\$	5,999,892	\$	6,011,977	139683
		Technology					
5430	800602	Unclaimed	\$	7,836,107	\$	7,841,473	139684
		Funds-Operating					
5430	800625	Unclaimed	\$	69,700,000	\$	69,800,000	139685
		Funds-Claims					
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	139686
		Departments					
TOTAL GSF General Services Fund							139687
Group			\$	90,035,999	\$	90,153,450	139688
Federal Special Revenue Fund Group							139689
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518	139690
		Tanks					
3480	800624	Leaking Underground	\$	1,556,211	\$	1,556,211	139691
		Storage Tanks					
TOTAL FED Federal Special Revenue							139692
Fund Group			\$	2,685,729	\$	2,685,729	139693
State Special Revenue Fund Group							139694
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	139695
		Recovery					
4H90	800608	Cemeteries	\$	268,067	\$	268,293	139696
4X20	800619	Financial Institutions	\$	2,186,271	\$	1,990,693	139697
5440	800612	Banks	\$	7,242,364	\$	6,942,336	139698
5450	800613	Savings Institutions	\$	2,257,220	\$	2,259,536	139699
5460	800610	Fire Marshal	\$	15,400,000	\$	15,501,562	139700
5460	800639	Fire Department Grants	\$	1,698,802	\$	1,698,802	139701
5470	800603	Real Estate	\$	125,000	\$	125,000	139702
		Education/Research					
5480	800611	Real Estate Recovery	\$	25,000	\$	25,000	139703
5490	800614	Real Estate	\$	3,413,708	\$	3,332,308	139704
5500	800617	Securities	\$	4,312,434	\$	4,314,613	139705
5520	800604	Credit Union	\$	3,450,390	\$	3,450,390	139706

5530 800607	Consumer Finance	\$	3,613,016	\$	3,516,861	139707
5560 800615	Industrial Compliance	\$	27,639,372	\$	27,664,695	139708
5FW0 800616	Financial Literacy Education	\$	240,000	\$	240,000	139709
5GK0 800609	Securities Investor Education/Enforcement	\$	1,135,000	\$	485,000	139710
5HV0 800641	Cigarette Enforcement	\$	120,000	\$	120,000	139711
5X60 800623	Video Service	\$	340,299	\$	340,630	139712
6530 800629	UST Registration/Permit Fee	\$	1,854,675	\$	1,509,653	139713
6A40 800630	Real Estate Appraiser-Operating	\$	699,565	\$	648,890	139714
TOTAL SSR State Special Revenue						139715
Fund Group		\$	76,056,183	\$	74,469,262	139716
Liquor Control Fund Group						139717
7043 800601	Merchandising	\$	472,209,274	\$	0	139718
7043 800627	Liquor Control Operating	\$	13,398,274	\$	10,110,479	139719
7043 800633	Development Assistance Debt Service	\$	51,973,200	\$	0	139720
7043 800636	Revitalization Debt Service	\$	21,129,800	\$	0	139721
TOTAL LCF Liquor Control						139722
Fund Group		\$	558,710,548	\$	10,110,479	139723
TOTAL ALL BUDGET FUND GROUPS						139724
SMALL GOVERNMENT FIRE DEPARTMENTS						139725
Notwithstanding section 3737.17 of the Revised Code, the						139726
foregoing appropriation item 800635, Small Government Fire						139727
Departments, may be used to provide loans to private fire						139728
departments.						139729
UNCLAIMED FUNDS PAYMENTS						139730

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are appropriated.

UNCLAIMED FUNDS TRANSFERS

Notwithstanding division (A) of section 169.05 of the Revised Code, on or after June 1, 2012, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$115,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2012.

Notwithstanding division (A) of section 169.05 of the Revised Code, on or after June 1, 2013, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$100,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2013.

FIRE DEPARTMENT GRANTS

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,647,140 in each fiscal year shall be used to make annual grants to volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, local units of government

responsible for the provision of fire protection services for 139762
small municipalities or small townships, and private fire 139763
companies as defined in section 9.60 of the Revised Code. 139764

The grants shall be used by recipients to purchase 139765
firefighting or rescue equipment or gear or similar items, to 139766
provide full or partial reimbursement for the documented costs of 139767
firefighter training, or, at the discretion of the State Fire 139768
Marshal, to cover fire department costs for providing fire 139769
protection services in that grant recipient's jurisdiction. 139770

Grant awards for firefighting or rescue equipment or gear or 139771
for fire department costs of providing fire protection services 139772
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 139773
fiscal year if an eligible entity serves a jurisdiction in which 139774
the Governor declared a natural disaster during the preceding or 139775
current fiscal year in which the grant was awarded. In addition to 139776
any grant funds awarded for rescue equipment or gear, or for fire 139777
department costs associated with the provision of fire protection 139778
services, an eligible entity may receive a grant for up to \$15,000 139779
per fiscal year for full or partial reimbursement of the 139780
documented costs of firefighter training. For each fiscal year, 139781
the State Fire Marshal shall determine the total amounts to be 139782
allocated for each eligible purpose. 139783

The grant program shall be administered by the State Fire 139784
Marshal in accordance with rules the State Fire Marshal adopts as 139785
part of the state fire code adopted pursuant to section 3737.82 of 139786
the Revised Code that are necessary for the administration and 139787
operation of the grant program. The rules may further define the 139788
entities eligible to receive grants and establish criteria for the 139789
awarding and expenditure of grant funds, including methods the 139790
State Fire Marshal may use to verify the proper use of grant funds 139791
or to obtain reimbursement for or the return of equipment for 139792
improperly used grant funds. Any amounts in appropriation item 139793

800639, Fire Department Grants, in excess of the amount allocated 139794
for these grants may be used for the administration of the grant 139795
program. 139796

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 139797
EDUCATION AND ENFORCEMENT EXPENSE FUND 139798

The Director of Budget and Management, upon the request of 139799
the Director of Commerce, shall transfer up to \$485,000 in cash in 139800
each fiscal year from the Division of Securities Fund (Fund 5500) 139801
to the Division of Securities Investor Education and Enforcement 139802
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 139803
Code. 139804

CASH TRANSFER TO VIDEO SERVICE AUTHORIZATION FUND 139805

The Director of Budget and Management, upon the request of 139806
the Director of Commerce, shall transfer up to \$340,000 in cash in 139807
each fiscal year from the Division of Administration Fund (Fund 139808
1630) to the Video Service Authorization Fund (Fund 5X60). 139809

INCREASED APPROPRIATION - MERCHANDISING 139810

The foregoing appropriation item 800601, Merchandising, shall 139811
be used under section 4301.12 of the Revised Code. If it is 139812
determined that additional expenditures are necessary, the amounts 139813
are hereby appropriated. 139814

DEVELOPMENT ASSISTANCE DEBT SERVICE 139815

The foregoing appropriation item 800633, Development 139816
Assistance Debt Service, shall be used to pay debt service and 139817
related financing costs at the times they are required to be made 139818
during the period from July 1, 2011, to June 30, 2012, for bond 139819
service charges on obligations issued under Chapter 166. of the 139820
Revised Code. If it is determined that additional appropriations 139821
are necessary for this purpose, such amounts are appropriated, 139822
subject to the limitations set forth in section 166.11 of the 139823

Revised Code. An appropriation for this purpose is not required, 139824
but is made in this form and in this act for record purposes only. 139825

REVITALIZATION DEBT SERVICE 139826

The foregoing appropriation item 800636, Revitalization Debt 139827
Service, shall be used to pay debt service and related financing 139828
costs at the times they are required to be made pursuant to 139829
sections 151.01 and 151.40 of the Revised Code during the period 139830
from July 1, 2011, to June 30, 2012. If it is determined that 139831
additional appropriations are necessary for this purpose, such 139832
amounts are hereby appropriated. The General Assembly acknowledges 139833
the priority of the pledge of a portion of receipts from that 139834
source to obligations issued and to be issued under Chapter 166. 139835
of the Revised Code. 139836

LIQUOR CONTROL FUND TRANSFER 139837

On January 1, 2012, or as soon as possible thereafter, the 139838
Director of Budget and Management may transfer up to \$10,600,000 139839
in cash from the General Revenue Fund to the Liquor Control Fund 139840
(Fund 7043) for the liquor permitting and compliance functions of 139841
the Division of Liquor Control in the Department of Commerce and 139842
for the operations of the Liquor Control Commission and the 139843
Department of Public Safety pursuant to Chapter 4301. of the 139844
Revised Code. 139845

On July 1, 2012, or as soon as possible thereafter, the 139846
Director of Budget and Management may transfer up to \$21,800,000 139847
in cash from the General Revenue Fund to the Liquor Control Fund 139848
(Fund 7043) for the liquor permitting and compliance functions of 139849
the Division of Liquor Control in the Department of Commerce and 139850
for the operations of the Liquor Control Commission and the 139851
Department of Public Safety pursuant to Chapter 4301. of the 139852
Revised Code. 139853

ADMINISTRATIVE ASSESSMENTS 139854

Notwithstanding any other provision of law to the contrary, 139855
the Division of Administration Fund (Fund 1630) is entitled to 139856
receive assessments from all operating funds of the Department in 139857
accordance with procedures prescribed by the Director of Commerce 139858
and approved by the Director of Budget and Management. 139859

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 139860

General Services Fund Group 139861

5F50 053601 Operating Expenses \$ 5,641,093 \$ 4,142,070 139862

TOTAL GSF General Services Fund \$ 5,641,093 \$ 4,142,070 139863

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 4,142,070 139864

Section 247.10. CEB CONTROLLING BOARD 139866

General Revenue Fund 139867

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 139868

Costs

TOTAL GRF General Revenue Fund \$ 475,000 \$ 475,000 139869

General Services Fund Group 139870

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 139871

TOTAL GSF General Services Fund \$ 10,000,000 \$ 10,000,000 139872

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ 10,475,000 139873

FEDERAL SHARE 139874

In transferring appropriations to or from appropriation items 139875

that have federal shares identified in this act, the Controlling 139876

Board shall add or subtract corresponding amounts of federal 139877

matching funds at the percentages indicated by the state and 139878

federal division of the appropriations in this act. Such changes 139879

are hereby appropriated. 139880

DISASTER SERVICES 139881

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist.

BALLOT ADVERTISING COSTS

Pursuant to section 3501.17 of the Revised Code, and upon requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation item 911441, Ballot Advertising Costs, to appropriation item 050621, Statewide Ballot Advertising, in order to pay for the cost of public notices associated with statewide ballot initiatives.

**CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS
ELIGIBILITY**

A state agency director shall request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The Controlling Board may increase the capital appropriations pursuant to the request up to the exact amount necessary under the federal act if the Board determines it is necessary for the agency to receive and use those federal funds.

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Section 249.10. COS STATE BOARD OF COSMETOLOGY

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General Services Fund Group

139924

4K90 879609 Operating Expenses \$ 3,439,545 \$ 3,364,030

139925

TOTAL GSF General Services Fund

139926

Group \$ 3,439,545 \$ 3,364,030

139927

TOTAL ALL BUDGET FUND GROUPS \$ 3,439,545 \$ 3,364,030

139928

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE

139930

AND FAMILY THERAPIST BOARD

139931

General Services Fund Group

139932

4K90 899609 Operating Expenses \$ 1,204,235 \$ 1,234,756

139933

TOTAL GSF General Services Fund

139934

Group \$ 1,204,235 \$ 1,234,756

139935

TOTAL ALL BUDGET FUND GROUPS \$ 1,204,235 \$ 1,234,756

139936

Section 253.10. CLA COURT OF CLAIMS

139938

General Revenue Fund

139939

GRF 015321 Operating Expenses \$ 2,573,508 \$ 2,501,052

139940

TOTAL GRF General Revenue Fund \$ 2,573,508 \$ 2,501,052

139941

State Special Revenue Fund Group

139942

5K20 015603 CLA Victims of Crime \$ 1,582,684 \$ 1,582,684

139943

TOTAL SSR State Special Revenue

139944

Fund Group	\$	1,582,684	\$	1,582,684	139945
TOTAL ALL BUDGET FUND GROUPS	\$	4,156,192	\$	4,083,736	139946

Section 255.10. AFC OHIO CULTURAL FACILITIES COMMISSION 139948

General Revenue Fund 139949

GRF 371321 Operating Expenses \$ 98,636 \$ 98,636 139950

GRF 371401 Lease Rental Payments \$ 27,804,900 \$ 28,465,000 139951

TOTAL GRF General Revenue Fund \$ 27,903,536 \$ 28,563,636 139952

State Special Revenue Fund Group 139953

4T80 371601 Riffe Theatre \$ 80,891 \$ 80,891 139954

Equipment Maintenance

4T80 371603 Project \$ 1,200,000 \$ 1,200,000 139955

Administration

Services

TOTAL SSR State Special Revenue \$ 1,280,891 \$ 1,280,891 139956

Group

TOTAL ALL BUDGET FUND GROUPS \$ 29,184,427 \$ 29,844,527 139957

LEASE RENTAL PAYMENTS 139958

The foregoing appropriation item 371401, Lease Rental 139959

Payments, shall be used to meet all payments at the times they are 139960

required to be made during the period from July 1, 2011 through 139961

June 30, 2013, from the Ohio Cultural Facilities Commission under 139962

the primary leases and agreements for those arts and sports 139963

facilities made under Chapters 152. and 154. of the Revised Code. 139964

These appropriations are the source of funds pledged for bond 139965

service charges on related obligations issued under Chapters 152. 139966

and 154. of the Revised Code. 139967

OPERATING EXPENSES 139968

The foregoing appropriation item 371321, Operating Expenses, 139969

shall be used by the Ohio Cultural Facilities Commission to carry 139970

out its responsibilities under this section and Chapter 3383. of 139971

the Revised Code. 139972

The foregoing appropriation item 371603, Project 139973
Administration Services, shall be used by the Ohio Cultural 139974
Facilities Commission in administering Cultural and Sports 139975
Facilities Building Fund (Fund 7030) projects pursuant to Chapter 139976
3383. of the Revised Code. 139977

By the tenth day following each calendar quarter in each 139978
fiscal year, or as soon as possible thereafter, the Director of 139979
Budget and Management shall determine the amount of cash from 139980
interest earnings to be transferred from the Cultural and Sports 139981
Facilities Building Fund (Fund 7030) to the Cultural Facilities 139982
Commission Administration Fund (Fund 4T80). 139983

As soon as possible after each bond issuance made on behalf 139984
of the Cultural Facilities Commission, the Director of Budget and 139985
Management shall determine the amount of cash from any premium 139986
paid on each issuance that is available to be transferred, after 139987
all issuance costs have been paid, from the Cultural and Sports 139988
Facilities Building Fund (Fund 7030) to the Cultural Facilities 139989
Commission Administration Fund (Fund 4T80). 139990

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 139991

The Executive Director of the Cultural Facilities Commission 139992
shall certify to the Director of Budget and Management the amount 139993
of cash receipts and related investment income, irrevocable 139994
letters of credit from a bank, or certification of the 139995
availability of funds that have been received from a county or a 139996
municipal corporation for deposit into the Capital Donations Fund 139997
(Fund 5A10) and that are related to an anticipated project. These 139998
amounts are hereby appropriated to appropriation item C37146, 139999
Capital Donations. Prior to certifying these amounts to the 140000
Director, the Executive Director shall make a written agreement 140001
with the participating entity on the necessary cash flows required 140002

for the anticipated construction or equipment acquisition project. 140003

Section 257.10. DEN STATE DENTAL BOARD 140004

General Services Fund Group 140005

4K90 880609 Operating Expenses \$ 1,574,715 \$ 1,545,684 140006

TOTAL GSF General Services Fund 140007

Group \$ 1,574,715 \$ 1,545,684 140008

TOTAL ALL BUDGET FUND GROUPS \$ 1,574,715 \$ 1,545,684 140009

Section 259.10. BDP BOARD OF DEPOSIT 140011

General Services Fund Group 140012

4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 140013

TOTAL GSF General Services Fund 140014

Group \$ 1,876,000 \$ 1,876,000 140015

TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 140016

BOARD OF DEPOSIT EXPENSE FUND 140017

Upon receiving certification of expenses from the Treasurer 140018

of State, the Director of Budget and Management shall transfer 140019

cash from the Investment Earnings Redistribution Fund (Fund 6080) 140020

to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 140021

shall be used pursuant to section 135.02 of the Revised Code to 140022

pay for any and all necessary expenses of the Board of Deposit or 140023

for banking charges and fees required for the operation of the 140024

State of Ohio Regular Account. 140025

Section 261.10. DEV DEPARTMENT OF DEVELOPMENT 140026

General Revenue Fund 140027

GRF 195401 Thomas Edison Program \$ 13,820,354 \$ 0 140028

GRF 195402 Coal Development \$ 260,983 \$ 261,205 140029

Office

GRF 195404 Small Business \$ 1,565,770 \$ 0 140030

		Development					
GRF	195405	Minority Business	\$	1,118,528	\$	0	140031
		Enterprise Division					
GRF	195407	Travel and Tourism	\$	5,000,000	\$	0	140032
GRF	195412	Rapid Outreach Grants	\$	9,000,000	\$	0	140033
GRF	195415	Strategic Business	\$	4,500,000	\$	0	140034
		Investment Division and Regional Offices					
GRF	195416	Governor's Office of Appalachia	\$	3,700,000	\$	3,700,000	140035
GRF	195422	Technology Action	\$	547,341	\$	0	140036
GRF	195426	Clean Ohio Implementation	\$	468,365	\$	0	140037
GRF	195432	Global Markets	\$	3,500,000	\$	0	140038
GRF	195434	Industrial Training Grants	\$	10,000,000	\$	0	140039
GRF	195497	CDBG Operating Match	\$	1,015,000	\$	0	140040
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	140041
GRF	195502	Appalachian Regional Commission Dues	\$	195,000	\$	195,000	140042
GRF	195528	Economic Development Projects	\$	0	\$	25,943,518	140043
GRF	195901	Coal Research & Development General Obligation Debt Service	\$	7,861,100	\$	5,577,700	140044
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	29,323,300	\$	63,640,300	140045
GRF	195912	Job Ready Site	\$	9,859,200	\$	15,680,500	140046

		Development General				
		Obligation Debt				
		Service				
TOTAL GRF	General Revenue Fund		\$ 102,126,423	\$ 115,389,705		140047
	General Services Fund Group					140048
1350	195684	Supportive Services	\$ 11,700,000	\$ 11,700,000		140049
4W10	195646	Minority Business	\$ 2,500,000	\$ 2,500,000		140050
		Enterprise Loan				
5AD0	195633	Legacy Projects	\$ 15,000,000	\$ 15,000,000		140051
5AD0	195677	Economic Development	\$ 10,000,000	\$ 0		140052
		Contingency				
5W50	195690	Travel and Tourism	\$ 50,000	\$ 50,000		140053
		Cooperative Projects				
6850	195636	Direct Cost Recovery	\$ 750,000	\$ 750,000		140054
		Expenditures				
TOTAL GSF	General Services Fund					140055
Group			\$ 40,000,000	\$ 30,000,000		140056
	Federal Special Revenue Fund Group					140057
3080	195602	Appalachian Regional	\$ 475,000	\$ 475,000		140058
		Commission				
3080	195603	Housing and Urban	\$ 6,000,000	\$ 6,000,000		140059
		Development				
3080	195605	Federal Projects	\$ 85,028,606	\$ 85,470,106		140060
3080	195609	Small Business	\$ 6,438,143	\$ 5,511,381		140061
		Administration				
3080	195618	Energy Federal Grants	\$ 38,000,000	\$ 3,400,000		140062
3350	195610	Energy Conservation	\$ 1,100,000	\$ 1,100,000		140063
		and Emerging				
		Technology				
3AE0	195643	Workforce Development	\$ 16,300,000	\$ 16,300,000		140064
		Initiatives				
3DB0	195642	Federal Stimulus -	\$ 3,000,000	\$ 42,485		140065

		Energy Efficiency & Conservation Block Grants					
3EG0	195608	Federal Energy Training	\$	5,000,000	\$	1,344,056	140066
3K80	195613	Community Development Block Grant	\$	76,795,818	\$	65,210,000	140067
3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	140068
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	140069
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	140070
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	140071
TOTAL FED		Federal Special Revenue					140072
Fund Group			\$	443,121,392	\$	389,836,853	140073
State Special Revenue Fund Group							140074
4500	195624	Minority Business Bonding Program Administration	\$	160,110	\$	159,069	140075
4510	195625	Economic Development Financing Operating	\$	3,000,000	\$	3,000,000	140076
4F20	195639	State Special Projects	\$	180,437	\$	180,436	140077
4F20	195676	Marketing Initiatives	\$	5,000,000	\$	0	140078
4F20	195699	Utility Provided Funds	\$	500,000	\$	500,000	140079
4S00	195630	Tax Incentive Programs	\$	650,800	\$	650,800	140080
5CG0	195679	Alterative Fuel Transportation	\$	750,000	\$	750,000	140081
5HJ0	195604	Motion Picture Tax	\$	50,000	\$	50,000	140082

		Credit Program					
5HR0	195526	Ohio Workforce Job	\$	6,000,000	\$	16,000,000	140083
		Training					
5HR0	195622	Defense Development	\$	10,000,000	\$	10,000,000	140084
		Assistance					
5JR0	195656	New Market Tax	\$	50,000	\$	50,000	140085
		Credit Program					
5KD0	195621	Brownfield	\$	50,000	\$	50,000	140086
		Stormwater Loan					
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000	140087
		Assistance					
5M50	195660	Advanced Energy	\$	8,000,000	\$	0	140088
		Programs					
5W60	195691	International Trade	\$	160,000	\$	160,000	140089
		Cooperative Projects					
6170	195654	Volume Cap	\$	94,397	\$	92,768	140090
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	140091
		Income Housing Trust					
		Fund					
TOTAL SSR		State Special Revenue					140092
Fund Group			\$	332,645,744	\$	329,643,073	140093
Facilities Establishment		Fund Group					140094
5S90	195628	Capital Access Loan	\$	1,500,000	\$	1,500,000	140095
		Program					
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	140096
7010	195665	Research and	\$	22,000,000	\$	22,000,000	140097
		Development					
7037	195615	Facilities	\$	55,000,000	\$	55,000,000	140098
		Establishment					
TOTAL 037		Facilities					140099
Establishment		Fund Group	\$	93,500,000	\$	93,500,000	140100
Clean Ohio		Revitalization Fund					140101

7003	195663	Clean Ohio Operating	\$	950,000	\$	950,000	140102
TOTAL	7003	Clean Ohio	\$	950,000	\$	950,000	140103
Revitalization Fund							
Third Frontier Research & Development Fund Group							140104
7011	195686	Third Frontier	\$	1,149,750	\$	1,149,750	140105
Operating							
7011	195687	Third Frontier	\$	183,850,250	\$	133,850,250	140106
Research &							
Development Projects							
7014	195620	Third Frontier	\$	1,700,000	\$	1,700,000	140107
Operating - Tax							
7014	195692	Research &	\$	38,300,000	\$	38,300,000	140108
Development Taxable							
Bond Projects							
TOTAL	011	Third Frontier Research &	\$	225,000,000	\$	175,000,000	140109
Development Fund Group							
Job Ready Site Development Fund Group							140110
7012	195688	Job Ready Site	\$	800,000	\$	800,000	140111
Operating							
TOTAL	012	Job Ready Site	\$	800,000	\$	800,000	140112
Development Fund Group							
Tobacco Master Settlement Agreement Fund Group							140113
M087	195435	Biomedical Research	\$	1,999,224	\$	1,999,224	140114
and Technology							
Transfer							
TOTAL	TSF	Tobacco Master Settlement	\$	1,999,224	\$	1,999,224	140115
Agreement Fund Group							
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,240,142,783	\$	1,137,118,855	140116
Section 261.10.10. THOMAS EDISON PROGRAM							140118
The foregoing appropriation item 195401, Thomas Edison							140119
Program, shall be used for the purposes of sections 122.28 to							140120

122.38 of the Revised Code. Of the foregoing appropriation item 140121
195401, Thomas Edison Program, not more than ten per cent in each 140122
fiscal year shall be used for operating expenditures in 140123
administering the programs of the Technology and Innovation 140124
Division. 140125

Section 261.10.20. SMALL BUSINESS DEVELOPMENT 140126

The foregoing appropriation item 195404, Small Business 140127
Development, shall be used as matching funds for grants from the 140128
United States Small Business Administration and other federal 140129
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 140130
L. No. 98-395 (1984), and regulations and policy guidelines for 140131
the programs pursuant thereto. This appropriation item also may be 140132
used to provide grants to local organizations to support the 140133
operation of small business development centers and other local 140134
economic development activities that promote small business 140135
development and entrepreneurship. 140136

Section 261.10.30. RAPID OUTREACH GRANTS 140137

Appropriation item 195412, Rapid Outreach Grants, shall be 140138
used as an incentive for attracting, expanding, and retaining 140139
business opportunities for the state in accordance with Chapter 140140
166. of the Revised Code. Of the amount appropriated, no more than 140141
five per cent in each fiscal year shall be used for administrative 140142
costs of the Rapid Outreach Program. 140143

The department shall award funds directly to business 140144
entities considering Ohio for their expansion or new site location 140145
opportunities. Rapid Outreach grants shall be used by recipients 140146
to purchase equipment, make infrastructure improvements, make real 140147
property improvements, or fund other fixed assets. To meet the 140148
particular needs of economic development in a region, the 140149
department may elect to award funds directly to a political 140150

subdivision to assist with making on- or off-site infrastructure 140151
improvements to water and sewage treatment facilities, electric or 140152
gas service connections, fiber optic access, rail facilities, site 140153
preparation, and parking facilities. The Director of Development 140154
may recommend that the funds be used for alternative purposes when 140155
considered appropriate to satisfy an economic development 140156
opportunity or need deemed extraordinary in nature by the Director 140157
including, but not limited to, construction, rehabilitation, and 140158
acquisition projects for rail freight assistance as requested by 140159
the Department of Transportation. The Director of Transportation 140160
shall submit the proposed projects to the Director of Development 140161
for an evaluation of potential economic benefit. 140162

Moneys awarded directly to business entities from the 140163
foregoing appropriation item 195412, Rapid Outreach Grants, may be 140164
expended only after the submission of a request to the Controlling 140165
Board by the Department of Development outlining the planned use 140166
of the funds, and the subsequent approval of the request by the 140167
Controlling Board. 140168

Section 261.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 140169
REGIONAL OFFICES 140170

The foregoing appropriation item 195415, Strategic Business 140171
Investment Division and Regional Offices, shall be used for the 140172
operating expenses of the Strategic Business Investment Division 140173
and the regional economic development offices and for grants for 140174
cooperative economic development ventures. 140175

Section 261.10.50. GOVERNOR'S OFFICE OF APPALACHIA 140176

The foregoing appropriation item 195416, Governor's Office of 140177
Appalachia, may be used for the administrative costs of planning 140178
and liaison activities for the Governor's Office of Appalachia, to 140179
provide financial assistance to projects in Ohio's Appalachian 140180

counties, and to match federal funds from the Appalachian Regional Commission. 140181
140182

Section 261.10.60. TECHNOLOGY ACTION 140183

The foregoing appropriation item 195422, Technology Action, 140184
shall be used for operating expenses the Department of Development 140185
incurs for administering sections 184.10 to 184.20 of the Revised 140186
Code. If the appropriation is insufficient to cover the operating 140187
expenses, the Department may request Controlling Board approval to 140188
appropriate the additional amount needed in appropriation item 140189
195686, Third Frontier Operating. The Department shall not request 140190
an amount in excess of the amount needed. 140191

Section 261.10.70. CLEAN OHIO IMPLEMENTATION 140192

The foregoing appropriation item 195426, Clean Ohio 140193
Implementation, shall be used to fund the costs of administering 140194
the Clean Ohio Revitalization program and other urban 140195
revitalization programs that may be implemented by the Department 140196
of Development. 140197

Section 261.10.80. GLOBAL MARKETS 140198

The foregoing appropriation item 195432, Global Markets, 140199
shall be used to administer Ohio's foreign trade and investment 140200
programs, including operation and maintenance of Ohio's 140201
out-of-state trade and investment offices. This appropriation item 140202
also shall be used to fund the Global Markets Division and to 140203
assist Ohio manufacturers, agricultural producers, and service 140204
providers in exporting to foreign countries and to assist in the 140205
attraction of foreign direct investment. 140206

Section 261.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 140207

The foregoing appropriation item 195434, Industrial Training 140208

Grants, may be used for the Ohio Workforce Guarantee Program to 140209
promote training through grants to businesses and, in the case of 140210
a business consortium, training and education providers for the 140211
reimbursement of eligible training expenses. 140212

Section 261.20.10. ECONOMIC DEVELOPMENT PROJECTS 140213

The foregoing appropriation item 195528, Economic Development 140214
Projects, may be used for the purposes of Chapter 122. of the 140215
Revised Code. This appropriation item is made in anticipation of 140216
the evaluation of all powers, functions, and duties of the 140217
Department of Development by the Director of Development, as 140218
prescribed in Section 187.05 of the Revised Code. It is the intent 140219
of the General Assembly that the appropriations in the 140220
appropriation item be reallocated upon completion of the 140221
evaluation. 140222

Section 261.20.20. OHIO FILM OFFICE 140223

The Ohio Film Office shall promote media productions in the 140224
state and help the industry optimize its production experience in 140225
the state by enhancing local economies through increased 140226
employment and tax revenues and ensuring an accurate portrayal of 140227
Ohio. The Office shall serve as an informational clearinghouse and 140228
provide technical assistance to the media production industry and 140229
business entities engaged in media production in the state. The 140230
Office shall promote Ohio as the ideal site for media production 140231
and help those in the industry benefit from their experience in 140232
the state. 140233

The primary objective of the Office shall be to encourage 140234
development of a strong capital base for electronic media 140235
production in order to achieve an independent, self-supporting 140236
industry in Ohio. Other objectives shall include: 140237

(A) Attracting private investment for the electronic media 140238

production industry;	140239
(B) Developing a tax infrastructure that encourages private investment; and	140240 140241
(C) Encouraging increased employment opportunities within this sector and increased competition with other states.	140242 140243
Section 261.20.30. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	140244 140245
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2011, through June 30, 2013 for obligations issued under sections 151.01 and 151.07 of the Revised Code.	140246 140247 140248 140249 140250
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	140251 140252
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2011, through June 30, 2013, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	140253 140254 140255 140256 140257 140258
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	140259
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2011, through June 30, 2013, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.	140260 140261 140262 140263 140264 140265
Section 261.20.40. SUPPORTIVE SERVICES	140266
The Director of Development may assess divisions of the	140267

department for the cost of central service operations. An 140268
assessment shall contain the characteristics of administrative 140269
ease and uniform application. A division's payments shall be 140270
credited to the Supportive Services Fund (Fund 1350) using an 140271
intrastate transfer voucher. 140272

ECONOMIC DEVELOPMENT CONTINGENCY 140273

The foregoing appropriation item 195677, Economic Development 140274
Contingency, may be used to award funds directly to either (1) 140275
business entities considering Ohio for expansion or new site 140276
location opportunities or (2) political subdivisions to assist 140277
with necessary costs involved in attracting a business entity. In 140278
addition, the Director of Development may award funds for 140279
alternative purposes when appropriate to satisfy an economic 140280
development opportunity or need deemed extraordinary in nature by 140281
the Director. 140282

DIRECT COST RECOVERY EXPENDITURES 140283

The foregoing appropriation item 195636, Direct Cost Recovery 140284
Expenditures, shall be used for reimbursable costs. Revenues to 140285
the General Reimbursement Fund (Fund 6850) shall consist of moneys 140286
charged for administrative costs that are not central service 140287
costs. 140288

Section 261.20.50. HEAP WEATHERIZATION 140289

Up to fifteen per cent of the federal funds deposited to the 140290
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 140291
may be expended from appropriation item 195614, HEAP 140292
Weatherization, to provide home weatherization services in the 140293
state as determined by the Director of Development. Any transfers 140294
or increases in appropriation for the foregoing appropriation 140295
items 195614, HEAP Weatherization, or 195611, Home Energy 140296
Assistance Block Grant, shall be subject to approval by the 140297

Controlling Board.	140298
Section 261.20.60. STATE SPECIAL PROJECTS	140299
The State Special Projects Fund (Fund 4F20), may be used for	140300
the deposit of private-sector funds from utility companies and for	140301
the deposit of other miscellaneous state funds. State moneys so	140302
deposited shall be used to match federal housing grants for the	140303
homeless and to market economic development opportunities in the	140304
state. Private-sector moneys shall be deposited for use in	140305
appropriation item 195699, Utility Provided Funds, and shall be	140306
used to (1) pay the expenses of verifying the income-eligibility	140307
of HEAP applicants, (2) leverage additional federal funds, (3)	140308
fund special projects to assist homeless individuals, (4) fund	140309
special projects to assist with the energy efficiency of	140310
households eligible to participate in the Percentage of Income	140311
Payment Plan, and (5) assist with training programs for agencies	140312
that administer low-income customer assistance programs.	140313
Section 261.20.70. TAX INCENTIVE PROGRAMS OPERATING	140314
The foregoing appropriation item 195630, Tax Incentive	140315
Programs, shall be used for the operating costs of the Office of	140316
Grants and Tax Incentives.	140317
Section 261.20.80. MINORITY BUSINESS ENTERPRISE LOAN	140318
All repayments from the Minority Development Financing	140319
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	140320
Program shall be deposited in the State Treasury to the credit of	140321
the Minority Business Enterprise Loan Fund (Fund 4W10). Operating	140322
costs of administering the Minority Business Enterprise Loan Fund	140323
may be paid from the Minority Business Enterprise Loan Fund (Fund	140324
4W10).	140325
MINORITY BUSINESS BONDING FUND	140326

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 195623, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

Section 261.20.90. OHIO INCUMBENT WORKFORCE TRAINING VOUCHERS

(A) On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$6,000,000 from the Economic Development Programs 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.

On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$16,000,000 from the Economic Development Programs 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. 140358
140359

(B) Of the foregoing appropriation item 195526, Ohio Workforce Job Training, up to \$6,000,000 in fiscal year 2012 and up to \$16,000,000 in fiscal year 2013 shall be used to support the Ohio Incumbent Workforce Training Voucher Program. The Director of Development and the Chief Investment Officer of JobsOhio may enter into an agreement to operate the program pursuant to the contract between the Department of Development and JobsOhio under section 187.04 of the Revised Code. The agreement may include a provision for granting, loaning, or transferring funds from appropriation item 195526, Ohio Incumbent Workforce Job Training, to JobsOhio to provide training for incumbent workers. 140360
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(C) Regardless of any agreement between the Director and the Chief Investment Officer under division (B) of this section, the Ohio Incumbent Workforce Training Voucher Program shall conform to guidelines for the operation of the program, including, but not limited to, the following: 140371
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140373
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140375

(1) A requirement that a training voucher under the program shall not exceed \$6,000 per worker per year; 140376
140377

(2) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee; 140378
140379

(3) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and 140380
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140382

(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. 140383
140384
140385

DEFENSE DEVELOPMENT ASSISTANCE 140386

On July 1 of each fiscal year, or as soon as possible 140387

thereafter, the Director of Budget and Management shall transfer 140388
\$10,000,000 in cash from the Economic Development Projects Fund 140389
(Fund 5JC0) used by the Board of Regents to the Ohio Incumbent 140390
Workforce Job Training Fund (Fund 5HR0) used by the Department of 140391
Development. The transferred funds are hereby appropriated in 140392
appropriation item 195622, Defense Development Assistance. 140393

The foregoing appropriation item 195622, Defense Development 140394
Assistance, shall be used for economic development programs and 140395
the creation of new jobs to leverage and support mission gains at 140396
Department of Defense facilities in Ohio by working with future 140397
base realignment and closure activities and ongoing Department of 140398
Defense efficiency initiatives, assisting efforts to secure 140399
Department of Defense support contracts for Ohio companies, 140400
assessing and supporting regional job training and workforce 140401
development needs generated by the Department of Defense and the 140402
Ohio aerospace industry, and for expanding job training and 140403
economic development programs in human performance related 140404
initiatives. These funds shall be matched by private industry 140405
partners or the Department of Defense in an aggregate amount of 140406
\$6,000,000 over the FY 2012-FY 2013 biennium. 140407

Section 261.30.10. ADVANCED ENERGY FUND 140408

The foregoing appropriation item 195660, Advanced Energy 140409
Programs, shall be used to provide financial assistance to 140410
customers for eligible advanced energy projects for residential, 140411
commercial, and industrial business, local government, educational 140412
institution, nonprofit, and agriculture customers, and to pay for 140413
the program's administrative costs as provided in sections 4928.61 140414
to 4928.63 of the Revised Code and rules adopted by the Director 140415
of Development. 140416

On July 1 of each fiscal year, or as soon as possible 140417
thereafter, the Director of Budget and Management shall transfer 140418

\$750,000 in cash from the Advanced Energy Fund (Fund 5M50) to the 140419
Alternative Fuel Transportation Grant Fund (Fund 5CG0). 140420

VOLUME CAP ADMINISTRATION 140421

The foregoing appropriation item 195654, Volume Cap 140422
Administration, shall be used for expenses related to the 140423
administration of the Volume Cap Program. Revenues received by the 140424
Volume Cap Administration Fund (Fund 6170) shall consist of 140425
application fees, forfeited deposits, and interest earned from the 140426
custodial account held by the Treasurer of State. 140427

Section 261.30.20. INNOVATION OHIO LOAN FUND 140428

The foregoing appropriation item 195664, Innovation Ohio, 140429
shall be used to provide for innovation Ohio purposes, including 140430
loan guarantees and loans under Chapter 166. and particularly 140431
sections 166.12 to 166.16 of the Revised Code. 140432

RESEARCH AND DEVELOPMENT 140433

The foregoing appropriation item 195665, Research and 140434
Development, shall be used to provide for research and development 140435
purposes, including loans, under Chapter 166. and particularly 140436
sections 166.17 to 166.21 of the Revised Code. 140437

LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 140438

Appropriation item 195698, Logistics and Distribution 140439
Infrastructure, shall be used for eligible logistics and 140440
distribution infrastructure projects as defined in section 166.01 140441
of the Revised Code. Any unexpended and unencumbered portion of 140442
the appropriation item at the end of fiscal year 2011 is hereby 140443
reappropriated for the same purpose in fiscal year 2012, and any 140444
unexpended and unencumbered portion of the appropriation item at 140445
the end of fiscal year 2012 is hereby reappropriated for the same 140446
purpose in fiscal year 2013. 140447

After all encumbrances have been paid, the Director of Budget 140448

and Management shall transfer the remaining cash balance in the 140449
Logistics and Distribution Infrastructure Fund (Fund 7008) to the 140450
Facilities Establishment Fund (Fund 7037). 140451

FACILITIES ESTABLISHMENT FUND 140452

The foregoing appropriation item 195615, Facilities 140453
Establishment (Fund 7037), shall be used for the purposes of the 140454
Facilities Establishment Fund under Chapter 166. of the Revised 140455
Code. 140456

Notwithstanding Chapter 166. of the Revised Code, an amount 140457
not to exceed \$1,000,000 in cash in fiscal year 2012 may be 140458
transferred from the Facilities Establishment Fund (Fund 7037) to 140459
the Economic Development Financing Operating Fund (Fund 4510). The 140460
transfer is subject to Controlling Board approval under division 140461
(B) of section 166.03 of the Revised Code. 140462

Notwithstanding Chapter 166. of the Revised Code, the 140463
Director of Budget and Management may transfer an amount not to 140464
exceed \$2,500,000 in cash in each fiscal year from the Facilities 140465
Establishment Fund (Fund 7037) to the Minority Business Enterprise 140466
Loan Fund (Fund 4W10). 140467

On July 1, 2011, or as soon as possible thereafter, the 140468
Director of Budget and Management shall transfer the unexpended 140469
and unencumbered cash balance in the Urban Development Loans Fund 140470
(Fund 5D20) to the Facilities Establishment Fund (Fund 7037). 140471

On July 1, 2011, or as soon as possible thereafter, the 140472
Director of Budget and Management shall transfer the unexpended 140473
and unencumbered cash balance in the Rural Industrial Park Loan 140474
Fund (Fund 4Z60) to the Facilities Establishment Fund (Fund 7037). 140475

CAPITAL ACCESS LOAN PROGRAM 140476

The foregoing appropriation item 195628, Capital Access Loan 140477
Program, shall be used for operating, program, and administrative 140478

expenses of the program. Funds of the Capital Access Loan Program 140479
shall be used to assist participating financial institutions in 140480
making program loans to eligible businesses that face barriers in 140481
accessing working capital and obtaining fixed-asset financing. 140482

Section 261.30.30. CLEAN OHIO OPERATING EXPENSES 140483

The foregoing appropriation item 195663, Clean Ohio 140484
Operating, shall be used by the Department of Development in 140485
administering Clean Ohio Revitalization Fund (Fund 7003) projects 140486
pursuant to sections 122.65 to 122.658 of the Revised Code. 140487

Section 261.30.40. THIRD FRONTIER OPERATING 140488

The foregoing appropriation items 195686, Third Frontier 140489
Operating, and 195620, Third Frontier Operating - Tax, shall be 140490
used for operating expenses incurred by the Department of 140491
Development in administering projects pursuant to sections 184.10 140492
to 184.20 of the Revised Code. Operating expenses paid from item 140493
195686 shall be limited to the administration of projects funded 140494
from the Third Frontier Research & Development Fund (Fund 7011) 140495
and operating expenses paid from item 195620 shall be limited to 140496
the administration of projects funded from the Third Frontier 140497
Research & Development Taxable Bond Project Fund (Fund 7014). 140498

Section 261.30.50. THIRD FRONTIER RESEARCH AND DEVELOPMENT 140499
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 140500

The foregoing appropriation items 195687, Third Frontier 140501
Research & Development Projects, 195692, Research & Development 140502
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 140503
shall be used by the Department of Development to fund selected 140504
projects. Eligible costs are those costs of research and 140505
development projects to which the proceeds of the Third Frontier 140506
Research & Development Fund (Fund 7011) and the Research & 140507

Development Taxable Bond Project Fund (Fund 7014) are to be 140508
applied. 140509

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 140510

The Director of Budget and Management may approve written 140511
requests from the Director of Development for the transfer of 140512
appropriations between appropriation items 195687, Third Frontier 140513
Research & Development Projects, and 195692, Research & 140514
Development Taxable Bond Projects, based upon awards recommended 140515
by the Third Frontier Commission. The transfers are subject to 140516
approval by the Controlling Board. 140517

On or before June 30, 2012, any unexpended and unencumbered 140518
portions of the foregoing appropriation items 195687, Third 140519
Frontier Research & Development Projects, and 195692, Research & 140520
Development Taxable Bond Projects, for fiscal year 2012 are hereby 140521
reappropriated to the Department of Development for the same 140522
purposes for fiscal year 2013. 140523

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 140524

The Ohio Public Facilities Commission, upon request of the 140525
Department of Development, is hereby authorized to issue and sell, 140526
in accordance with Section 2p of Article VIII, Ohio Constitution, 140527
and particularly sections 151.01 and 151.10 of the Revised Code, 140528
original obligations of the State of Ohio in an aggregate amount 140529
not to exceed \$400,000,000 in addition to the original issuance of 140530
obligations authorized by prior acts of the General Assembly. The 140531
authorized obligations shall be issued and sold from time to time 140532
and in amounts necessary to ensure sufficient moneys to the credit 140533
of the Third Frontier Research and Development Fund (Fund 7011) to 140534
pay costs of research and development projects. 140535

Section 261.30.60. JOB READY SITE OPERATING 140536

The foregoing appropriation item 195688, Job Ready Site 140537

Operating, shall be used for operating expenses incurred by the 140538
Department of Development in administering Job Ready Site 140539
Development Fund (Fund 7012) projects pursuant to sections 122.085 140540
to 122.0820 of the Revised Code. Operating expenses include, but 140541
are not limited to, certain qualified expenses of the District 140542
Public Works Integrating Committees, as applicable, engineering 140543
review of submitted applications by the State Architect or a third 140544
party engineering firm, audit and accountability activities, and 140545
costs associated with formal certifications verifying that site 140546
infrastructure is in place and is functional. 140547

Section 261.30.70. OHIO COAL DEVELOPMENT OFFICE 140548

On July 1, 2011, or as soon as possible thereafter, the 140549
Director of Budget and Management shall transfer any unexpended 140550
and unencumbered portion of appropriation item 898604, Coal 140551
Research and Development Fund, used by the Ohio Air Quality 140552
Development Authority, to a new capital appropriation item in the 140553
Department of Development, to be determined by the Director. The 140554
Director also shall cancel all outstanding encumbrances against 140555
appropriation item 898604, Coal Research and Development Fund, and 140556
reestablish them against the foregoing new capital appropriation 140557
item. The amounts of the transfer and the reestablished 140558
encumbrances, plus \$2,283,264, are hereby appropriated for fiscal 140559
year 2012 in the foregoing new appropriation item and shall be 140560
used to provide funding for coal research and development 140561
purposes. 140562

Section 261.30.80. THIRD FRONTIER BIOMEDICAL RESEARCH AND 140563
COMMERCIALIZATION SUPPORT 140564

The General Assembly and the Governor recognize the role that 140565
the biomedical industry has in job creation, innovation, and 140566
economic development throughout Ohio. It is the intent of the 140567

General Assembly, the Governor, the Director of Development, and 140568
the Director of Budget and Management to work together in 140569
continuing to provide comprehensive state support for the 140570
biomedical industry. 140571

Section 261.30.90. UNCLAIMED FUNDS TRANSFER 140572

(A) Notwithstanding division (A) of section 169.05 of the 140573
Revised Code, upon the request of the Director of Budget and 140574
Management, the Director of Commerce, before June 30, 2012, shall 140575
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 140576
amount not to exceed \$25,000,000 in cash of the unclaimed funds 140577
that have been reported by the holders of unclaimed funds under 140578
section 169.05 of the Revised Code, regardless of the allocation 140579
of the unclaimed funds described under that section. 140580

Notwithstanding division (A) of section 169.05 of the Revised 140581
Code, upon the request of the Director of Budget and Management, 140582
the Director of Commerce, before June 30, 2013, shall transfer to 140583
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 140584
exceed \$15,000,000 in cash of the unclaimed funds that have been 140585
reported by the holders of unclaimed funds under section 169.05 of 140586
the Revised Code, regardless of the allocation of the unclaimed 140587
funds described under that section. 140588

(B) Notwithstanding division (A) of section 169.05 of the 140589
Revised Code, upon the request of the Director of Budget and 140590
Management, the Director of Commerce, before June 30, 2012, shall 140591
transfer to the State Special Projects Fund (Fund 4F20) an amount 140592
not to exceed \$5,000,000 in cash of the unclaimed funds that have 140593
been reported by the holders of unclaimed funds under section 140594
169.05 of the Revised Code, regardless of the allocation of the 140595
unclaimed funds described under that section. 140596

Section 261.40.10. WORKFORCE DEVELOPMENT 140597

The Director of Development and the Director of Job and Family Services may enter into one or more interagency agreements between the two departments and take other actions the directors consider appropriate to further integrate workforce development into a larger economic development strategy, to implement the recommendations of the Workforce Policy Board, and to complete activities related to the transition of the administration of employment programs identified by the board. Subject to the approval of the Director of Budget and Management, the Department of Development and the Department of Job and Family Services may expend moneys to support the recommendations of the Workforce Policy Board in the area of integration of employment functions as described in this paragraph and to complete implementation and transition activities from the appropriations to those departments.

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Section 263.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 140613

General Revenue Fund 140614

GRF	320321	Central	\$	4,422,794	\$	4,422,794	140615
		Administration					
GRF	320412	Protective Services	\$	2,174,826	\$	1,957,343	140616
GRF	320415	Lease-Rental Payments	\$	18,394,250	\$	19,907,900	140617
GRF	322407	Medicaid State Match	\$	218,034,162	\$	214,902,506	140618
GRF	322451	Family Support	\$	5,932,758	\$	5,932,758	140619
		Services					
GRF	322501	County Boards	\$	40,906,365	\$	44,449,280	140620
		Subsidies					
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	140621
TOTAL GRF		General Revenue Fund	\$	303,865,155	\$	305,572,581	140622

General Services Fund Group 140623

1520	323609	Developmental Center	\$	3,414,317	\$	3,414,317	140624
		and Residential					

Operating Services					
TOTAL GSF General Services Fund	\$	3,414,317	\$	3,414,317	140625
Group					
Federal Special Revenue Fund Group					140626
3A50 320613 DD Council	\$	3,341,572	\$	3,341,572	140627
3250 322612 Community Social	\$	11,017,754	\$	10,604,896	140628
Service Programs					
3DZ0 322648 Enhanced Medicaid -	\$	10,000,000	\$	0	140629
Federal					
3G60 322639 Medicaid Waiver -	\$	866,566,007	\$	985,566,007	140630
Federal					
3M70 322650 CAFS Medicaid	\$	29,349,502	\$	29,349,502	140631
3A40 323605 Developmental Center	\$	180,266,029	\$	179,384,881	140632
and Residential					
Facility Services and					
Support					
TOTAL FED Federal Special Revenue	\$	1,100,540,864	\$	1,208,246,858	140633
Fund Group					
State Special Revenue Fund Group					140634
5GE0 320606 Operating and	\$	7,406,609	\$	7,407,297	140635
Services					
2210 322620 Supplement Service	\$	150,000	\$	150,000	140636
Trust					
4K80 322604 Medicaid Waiver -	\$	12,000,000	\$	12,000,000	140637
State Match					
5CT0 322632 Intensive Behavioral	\$	1,000,000	\$	1,000,000	140638
Needs					
5DJ0 322625 Targeted Case	\$	21,000,000	\$	24,000,000	140639
Management Match					
5DJ0 322626 Targeted Case	\$	57,307,357	\$	66,000,000	140640
Management Services					
5DK0 322629 Capital Replacement	\$	750,000	\$	750,000	140641

		Facilities				
5EVO	322627	Program Fees	\$	685,000	\$	685,000 140642
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000 140643
5JX0	322651	Interagency Workgroup	\$	45,000		45,000 140644
		- Autism				
5Z10	322624	County Board Waiver	\$	235,000,000	\$	290,000,000 140645
		Match				
4890	323632	Developmental Center	\$	16,497,170	\$	16,497,169 140646
		Direct Care Support				
5S20	590622	Medicaid	\$	20,875,567	\$	21,727,540 140647
		Administration &				
		Oversight				
TOTAL SSR	State Special Revenue		\$	372,876,703	\$	440,422,006 140648
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	1,780,697,039	\$	1,957,655,762 140649

Section 263.10.10. LEASE-RENTAL PAYMENTS 140651

The foregoing appropriation item 320415, Lease-Rental 140652
 Payments, shall be used to meet all payments at the times they are 140653
 required to be made during the period from July 1, 2011, through 140654
 June 30, 2013, by the Department of Developmental Disabilities 140655
 under leases and agreements made under section 154.20 of the 140656
 Revised Code. These appropriations are the source of funds pledged 140657
 for bond service charges or obligations issued pursuant to Chapter 140658
 154. of the Revised Code. 140659

Section 263.10.20. MEDICAID - STATE MATCH (GRF) 140660

Except as otherwise provided in section 5123.0416 of the 140661
 Revised Code, the purposes for which the foregoing appropriation 140662
 item 322407, Medicaid State Match, shall be used include the 140663
 following: 140664

(A) Home and community-based waiver services under Title XIX 140665

of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 140666
as amended. 140667

(B) To pay the nonfederal share of the cost of one or more 140668
new intermediate care facilities for the mentally retarded 140669
certified beds, if the Director of Developmental Disabilities is 140670
required by this act to transfer cash from funds used by the 140671
Department to any fund used by the Department of Job and Family 140672
Services to pay such nonfederal share. 140673

(C) To implement the requirements of the agreement settling 140674
the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, 140675
United States District Court for the Southern District of Ohio, 140676
Eastern Division. 140677

(D) To implement the requirements of the agreement settling 140678
the consent decree in the *Martin v. Strickland*, Case No. 140679
89-CV-00362, United States District Court for the Southern 140680
District of Ohio, Eastern Division. 140681

(E) Developmental center and residential facilities services. 140682

(F) Other programs as identified by the Director of 140683
Developmental Disabilities. 140684

Section 263.10.30. FAMILY SUPPORT SERVICES SUBSIDY 140685

(A) The foregoing appropriation item 322451, Family Support 140686
Services, may be used as follows in fiscal year 2012 and fiscal 140687
year 2013: 140688

(1) The appropriation item may be used to provide a subsidy 140689
to county boards of developmental disabilities for family support 140690
services provided under section 5126.11 of the Revised Code. The 140691
subsidy shall be paid in quarterly installments and allocated to 140692
county boards according to a formula the Director of Developmental 140693
Disabilities shall develop in consultation with representatives of 140694
county boards. A county board shall use not more than seven per 140695

cent of its subsidy for administrative costs. 140696

(2) The appropriation item may be used to distribute funds to 140697
county boards for the purpose of addressing economic hardships and 140698
to promote efficiency of operations. In consultation with 140699
representatives of county boards, the Director shall determine the 140700
amount of funds to distribute for these purposes and the criteria 140701
for distributing the funds. 140702

(B) Each county board shall submit reports to the Department 140703
of Developmental Disabilities on the use of funds received under 140704
this section. The reports shall be submitted at the times and in 140705
the manner specified in rules the Director shall adopt in 140706
accordance with Chapter 119. of the Revised Code. 140707

Section 263.10.40. STATE SUBSIDY TO COUNTY DD BOARDS 140708

(A) Except as otherwise provided in the section of this act 140709
titled "NONFEDERAL SHARE OF NEW ICF/MR BEDS," the foregoing 140710
appropriation item 322501, County Boards Subsidies, shall be used 140711
for the following purposes: 140712

(1) To provide a subsidy to county boards of developmental 140713
disabilities in quarterly installments and allocated according to 140714
a formula developed by the Director of Developmental Disabilities 140715
in consultation with representatives of county boards. Except as 140716
otherwise provided in section 5126.0511 of the Revised Code, or in 140717
division (B) of this section, county boards shall use the subsidy 140718
for early childhood services and adult services provided under 140719
section 5126.05 of the Revised Code, service and support 140720
administration provided under section 5126.15 of the Revised Code, 140721
or supported living as defined in section 5126.01 of the Revised 140722
Code. 140723

(2) To provide funding, as determined necessary by the 140724
Director of Developmental Disabilities, for residential services, 140725

including room and board, and support service programs that enable 140726
individuals with developmental disabilities to live in the 140727
community. 140728

(3) To distribute funds to county boards of developmental 140729
disabilities to address economic hardships and promote efficiency 140730
of operations. The Director shall determine, in consultation with 140731
representatives of county boards, the amount of funds to 140732
distribute for these purposes and the criteria for distributing 140733
the funds. 140734

(B) In collaboration with the county's family and children 140735
first council, a county board of developmental disabilities may 140736
transfer portions of funds received under this section, to a 140737
flexible funding pool in accordance with the section of this act 140738
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 140739

Section 263.10.50. COUNTY BOARD SHARE OF WAIVER SERVICES 140740

As used in this section, "home and community-based services" 140741
has the same meaning as in section 5123.01 of the Revised Code. 140742

The Director of Developmental Disabilities shall establish a 140743
methodology to be used in fiscal year 2012 and fiscal year 2013 to 140744
estimate the quarterly amount each county board of developmental 140745
disabilities is to pay of the nonfederal share of home and 140746
community-based services that section 5126.0510 of the Revised 140747
Code requires county boards to pay. Each quarter, the Director 140748
shall submit to a county board written notice of the amount the 140749
county board is to pay for that quarter. The notice shall specify 140750
when the payment is due. 140751

Section 263.10.60. TAX EQUITY 140752

Notwithstanding section 5126.18 of the Revised Code, the 140753
foregoing appropriation item 322503, Tax Equity, may be used to 140754
distribute funds to county boards of developmental disabilities to 140755

address economic hardships and promote efficiency of operations. 140756
The Director shall determine, in consultation with representatives 140757
of county boards, the amount of funds to distribute for these 140758
purposes and the criteria for distributing the funds. 140759

Section 263.10.70. MEDICAID WAIVER - STATE MATCH 140760

The foregoing appropriation item 322604, Medicaid Waiver - 140761
State Match (Fund 4K80), shall be used as state matching funds for 140762
home and community-based waivers. 140763

Section 263.10.80. ICF/MR CONVERSION 140764

(A) As used in this section, "home and community-based 140765
services" has the same meaning as in section 5123.01 of the 140766
Revised Code. 140767

(B) For each quarter of the biennium, the Director of 140768
Developmental Disabilities shall certify to the Director of Budget 140769
and Management the estimated amount needed to fund the provision 140770
of home and community-based services made available by the slots 140771
sought under section 5111.877 of the Revised Code. On receipt of 140772
certification, the Director of Budget and Management shall 140773
transfer the estimated amount in cash from the General Revenue 140774
Fund to the Home and Community-Based Services Fund (Fund 4K80), 140775
used by the Department of Developmental Disabilities. Upon 140776
completion of the transfer, appropriation item 600525, Health 140777
Care/Medicaid, is hereby reduced by the amount transferred under 140778
this section plus the corresponding federal share. The amount 140779
transferred to Fund 4K80 is hereby appropriated to appropriation 140780
item 322604, Medicaid Waiver - State Match. 140781

(C) If receipts credited to the Medicaid Waiver Fund (Fund 140782
3G60) exceed the amounts appropriated from the fund, the Director 140783
of Developmental Disabilities may request the Director of Budget 140784
and Management to authorize expenditures from the fund in excess 140785

of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

(D) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 263.10.90. TARGETED CASE MANAGEMENT SERVICES

County boards of developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Developmental Disabilities.

The Directors of Developmental Disabilities and Job and Family Services may enter into an interagency agreement under which the Department of Developmental Disabilities shall transfer cash from the Targeted Case Management Fund (Fund 5DJ0) to the Medicaid Program Support - State Fund (Fund 5C90) used by the Department of Job and Family Services in an amount equal to the nonfederal portion of the cost of targeted case management services paid by county boards, and the Department of Job and Family Services shall pay the total cost of targeted case management claims. The transfer shall be made using an intrastate transfer voucher.

Section 263.20.10. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the

county board did not pay from any amounts due to the county board. 140816
The Director may use any appropriation item or fund used by the 140817
Department to transfer cash to any other fund used by the 140818
Department in an amount equal to the amount owed the Department 140819
that the county board did not pay. Transfers under this section 140820
shall be made using an intrastate transfer voucher. 140821

Section 263.20.20. TRANSFER TO MEDICAID REPAYMENT FUND 140822

On July 1, 2011, or as soon as possible thereafter, the 140823
Director of Developmental Disabilities shall request that the 140824
Director of Budget and Management transfer the cash balance in the 140825
Purchase of Service Fund (Fund 4880) to the Medicaid Repayment 140826
Fund (Fund 5H00). Upon completion of the transfer, Fund 4880 is 140827
hereby abolished. The Director of Developmental Disabilities shall 140828
cancel any existing encumbrances against appropriation item 140829
322603, Provider Audit Refunds, and re-establish them against 140830
appropriation item 322619, Medicaid Repayment. The re-established 140831
encumbrances are hereby appropriated. 140832

Section 263.20.30. DEVELOPMENTAL CENTER BILLING FOR SERVICES 140833

Developmental centers of the Department of Developmental 140834
Disabilities may provide services to persons with mental 140835
retardation or developmental disabilities living in the community 140836
or to providers of services to these persons. The Department may 140837
develop a method for recovery of all costs associated with the 140838
provisions of these services. 140839

Section 263.20.40. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 140840
PHARMACY PROGRAMS 140841

The Director of Developmental Disabilities shall quarterly 140842
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 140843
Medicaid Program Support - State Fund (Fund 5C90) used by the 140844

Department of Job and Family Services, in an amount equal to the 140845
nonfederal share of Medicaid prescription drug claim costs for all 140846
developmental centers paid by the Department of Job and Family 140847
Services. The quarterly transfer shall be made using an intrastate 140848
transfer voucher. 140849

Section 263.20.50. NONFEDERAL MATCH FOR ACTIVE TREATMENT 140850
SERVICES 140851

Any county funds received by the Department of Developmental 140852
Disabilities from county boards for active treatment shall be 140853
deposited in the Developmental Disabilities Operating Fund (Fund 140854
4890). 140855

Section 263.20.60. NONFEDERAL SHARE OF NEW ICF/MR BEDS 140856

(A) As used in this section, "intermediate care facility for 140857
the mentally retarded" has the same meaning as in section 5111.20 140858
of the Revised Code. 140859

(B) If the Department of Developmental Disabilities is 140860
required by section 5111.211 of the Revised Code to pay the 140861
nonfederal share of claims submitted for services that are covered 140862
by the Medicaid program and provided to an eligible Medicaid 140863
recipient by an intermediate care facility for the mentally 140864
retarded, the Director of Developmental Disabilities shall 140865
transfer cash to the Department of Job and Family Services to pay 140866
the nonfederal share of the claims. The transfer shall be made 140867
using an intrastate transfer voucher. Except as otherwise provided 140868
in section 5123.0416 of the Revised Code, the Director shall use 140869
only the following appropriation items for the transfer: 140870

(1) Appropriation item 322407, Medicaid State Match; 140871

(2) Appropriation item 322501, County Boards Subsidies. 140872

(C) If the intermediate care facility for the mentally 140873

retarded is located in a county served by a county board of 140874
developmental disabilities that initiates or supports the 140875
facility's certification as an intermediate care facility for the 140876
mentally retarded by the Director of Health, the cash that the 140877
Director transfers under division (B) of this section shall be 140878
moneys that the Director has allocated to the county board serving 140879
the county in which the facility is located unless the amount of 140880
the allocation is insufficient to pay the entire nonfederal share 140881
of the claims submitted by the facility. If the allocation is 140882
insufficient, the Director shall use as much of such moneys 140883
allocated to other counties as is needed to make up the 140884
difference. 140885

Section 263.20.70. RATE INCREASE FOR WAIVER PROVIDERS SERVING 140886
FORMER RESIDENTS OF DEVELOPMENTAL CENTERS 140887

Subject to approval by the Centers for Medicare and Medicaid 140888
Services, the Department of Job and Family Services shall increase 140889
the rate paid to a provider under the Individual Options Waiver by 140890
fifty-two cents for each fifteen minutes of routine 140891
homemaker/personal care provided to an individual for up to a year 140892
if all of the following apply: 140893

(A) The individual was a resident of a developmental center 140894
immediately prior to enrollment in the waiver; 140895

(B) The provider begins serving the individual on or after 140896
July 1, 2011; 140897

(C) The Director of Developmental Disabilities determines 140898
that the increased rate is warranted by the individual's special 140899
circumstances, including the individual's diagnosis, service 140900
needs, or length of stay at the developmental center, and that 140901
serving the individual through the Individual Options Waiver is 140902
fiscally prudent for the Medicaid program. 140903

Section 263.20.80. ODODD INNOVATIVE PILOT PROJECTS 140904

(A) In fiscal year 2012 and fiscal year 2013, the Director of 140905
Developmental Disabilities may authorize the implementation of one 140906
or more innovative pilot projects that, in the judgment of the 140907
Director, are likely to assist in promoting the objectives of 140908
Chapter 5123. or 5126. of the Revised Code. Subject to division 140909
(B) of this section and notwithstanding any provision of Chapters 140910
5123. and 5126. of the Revised Code and any rule adopted under 140911
either chapter, a pilot project authorized by the Director may be 140912
implemented in a manner inconsistent with one or more provisions 140913
of Chapter 5123. or 5126. of the Revised Code or one or more rules 140914
adopted under either chapter. Before authorizing a pilot program, 140915
the Director shall consult with entities interested in the issue 140916
of developmental disabilities, including the Ohio Provider 140917
Resource Association, the Ohio Association of County Boards of 140918
Developmental Disabilities, and the ARC of Ohio. 140919

(B) The Director may not authorize a pilot project to be 140920
implemented in a manner that would cause the state to be out of 140921
compliance with any requirements for a program funded in whole or 140922
in part with federal funds. 140923

Section 263.20.90. OHIO DEVELOPMENTAL DISABILITIES COUNCIL 140924
REMOTE ATTENDANCE PILOT PROGRAM 140925

(A) The Ohio Developmental Disabilities Council may establish 140926
a pilot program to allow Council members to attend a public 140927
Council meeting by teleconference or video conference in lieu of 140928
physically attending the meeting. If the pilot program is 140929
established, it shall be operated until five years after the 140930
effective date of this section. 140931

A member who attends a Council meeting by teleconference or 140932
video conference shall be counted for purposes of determining 140933

whether a quorum is present for the transaction of business. The 140934
member shall be permitted to vote at the meeting. 140935

At each Council meeting that includes members in attendance 140936
by teleconference or video conference, at least three Council 140937
members shall be physically present. Any Council meeting may be 140938
held with members in attendance by teleconference or video 140939
conference, except that the Council shall hold at least one 140940
meeting during each year of the pilot program at which members are 140941
not permitted to attend by teleconference or video conference. 140942

(B) If the pilot program is established, the Council shall 140943
submit a report to the General Assembly not later than four years 140944
after the effective date of this section to assist the recipients 140945
in determining whether legislation establishing remote attendance 140946
by teleconference or video conference for the meetings of other 140947
public bodies would be beneficial. The report shall be submitted 140948
in accordance with section 101.68 of the Revised Code. The report 140949
shall include all of the following: 140950

(1) A description of the effect of teleconferencing or video 140951
conferencing on the operation of the Council meetings; 140952

(2) An accounting of any costs incurred or savings realized 140953
by the Council through the use of teleconferencing or video 140954
conferencing; 140955

(3) For each Council meeting held during the pilot program, 140956
all of the following: 140957

(a) The notice of each meeting; 140958

(b) Attendance records for all Council members; 140959

(c) A description of public and media attendance; 140960

(d) A summary or copy of any comments made by the public or 140961
media regarding the use of teleconferencing or video conferencing; 140962

(e) A copy of the minutes for each meeting; 140963

(f) An accounting of the costs incurred for each meeting;	140964
(g) A description of any local media coverage of a teleconference or video conference meeting.	140965 140966
(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.	140967 140968 140969 140970
At a minimum, the rules shall do the following:	140971
(1) Allow Council members to remotely attend a public Council meeting by teleconference or video conference in lieu of physically attending the meeting;	140972 140973 140974
(2) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference or video conference;	140975 140976 140977
(3) Establish a policy for distributing and circulating necessary documents to Council members, the public, and the media in advance of a meeting where members attend by teleconference or video conference.	140978 140979 140980 140981
Section 265.10. OBD OHIO BOARD OF DIETETICS	140982
General Services Fund Group	140983
4K90 860609 Operating Expenses \$ 355,789 \$ 330,592	140984
TOTAL GSF General Services Fund	140985
Group \$ 355,789 \$ 330,592	140986
TOTAL ALL BUDGET FUND GROUPS \$ 355,789 \$ 330,592	140987
Section 267.10. EDU DEPARTMENT OF EDUCATION	140989
General Revenue Fund	140990
GRF 200100 Personal Services \$ 8,579,178 \$ 8,579,178	140991
GRF 200320 Maintenance and \$ 2,830,407 \$ 2,830,407	140992

		Equipment				
GRF 200408	Early Childhood	\$	23,268,341	\$	23,268,341	140993
	Education					
GRF 200416	Career-Technical	\$	2,233,195	\$	2,233,195	140994
	Education Match					
GRF 200420	Computer/Application/	\$	4,241,296	\$	4,241,296	140995
	Network Development					
GRF 200421	Alternative Education	\$	7,403,998	\$	7,403,998	140996
	Programs					
GRF 200422	School Management	\$	2,842,812	\$	3,000,000	140997
	Assistance					
GRF 200424	Policy Analysis	\$	328,558	\$	328,558	140998
GRF 200425	Tech Prep Consortia	\$	260,542	\$	260,542	140999
	Support					
GRF 200426	Ohio Educational	\$	17,974,489	\$	17,974,489	141000
	Computer Network					
GRF 200427	Academic Standards	\$	4,346,060	\$	3,700,000	141001
GRF 200437	Student Assessment	\$	55,002,167	\$	55,002,167	141002
GRF 200439	Accountability/Report	\$	3,579,279	\$	3,579,279	141003
	Cards					
GRF 200442	Child Care Licensing	\$	827,140	\$	827,140	141004
GRF 200446	Education Management	\$	6,833,070	\$	6,833,070	141005
	Information System					
GRF 200447	GED Testing	\$	879,551	\$	879,551	141006
GRF 200448	Educator Preparation	\$	786,737	\$	786,737	141007
GRF 200455	Community Schools and	\$	2,200,000	\$	2,200,000	141008
	Choice Programs					
GRF 200502	Pupil Transportation	\$	438,248,936	\$	442,113,527	141009
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	141010
GRF 200511	Auxiliary Services	\$	124,194,099	\$	126,194,099	141011
GRF 200532	Nonpublic	\$	56,164,384	\$	57,006,850	141012
	Administrative Cost					
	Reimbursement					

GRF 200540	Special Education Enhancements	\$ 135,820,668	\$ 135,820,668	141013
GRF 200545	Career-Technical Education Enhancements	\$ 8,802,699	\$ 8,802,699	141014
GRF 200550	Foundation Funding	\$ 5,536,347,861	\$ 5,610,117,686	141015
GRF 200901	Property Tax Allocation - Education	\$ 1,086,500,000	\$ 1,095,000,000	141016
TOTAL GRF General Revenue Fund		\$ 7,539,595,467	\$ 7,628,083,477	141017
General Services Fund Group				141018
1380 200606	Computer Services-Operational Support	\$ 7,600,090	\$ 7,600,090	141019
4520 200638	Miscellaneous Educational Services	\$ 300,000	\$ 300,000	141020
4L20 200681	Teacher Certification and Licensure	\$ 8,147,756	\$ 8,147,756	141021
5960 200656	Ohio Career Information System	\$ 529,761	\$ 529,761	141022
5H30 200687	School District Solvency Assistance	\$ 25,000,000	\$ 25,000,000	141023
TOTAL GSF General Services Fund Group		\$ 41,577,607	\$ 41,577,607	141024 141025
Federal Special Revenue Fund Group				141026
3090 200601	Neglected and Delinquent Education	\$ 2,168,642	\$ 2,168,642	141027
3670 200607	School Food Services	\$ 6,803,472	\$ 6,959,906	141028
3690 200616	Career-Technical Education Federal Enhancement	\$ 5,000,000	\$ 5,000,000	141029
3700 200624	Education of Exceptional Children	\$ 1,905,000	\$ 0	141030
3780 200660	Learn and Serve	\$ 619,211	\$ 619,211	141031

3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	141032
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	141033
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	141034
3BK0	200628	Longitudinal Data Systems	\$	500,000	\$	250,000	141035
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	141036
3CG0	200646	Teacher Incentive Fund	\$	1,925,881	\$	0	141037
3D10	200664	Drug Free Schools	\$	1,500,000	\$	0	141038
3D20	200667	Math Science Partnerships	\$	9,500,001	\$	9,500,001	141039
3DG0	200630	Federal Stimulus - McKinney Vento Grants	\$	330,512	\$	0	141040
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	21,886,803	\$	0	141041
3DK0	200642	Title 1A - Federal Stimulus	\$	18,633,673	\$	0	141042
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	670,000	\$	0	141043
3DM0	200651	Title IID Technology - Federal Stimulus	\$	1,195,100	\$	0	141044
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	48,500,000	\$	30,000,000	141045
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	7,500,000	\$	7,500,000	141046
3EH0	200620	Migrant Education	\$	2,645,905	\$	2,645,905	141047
3EJ0	200622	Homeless Children	\$	1,759,782	\$	1,759,782	141048

		Education					
3EN0	200655	State Data Systems - Federal Stimulus	\$	2,500,000	\$	2,500,000	141049
3ES0	200657	General Supervisory Enhancement Grant	\$	500,000	\$	500,000	141050
3ET0	200658	Education Jobs Fund	\$	300,000,000	\$	50,000,000	141051
3FD0	200665	Race to the Top	\$	100,000,000	\$	100,000,000	141052
3FE0	200669	Striving Readers	\$	180,000	\$	100,000	141053
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	141054
3L60	200617	Federal School Lunch	\$	327,516,539	\$	337,323,792	141055
3L70	200618	Federal School Breakfast	\$	87,596,850	\$	90,224,756	141056
3L80	200619	Child/Adult Food Programs	\$	100,850,833	\$	103,876,359	141057
3L90	200621	Career-Technical Education Basic Grant	\$	48,466,864	\$	48,466,864	141058
3M00	200623	ESEA Title 1A	\$	530,010,000	\$	530,010,000	141059
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050	141060
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397	141061
3T40	200613	Public Charter Schools	\$	14,291,353	\$	14,291,353	141062
3Y20	200688	21st Century Community Learning Centers	\$	43,720,462	\$	45,906,485	141063
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000	141064
3Y70	200689	English Language Acquisition	\$	8,373,995	\$	8,373,995	141065
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	141066

3Z20	200690	State Assessments	\$	11,882,258	\$	11,882,258	141067
3Z30	200645	Consolidated Federal Grant Administration	\$	8,949,280	\$	8,949,280	141068
TOTAL FED Federal Special							141069
Revenue Fund Group			\$	2,310,389,566	\$	2,011,315,739	141070
State Special Revenue Fund Group							141071
4540	200610	Guidance and Testing	\$	1,050,000	\$	1,050,000	141072
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	141073
4R70	200695	Indirect Operational Support	\$	6,500,000	\$	6,600,000	141074
4V70	200633	Interagency Operational Support	\$	1,117,725	\$	1,117,725	141075
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	141076
5BB0	200696	State Action for Education Leadership	\$	231,300	\$	0	141077
5BJ0	200626	Half-Mill Maintenance Equalization	\$	17,300,000	\$	18,000,000	141078
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	141079
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	141080
TOTAL SSR State Special Revenue Fund Group							141081
			\$	54,827,935	\$	55,396,635	141082
Lottery Profits Education Fund Group							141083
7017	200612	Foundation Funding	\$	717,500,000	\$	680,500,000	141084
TOTAL LPE Lottery Profits Education Fund Group							141085
			\$	717,500,000	\$	680,500,000	141086
Revenue Distribution Fund Group							141087
7047	200909	School District Property Tax Replacement-Business	\$	722,000,000	\$	475,000,000	141088

7053 200900	School District	\$	34,000,000	\$	30,000,000	141089
	Property Tax					
	Replacement-Utility					
TOTAL RDF Revenue Distribution						141090
Fund Group		\$	756,000,000	\$	505,000,000	141091
TOTAL ALL BUDGET FUND GROUPS		\$11,419,890,575		\$10,921,873,458		141092

Section 267.10.10. EARLY CHILDHOOD EDUCATION 141094

The Department of Education shall distribute the foregoing 141095
appropriation item 200408, Early Childhood Education, to pay the 141096
costs of early childhood education programs. 141097

(A) As used in this section: 141098

(1) "Provider" means a city, local, exempted village, or 141099
joint vocational school district, or an educational service 141100
center. 141101

(2) In the case of a city, local, or exempted village school 141102
district, "new eligible provider" means a district that did not 141103
receive state funding for Early Childhood Education in the 141104
previous fiscal year or demonstrates a need for early childhood 141105
programs as defined in division (D) of this section. 141106

(3) "Eligible child" means a child who is at least three 141107
years of age as of the district entry date for kindergarten, is 141108
not of the age to be eligible for kindergarten, and whose family 141109
earns not more than two hundred per cent of the federal poverty 141110
guidelines as defined in division (A)(3) of section 5101.46 of the 141111
Revised Code. Children with an Individualized Education Program 141112
and where the Early Childhood Education program is the least 141113
restrictive environment may be enrolled on their third birthday. 141114

(B) In each fiscal year, up to two per cent of the total 141115
appropriation may be used by the Department for program support 141116
and technical assistance. The Department shall distribute the 141117

remainder of the appropriation in each fiscal year to serve 141118
eligible children. 141119

(C) The Department shall provide an annual report to the 141120
Governor, the Speaker of the House of Representatives, and the 141121
President of the Senate and post the report to the Department's 141122
web site, regarding early childhood education programs operated 141123
under this section and the early learning program guidelines. 141124

(D) After setting aside the amounts to make payments due from 141125
the previous fiscal year, in fiscal year 2012, the Department 141126
shall distribute funds first to recipients of funds for early 141127
childhood education programs under Section 265.10.20 of Am. Sub. 141128
H.B. 1 of the 128th General Assembly in the previous fiscal year 141129
and the balance to new eligible providers of early childhood 141130
education programs under this section or to existing providers to 141131
serve more eligible children or for purposes of program expansion, 141132
improvement, or special projects to promote quality and 141133
innovation. 141134

After setting aside the amounts to make payments due from the 141135
previous fiscal year, in fiscal year 2013, the Department shall 141136
distribute funds first to providers of early childhood education 141137
programs under this section in the previous fiscal year and the 141138
balance to new eligible providers or to existing providers to 141139
serve more eligible children or for purposes of program expansion, 141140
improvement, or special projects to promote quality and 141141
innovation. 141142

Awards under this section shall be distributed on a per-pupil 141143
basis, and in accordance with division (H) of this section. The 141144
Department may adjust the per-pupil amount so that the per-pupil 141145
amount multiplied by the number of eligible children enrolled and 141146
receiving services on the first day of December or the business 141147
day closest to that date equals the amount allocated under this 141148
section. 141149

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (J) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program guidelines. The approved provider shall administer and use such property and funds for the purposes specified.

(F) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (E) of this section, or if the program fails to substantially meet the early learning program guidelines or exhibits below average performance as measured against the guidelines, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective

action plan, the Department may deny expansion funding to the 141182
program or withdraw all or part of the funding to the program and 141183
establish a new eligible provider through a selection process 141184
established by the Department. 141185

(G) Each early childhood education program shall do all of 141186
the following: 141187

(1) Meet teacher qualification requirements prescribed by 141188
section 3301.311 of the Revised Code; 141189

(2) Align curriculum to the early learning content standards 141190
developed by the Department; 141191

(3) Meet any child or program assessment requirements 141192
prescribed by the Department; 141193

(4) Require teachers, except teachers enrolled and working to 141194
obtain a degree pursuant to section 3301.311 of the Revised Code, 141195
to attend a minimum of twenty hours every two years of 141196
professional development as prescribed by the Department; 141197

(5) Document and report child progress as prescribed by the 141198
Department; 141199

(6) Meet and report compliance with the early learning 141200
program guidelines as prescribed by the Department. 141201

(H) Per-pupil funding for programs subject to this section 141202
shall be sufficient to provide eligible children with services for 141203
a standard early childhood schedule which shall be defined in this 141204
section as a minimum of twelve and one-half hours per school week 141205
as defined in section 3313.62 of the Revised Code for the minimum 141206
school year as defined in sections 3313.48, 3313.481, and 3313.482 141207
of the Revised Code. Nothing in this section shall be construed to 141208
prohibit program providers from utilizing other funds to serve 141209
eligible children in programs that exceed the twelve and one-half 141210
hours per week or that exceed the minimum school year. For any 141211

provider for which a standard early childhood education schedule 141212
creates a hardship or for which the provider shows evidence that 141213
the provider is working in collaboration with a preschool special 141214
education program, the provider may submit a waiver to the 141215
Department requesting an alternate schedule. If the Department 141216
approves a waiver for an alternate schedule that provides services 141217
for less time than the standard early childhood education 141218
schedule, the Department may reduce the provider's annual 141219
allocation proportionately. Under no circumstances shall an annual 141220
allocation be increased because of the approval of an alternate 141221
schedule. 141222

(I) Each provider shall develop a sliding fee scale based on 141223
family incomes and shall charge families who earn more than two 141224
hundred per cent of the federal poverty guidelines, as defined in 141225
division (A)(3) of section 5101.46 of the Revised Code, for the 141226
early childhood education program. 141227

The Department shall conduct an annual survey of each 141228
provider to determine whether the provider charges families 141229
tuition or fees, the amount families are charged relative to 141230
family income levels, and the number of families and students 141231
charged tuition and fees for the early childhood program. 141232

(J) If an early childhood education program voluntarily 141233
waives its right for funding, or has its funding eliminated for 141234
not meeting financial standards or the early learning program 141235
guidelines, the provider shall transfer control of title to 141236
property, equipment, and remaining supplies obtained through the 141237
program to providers designated by the Department and return any 141238
unexpended funds to the Department along with any reports 141239
prescribed by the Department. The funding made available from a 141240
program that waives its right for funding or has its funding 141241
eliminated or reduced may be used by the Department for new grant 141242
awards or expansion grants. The Department may award new grants or 141243

expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(K) As used in this section, "early learning program guidelines" means the guidelines established by the Department pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 66 of the 126th General Assembly.

(L) Eligible expenditures for the Early Childhood Education program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

Section 267.10.20. CAREER-TECHNICAL EDUCATION MATCH

The foregoing appropriation item 200416, Career-Technical Education Match, shall be used by the Department of Education to provide vocational administration matching funds under 20 U.S.C. 2311.

COMPUTER/APPLICATION/NETWORK DEVELOPMENT

The foregoing appropriation item 200420, Computer/Application/Network Development, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts,

administrators, and legislators. Funds may also be used to support 141274
data-driven decision-making and differentiated instruction, as 141275
well as to communicate academic content standards and curriculum 141276
models to schools through web-based applications. 141277

Section 267.10.30. ALTERNATIVE EDUCATION PROGRAMS 141278

The foregoing appropriation item 200421, Alternative 141279
Education Programs, shall be used for the renewal of successful 141280
implementation grants and for competitive matching grants to 141281
school districts for alternative educational programs for existing 141282
and new at-risk and delinquent youth. Programs shall be focused on 141283
youth in one or more of the following categories: those who have 141284
been expelled or suspended, those who have dropped out of school 141285
or who are at risk of dropping out of school, those who are 141286
habitually truant or disruptive, or those on probation or on 141287
parole from a Department of Youth Services facility. Grants shall 141288
be awarded according to the criteria established by the 141289
Alternative Education Advisory Council in 1999. Grants shall be 141290
awarded only to programs in which the grant will not serve as the 141291
program's primary source of funding. These grants shall be 141292
administered by the Department of Education. 141293

The Department of Education may waive compliance with any 141294
minimum education standard established under section 3301.07 of 141295
the Revised Code for any alternative school that receives a grant 141296
under this section on the grounds that the waiver will enable the 141297
program to more effectively educate students enrolled in the 141298
alternative school. 141299

Of the foregoing appropriation item 200421, Alternative 141300
Education Programs, a portion may be used for program 141301
administration, monitoring, technical assistance, support, 141302
research, and evaluation. 141303

Section 267.10.40. SCHOOL MANAGEMENT ASSISTANCE 141304

Of the foregoing appropriation item 200422, School Management 141305
Assistance, \$1,000,000 in fiscal year 2012 and \$1,300,000 in 141306
fiscal year 2013 shall be used by the Auditor of State in 141307
consultation with the Department of Education for expenses 141308
incurred in the Auditor of State's role relating to fiscal 141309
caution, fiscal watch, and fiscal emergency activities as defined 141310
in Chapter 3316. of the Revised Code and may also be used by the 141311
Auditor of State to conduct performance audits of other school 141312
districts with priority given to districts in fiscal distress. 141313
Districts in fiscal distress shall be determined by the Auditor of 141314
State and shall include districts that the Auditor of State, in 141315
consultation with the Department of Education, determines are 141316
employing fiscal practices or experiencing budgetary conditions 141317
that could produce a state of fiscal watch or fiscal emergency. 141318

The remainder of appropriation item 200422, School Management 141319
Assistance, shall be used by the Department of Education to 141320
provide fiscal technical assistance and inservice education for 141321
school district management personnel and to administer, monitor, 141322
and implement the fiscal caution, fiscal watch, and fiscal 141323
emergency provisions under Chapter 3316. of the Revised Code. 141324

Section 267.10.50. POLICY ANALYSIS 141325

The foregoing appropriation item 200424, Policy Analysis, 141326
shall be used by the Department of Education to support a system 141327
of administrative, statistical, and legislative education 141328
information to be used for policy analysis. Staff supported by 141329
this appropriation shall administer the development of reports, 141330
analyses, and briefings to inform education policymakers of 141331
current trends in education practice, efficient and effective use 141332
of resources, and evaluation of programs to improve education 141333

results. The database shall be kept current at all times. These 141334
research efforts shall be used to supply information and analysis 141335
of data to the General Assembly and other state policymakers, 141336
including the Office of Budget and Management, the Governor's 141337
Office of 21st Century Education, and the Legislative Service 141338
Commission. 141339

The Department of Education may use funding from this 141340
appropriation item to purchase or contract for the development of 141341
software systems or contract for policy studies that will assist 141342
in the provision and analysis of policy-related information. 141343
Funding from this appropriation item also may be used to monitor 141344
and enhance quality assurance for research-based policy analysis 141345
and program evaluation to enhance the effective use of education 141346
information to inform education policymakers. 141347

A portion of the foregoing appropriation item 200424, Policy 141348
Analysis, may be used in conjunction with appropriation item 141349
200439, Accountability/Report Cards, to support a fiscal reporting 141350
dimension that shall contain fiscal data reported for the prior 141351
fiscal year. The fiscal information contained therein shall be 141352
updated and reported annually in a form and in a manner as 141353
determined by the Department. 141354

TECH PREP CONSORTIA SUPPORT 141355

The foregoing appropriation item 200425, Tech Prep Consortia 141356
Support, shall be used by the Department of Education to support 141357
state-level activities designed to support, promote, and expand 141358
tech prep programs. Use of these funds shall include, but not be 141359
limited to, administration of grants, program evaluation, 141360
professional development, curriculum development, assessment 141361
development, program promotion, communications, and statewide 141362
coordination of tech prep consortia. 141363

Section 267.10.60. OHIO EDUCATIONAL COMPUTER NETWORK 141364

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under section 3353.09 of the Revised Code.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$10,705,569 in each fiscal year shall be used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, high schools chartered by the Ohio Department of Youth Services, or high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$1,440,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in

all public schools. Consideration shall be given by the Department 141397
of Education to coordinating the allocation of these moneys with 141398
the efforts of Libraries Connect Ohio, whose members include 141399
OhioLINK, the Ohio Public Information Network, and the State 141400
Library of Ohio. 141401

Of the foregoing appropriation item 200426, Ohio Educational 141402
Computer Network, up to \$5,220,000 in each fiscal year shall be 141403
used, through a formula and guidelines devised by the Department, 141404
to subsidize the activities of designated information technology 141405
centers, as defined by State Board of Education rules, to provide 141406
school districts and chartered nonpublic schools with 141407
computer-based student and teacher instructional and 141408
administrative information services, including approved 141409
computerized financial accounting, and to ensure the effective 141410
operation of local automated administrative and instructional 141411
systems. 141412

The remainder of appropriation item 200426, Ohio Educational 141413
Computer Network, shall be used to support the work of the College 141414
of Education and Human Ecology at the Ohio State University in 141415
reviewing and assessing the alignment of courses offered through 141416
the distance learning clearinghouse established in sections 141417
3333.81 to 3333.88 of the Revised Code with the academic content 141418
standards adopted under division (A) of section 3301.079 of the 141419
Revised Code. 141420

Section 267.10.70. ACADEMIC STANDARDS 141421

The foregoing appropriation item 200427, Academic Standards, 141422
shall be used by the Department of Education to develop, revise, 141423
and communicate to school districts academic content standards and 141424
curriculum models. 141425

Section 267.10.80. STUDENT ASSESSMENT 141426

Of the foregoing appropriation item 200437, Student 141427
Assessment, up to \$95,000 in each fiscal year may be used to 141428
support the assessments required under section 3301.0715 of the 141429
Revised Code. 141430

The remainder of appropriation item 200437, Student 141431
Assessment, shall be used to develop, field test, print, 141432
distribute, score, report results, and support other associated 141433
costs for the tests required under sections 3301.0710, 3301.0711, 141434
and 3301.0712 of the Revised Code and for similar purposes as 141435
required by section 3301.27 of the Revised Code. If funds remain 141436
in this appropriation after these purposes have been fulfilled, 141437
the Department may use the remainder of the appropriation to 141438
develop end-of-course exams. 141439

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 141440
ASSESSMENT 141441

In fiscal year 2012 and fiscal year 2013, if the 141442
Superintendent of Public Instruction determines that additional 141443
funds are needed to fully fund the requirements of sections 141444
3301.0710, 3301.0711, and 3301.27 of the Revised Code and this act 141445
for assessments of student performance, the Superintendent of 141446
Public Instruction may recommend the reallocation of unexpended 141447
and unencumbered General Revenue Fund appropriations within the 141448
Department of Education to appropriation item 200437, Student 141449
Assessment, to the Director of Budget and Management. If the 141450
Director of Budget and Management determines that such a 141451
reallocation is required, the Director of Budget and Management 141452
may transfer unexpended and unencumbered appropriations within the 141453
Department of Education as necessary to appropriation item 200437, 141454
Student Assessment. If these transferred appropriations are not 141455
sufficient to fully fund the assessment requirements in fiscal 141456
year 2012 or fiscal year 2013, the Superintendent of Public 141457
Instruction may request that the Controlling Board transfer up to 141458

\$9,000,000 cash from the Lottery Profits Education Reserve Fund 141459
(Fund 7018) to the General Revenue Fund. Upon approval of the 141460
Controlling Board, the Director of Budget and Management shall 141461
transfer the cash. These transferred funds are hereby appropriated 141462
for the same purpose as appropriation item 200437, Student 141463
Assessment. 141464

Section 267.10.90. (A) Notwithstanding anything to the 141465
contrary in section 3301.0710, 3301.0711, 3301.0715 or 3313.608 of 141466
the Revised Code, the administration of the English language arts 141467
assessments for elementary grades as a replacement for the 141468
separate reading and writing assessments prescribed by sections 141469
3301.0710 and 3301.0711 of the Revised Code, as those sections 141470
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 141471
shall not be required until a date prescribed by rule of the State 141472
Board of Education. Until that date, the Department of Education 141473
and school districts and schools shall continue to administer 141474
separate reading assessments for elementary grades, as prescribed 141475
by the versions of sections 3301.0710 and 3301.0711 of the Revised 141476
Code that were in effect prior to the effective date of Section 141477
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 141478
intent for delaying implementation of the replacement English 141479
language arts assessment is to provide adequate time for the 141480
complete development of the new assessment. 141481

(B) Notwithstanding anything to the contrary in section 141482
3301.0710 of the Revised Code, the State Board shall not prescribe 141483
the three ranges of scores for the assessments prescribed by 141484
division (A)(2) of section 3301.0710 of the Revised Code, as 141485
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 141486
the Board adopts the rule required by division (A) of this 141487
section. Until that date, the Board shall continue to prescribe 141488
the five ranges of scores required by the version of section 141489
3301.0710 of the Revised Code in effect prior to the effective 141490

date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 141491
Assembly, and the following apply: 141492

(1) The range of scores designated by the State Board as a 141493
proficient level of skill remains the passing score on the Ohio 141494
Graduation Tests for purposes of sections 3313.61, 3313.611, 141495
3313.612, and 3325.08 of the Revised Code; 141496

(2) The range of scores designated as a limited level of 141497
skill remains the standard for applying the third-grade reading 141498
guarantee under division (A) of section 3313.608 of the Revised 141499
Code; 141500

(3) The range of scores designated by the State Board as a 141501
proficient level of skill remains the standard for the summer 141502
remediation requirement of division (B)(2) of section 3313.608 of 141503
the Revised Code. 141504

(C) This section is not subject to expiration after June 30, 141505
2013, under Section 809.10 of this act. 141506

Section 267.20.10. Notwithstanding anything to the contrary 141507
in sections 3301.0710 and 3301.0711 of the Revised Code, in the 141508
2011-2012 and 2012-2013 school years, the Department of Education 141509
shall not furnish, and school districts and schools shall not 141510
administer, the elementary writing and social studies achievement 141511
assessments prescribed by section 3301.0710 of the Revised Code, 141512
unless the Superintendent of Public Instruction determines the 141513
Department has sufficient funds to pay the costs of furnishing and 141514
scoring those assessments. 141515

Section 267.20.20. ACCOUNTABILITY/REPORT CARDS 141516

Of the foregoing appropriation item 200439, 141517
Accountability/Report Cards, a portion in each fiscal year may be 141518
used to train district and regional specialists and district 141519
educators in the use of the value-added progress dimension and in 141520

the use of data as it relates to improving student achievement. 141521
This training may include teacher and administrator professional 141522
development in the use of data to improve instruction and student 141523
learning, and teacher and administrator training in understanding 141524
teacher value-added reports and how they can be used as a 141525
component in measuring teacher and administrator effectiveness. A 141526
portion of this funding may be provided to a credible nonprofit 141527
organization with expertise in value-added progress dimensions. 141528

The remainder of appropriation item 200439, 141529
Accountability/Report Cards, shall be used by the Department to 141530
incorporate a statewide value-added progress dimension into 141531
performance ratings for school districts and for the development 141532
of an accountability system that includes the preparation and 141533
distribution of school report cards and funding and expenditure 141534
accountability reports under sections 3302.03 and 3302.031 of the 141535
Revised Code. 141536

CHILD CARE LICENSING 141537

The foregoing appropriation item 200442, Child Care 141538
Licensing, shall be used by the Department of Education to license 141539
and to inspect preschool and school-age child care programs under 141540
sections 3301.52 to 3301.59 of the Revised Code. 141541

Section 267.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 141542

The foregoing appropriation item 200446, Education Management 141543
Information System, shall be used by the Department of Education 141544
to improve the Education Management Information System (EMIS). 141545

Of the foregoing appropriation item 200446, Education 141546
Management Information System, up to \$729,000 in each fiscal year 141547
shall be distributed to designated information technology centers 141548
for costs relating to processing, storing, and transferring data 141549
for the effective operation of the EMIS. These costs may include, 141550

but are not limited to, personnel, hardware, software development, 141551
communications connectivity, professional development, and support 141552
services, and to provide services to participate in the State 141553
Education Technology Plan developed under section 3353.09 of the 141554
Revised Code. 141555

The remainder of appropriation item 200446, Education 141556
Management Information System, shall be used to develop and 141557
support a common core of data definitions and standards as adopted 141558
by the Education Management Information System Advisory Board, 141559
including the ongoing development and maintenance of the data 141560
dictionary and data warehouse. In addition, such funds shall be 141561
used to support the development and implementation of data 141562
standards and the design, development, and implementation of a new 141563
data exchange system. 141564

Any provider of software meeting the standards approved by 141565
the Education Management Information System Advisory Board shall 141566
be designated as an approved vendor and may enter into contracts 141567
with local school districts, community schools, STEMS schools, 141568
information technology centers, or other educational entities for 141569
the purpose of collecting and managing data required under Ohio's 141570
education management information system (EMIS) laws. On an annual 141571
basis, the Department of Education shall convene an advisory group 141572
of school districts, community schools, and other 141573
education-related entities to review the Education Management 141574
Information System data definitions and data format standards. The 141575
advisory group shall recommend changes and enhancements based upon 141576
surveys of its members, education agencies in other states, and 141577
current industry practices, to reflect best practices, align with 141578
federal initiatives, and meet the needs of school districts. 141579

School districts, STEMS schools, and community schools not 141580
implementing a common and uniform set of data definitions and data 141581
format standards for Education Management Information System 141582

purposes shall have all EMIS funding withheld until they are in compliance. 141583
141584

Section 267.20.40. GED TESTING 141585

The foregoing appropriation item 200447, GED Testing, shall 141586
be used to provide General Educational Development (GED) testing 141587
under rules adopted by the State Board of Education. 141588

Section 267.20.50. EDUCATOR PREPARATION 141589

Of the foregoing appropriation item 200448, Educator 141590
Preparation, up to \$150,000 in each fiscal year may be used by the 141591
Department of Education to monitor and support Ohio's State System 141592
of Support in accordance with the "No Child Left Behind Act of 141593
2011," 20 U.S.C. 6317. 141594

The remainder of appropriation item 200448, Educator 141595
Preparation, may be used by the Department to support the Educator 141596
Standards Board under section 3319.61 of the Revised Code and 141597
reforms under sections 3302.042, 3302.06 through 3302.068, 141598
3302.12, 3302.20 through 3302.22, and 3319.58 of the Revised Code. 141599

Section 267.20.60. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 141600

The foregoing appropriation item 200455, Community Schools 141601
and Choice Programs, may be used by the Department of Education 141602
for additional services and responsibilities under section 3314.11 141603
of the Revised Code and for operation of the school choice 141604
programs. 141605

Of the foregoing appropriation item 200455, Community Schools 141606
and Choice Programs, a portion in each fiscal year may be used by 141607
the Department of Education for developing and conducting training 141608
sessions for community schools and sponsors and prospective 141609
sponsors of community schools as prescribed in division (A)(1) of 141610
section 3314.015 of the Revised Code, and other schools 141611

participating in school choice programs. In developing the 141612
community school training sessions, the Department shall collect 141613
and disseminate examples of best practices used by sponsors of 141614
independent charter schools in Ohio and other states. 141615

Section 267.20.70. PUPIL TRANSPORTATION 141616

Of the foregoing appropriation item 200502, Pupil 141617
Transportation, up to \$838,930 in each fiscal year may be used by 141618
the Department of Education for training prospective and 141619
experienced school bus drivers in accordance with training 141620
programs prescribed by the Department. Up to \$60,469,220 in each 141621
fiscal year may be used by the Department of Education for special 141622
education transportation reimbursements to school districts and 141623
county DD boards for transportation operating costs as provided in 141624
division (J) of section 3317.024 of the Revised Code. Up to 141625
\$650,000 in each fiscal year may be used to partially reimburse 141626
school districts for costs of providing transportation services to 141627
nontraditional schools when those schools are open on a day the 141628
traditional school district is not scheduled to open. Up to 141629
\$5,000,000 in each fiscal year may be used by the Department of 141630
Education to reimburse school districts that make payments to 141631
parents in lieu of transportation under section 3327.02 of the 141632
Revised Code and whose transportation is not funded under division 141633
(C) of section 3317.024 of the Revised Code. 141634

The remainder of appropriation item 200502, Pupil 141635
Transportation, shall be used to distribute the amounts calculated 141636
for formula aid under Section 267.30.50 of this act. 141637

Section 267.20.80. SCHOOL LUNCH MATCH 141638

The foregoing appropriation item 200505, School Lunch Match, 141639
shall be used to provide matching funds to obtain federal funds 141640
for the school lunch program. 141641

Any remaining appropriation after providing matching funds 141642
for the school lunch program may be used to partially reimburse 141643
school buildings within school districts that are required to have 141644
a school breakfast program under section 3313.813 of the Revised 141645
Code, at a rate decided by the Department. 141646

Section 267.20.90. AUXILIARY SERVICES 141647

The foregoing appropriation item 200511, Auxiliary Services, 141648
shall be used by the Department of Education for the purpose of 141649
implementing section 3317.06 of the Revised Code. Of the 141650
appropriation, up to \$1,789,943 in each fiscal year may be used 141651
for payment of the Post-Secondary Enrollment Options Program for 141652
nonpublic students. Notwithstanding section 3365.10 of the Revised 141653
Code, the Department shall distribute funding according to rules 141654
adopted by the Department in accordance with Chapter 119. of the 141655
Revised Code. 141656

Section 267.30.10. NONPUBLIC ADMINISTRATIVE COST 141657
REIMBURSEMENT 141658

The foregoing appropriation item 200532, Nonpublic 141659
Administrative Cost Reimbursement, shall be used by the Department 141660
of Education for the purpose of implementing section 3317.063 of 141661
the Revised Code. 141662

Section 267.30.20. SPECIAL EDUCATION ENHANCEMENTS 141663

Of the foregoing appropriation item 200540, Special Education 141664
Enhancements, up to \$2,206,875 in each fiscal year shall be used 141665
for home instruction for children with disabilities. 141666

Of the foregoing appropriation item 200540, Special Education 141667
Enhancements, up to \$45,282,959 in each fiscal year shall be used 141668
to fund special education and related services at county boards of 141669
developmental disabilities for eligible students under section 141670

3317.20 of the Revised Code and at institutions for eligible 141671
students under section 3317.201 of the Revised Code. 141672

Notwithstanding the distribution formulas under sections 3317.20 141673
and 3317.201 of the Revised Code, funding for DD boards and 141674
institutions for fiscal year 2012 and fiscal year 2013 shall be 141675
determined by providing the per pupil amount received by each DD 141676
board and institution for the prior fiscal year for each student 141677
served in the current fiscal year. 141678

Of the foregoing appropriation item 200540, Special Education 141679
Enhancements, up to \$1,333,468 in each fiscal year shall be used 141680
for parent mentoring programs. 141681

Of the foregoing appropriation item 200540, Special Education 141682
Enhancements, up to \$2,537,824 in each fiscal year may be used for 141683
school psychology interns. 141684

The remainder of appropriation item 200540, Special Education 141685
Enhancements, shall be distributed by the Department of Education 141686
to county boards of developmental disabilities, educational 141687
service centers, and school districts for preschool special 141688
education units and preschool supervisory units under section 141689
3317.052 of the Revised Code. To the greatest extent possible, the 141690
Department of Education shall allocate these units to school 141691
districts and educational service centers. 141692

The Department may reimburse county DD boards, educational 141693
service centers, and school districts for services provided by 141694
instructional assistants, related services as defined in rule 141695
3301-51-11 of the Administrative Code, physical therapy services 141696
provided by a licensed physical therapist or physical therapist 141697
assistant under the supervision of a licensed physical therapist 141698
as required under Chapter 4755. of the Revised Code and Chapter 141699
4755-27 of the Administrative Code and occupational therapy 141700
services provided by a licensed occupational therapist or 141701
occupational therapy assistant under the supervision of a licensed 141702

occupational therapist as required under Chapter 4755. of the 141703
Revised Code and Chapter 4755-7 of the Administrative Code. 141704
Nothing in this section authorizes occupational therapy assistants 141705
or physical therapist assistants to generate or manage their own 141706
caseloads. 141707

The Department of Education shall require school districts, 141708
educational service centers, and county DD boards serving 141709
preschool children with disabilities to adhere to Ohio's Early 141710
Learning Program Guidelines and document child progress using 141711
research-based indicators prescribed by the Department and report 141712
results annually. The reporting dates and method shall be 141713
determined by the Department. 141714

Section 267.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 141715

Of the foregoing appropriation item 200545, Career-Technical 141716
Education Enhancements, up to \$2,563,568 in each fiscal year shall 141717
be used to fund secondary career-technical education at 141718
institutions using a grant-based methodology, notwithstanding 141719
sections 3317.05, 3317.052, and 3317.053 of the Revised Code. 141720

Of the foregoing appropriation item 200545, Career-Technical 141721
Education Enhancements, up to \$2,838,281 in each fiscal year shall 141722
be used by the Department of Education to fund competitive grants 141723
to tech prep consortia that expand the number of students enrolled 141724
in tech prep programs. These grant funds shall be used to directly 141725
support expanded tech prep programs provided to students enrolled 141726
in school districts, including joint vocational school districts, 141727
and affiliated higher education institutions. This support may 141728
include the purchase of equipment. 141729

Of the foregoing appropriation item 200545, Career-Technical 141730
Education Enhancements, up to \$3,100,850 in each fiscal year shall 141731
be used by the Department of Education to support existing High 141732
Schools That Work (HSTW) sites, develop and support new sites, 141733

fund technical assistance, and support regional centers and middle 141734
school programs. The purpose of HSTW is to combine challenging 141735
academic courses and modern career-technical studies to raise the 141736
academic achievement of students. HSTW provides intensive 141737
technical assistance, focused staff development, targeted 141738
assessment services, and ongoing communications and networking 141739
opportunities. 141740

Of the foregoing appropriation item 200545, Career-Technical 141741
Education Enhancements, up to \$300,000 in each fiscal year shall 141742
be used by the Department of Education to enable students in 141743
agricultural programs to enroll in a fifth quarter of instruction 141744
based on the agricultural education model of delivering work-based 141745
learning through supervised agricultural experience. The 141746
Department of Education shall determine eligibility criteria and 141747
the reporting process for the Agriculture 5th Quarter Project and 141748
shall fund as many programs as possible given the set aside. 141749

Section 267.30.40. FOUNDATION FUNDING 141750

Of the foregoing appropriation item 200550, Foundation 141751
Funding, up to \$250,000 in each fiscal year may be used by the 141752
Department to fund a shared services pilot project involving at 141753
least two educational service centers. The pilot project shall 141754
focus on the design, implementation, and evaluation of a shared 141755
service delivery model. The educational service centers 141756
participating in the pilot project shall submit a report not later 141757
than September 1, 2013, to the Governor, members of the General 141758
Assembly, and members of the State Board of Education, reviewing 141759
the opportunities and challenges of implementing shared services 141760
initiatives as well as any real or projected cost efficiencies 141761
achieved through the pilot project. 141762

Of the foregoing appropriation item 200550, Foundation 141763
Funding, up to \$425,000 shall be expended in each fiscal year for 141764

court payments under section 2151.362 of the Revised Code. 141765

Of the foregoing appropriation item 200550, Foundation 141766
Funding, up to \$8,100,000 in each fiscal year shall be used to 141767
fund gifted education at educational service centers. 141768
Notwithstanding division (D)(5) of section 3317.018 of the Revised 141769
Code, the Department shall distribute the funding through the 141770
unit-based funding methodology in place under division (L) of 141771
section 3317.024, division (E) of section 3317.05, and divisions 141772
(A), (B), and (C) of section 3317.053 of the Revised Code as they 141773
existed prior to fiscal year 2010. Any remaining funds shall be 141774
used as an additional supplement to each city, exempted village, 141775
and local school district for identifying gifted students under 141776
Chapter 3324. of the Revised Code. 141777

Of the foregoing appropriation item 200550, Foundation 141778
Funding, up to \$10,000,000 in each fiscal year shall be used to 141779
provide additional state aid to school districts, joint vocational 141780
school districts, and community schools for special education 141781
students under division (C)(3) of section 3317.022 of the Revised 141782
Code, except that the Controlling Board may increase these amounts 141783
if presented with such a request from the Department of Education 141784
at the final meeting of the fiscal year; and up to \$2,000,000 in 141785
each fiscal year shall be reserved for Youth Services tuition 141786
payments under section 3317.024 of the Revised Code. 141787

Of the foregoing appropriation item 200550, Foundation 141788
Funding, up to \$41,760,000 in fiscal year 2012 and up to 141789
\$35,323,000 in fiscal year 2013 shall be reserved to fund the 141790
state reimbursement of educational service centers under section 141791
3317.11 of the Revised Code and the section of this act entitled 141792
"EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,545,752 in 141793
each fiscal year shall be distributed to educational service 141794
centers for School Improvement Initiatives. Educational service 141795
centers shall be required to support districts in the development 141796

and implementation of their continuous improvement plans as 141797
required in section 3302.04 of the Revised Code and to provide 141798
technical assistance and support in accordance with Title I of the 141799
"No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 141800
6317. 141801

Of the foregoing appropriation item 200550, Foundation 141802
Funding, up to \$1,000,000 in each fiscal year shall be used by the 141803
Department of Education for a program to pay for educational 141804
services for youth who have been assigned by a juvenile court or 141805
other authorized agency to any of the facilities described in 141806
division (A) of the section of this act entitled "PRIVATE 141807
TREATMENT FACILITY PROJECT." 141808

Of the foregoing appropriation item 200550, Foundation 141809
Funding, up to \$12,522,860 in each fiscal year shall be used to 141810
support the Cleveland school choice program. 141811

Of the portion of the funds distributed to the Cleveland 141812
Municipal School District under this section, up to \$11,901,887 in 141813
each fiscal year shall be used to operate the school choice 141814
program in the Cleveland Municipal School District under sections 141815
3313.974 to 3313.979 of the Revised Code. Notwithstanding 141816
divisions (B) and (C) of section 3313.978 and division (C) of 141817
section 3313.979 of the Revised Code, up to \$1,000,000 in each 141818
fiscal year of this amount shall be used by the Cleveland 141819
Municipal School District to provide tutorial assistance as 141820
provided in division (H) of section 3313.974 of the Revised Code. 141821
The Cleveland Municipal School District shall report the use of 141822
these funds in the district's three-year continuous improvement 141823
plan as described in section 3302.04 of the Revised Code in a 141824
manner approved by the Department of Education. 141825

Of the foregoing appropriation item 200550, Foundation 141826
Funding, an amount shall be available in each fiscal year to be 141827
paid to joint vocational school districts in accordance with the 141828

section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 141829
DISTRICTS." 141830

Of the foregoing appropriation item 200550, Foundation 141831
Funding, a portion in each fiscal year shall be paid to city, 141832
exempted village, and local school districts in accordance with 141833
the section of this act entitled "SUPPLEMENTAL SCHOOL DISTRICT 141834
FUNDING." 141835

Of the foregoing appropriation item 200550, Foundation 141836
Funding, a portion in each fiscal year shall be paid to school 141837
districts and community schools in accordance with the section of 141838
this act entitled "SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS." 141839

The remainder of appropriation item 200550, Foundation 141840
Funding, shall be used to distribute the amounts calculated for 141841
formula aid under Section 267.30.50 of this act. 141842

Appropriation items 200502, Pupil Transportation, 200540, 141843
Special Education Enhancements, and 200550, Foundation Funding, 141844
other than specific set-asides, are collectively used in each 141845
fiscal year to pay state formula aid obligations for school 141846
districts, community schools, STEM schools, and joint vocational 141847
school districts under this act. The first priority of these 141848
appropriation items, with the exception of specific set-asides, is 141849
to fund state formula aid obligations. It may be necessary to 141850
reallocate funds among these appropriation items or use excess 141851
funds from other general revenue fund appropriation items in the 141852
Department of Education's budget in each fiscal year, in order to 141853
meet state formula aid obligations. If it is determined that it is 141854
necessary to transfer funds among these appropriation items or to 141855
transfer funds from other General Revenue Fund appropriations in 141856
the Department of Education's budget to meet state formula aid 141857
obligations, the Department of Education shall seek approval from 141858
the Controlling Board to transfer funds as needed. 141859

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. 141890

(4) "The district's adjustment amount" means the amount 141891
computed under division (B)(5) of this section. 141892

If the computation made under division (A) of this section 141893
results in a negative number, the district's funding under this 141894
section shall be zero. 141895

(B) To make the computation required by division (A) of this 141896
section, the Department shall determine all of the following: 141897

(1) Each district's charge-off valuation per pupil, which 141898
shall be the valuation used to determine the district's state 141899
share of the adequacy amount for fiscal year 2011, under former 141900
section 3306.13 of the Revised Code, divided by the district's 141901
recalculated fiscal year 2011 formula ADM; 141902

(2) The statewide median charge-off valuation per pupil; 141903

(3) Each district's charge-off valuation index, which shall 141904
be the district's charge-off valuation per pupil divided by the 141905
statewide median charge-off valuation per pupil; 141906

(4) The statewide per pupil adjustment amount. The Department 141907
shall determine that amount so that the total statewide formula 141908
aid obligation for school districts does not exceed the aggregate 141909
amount appropriated for formula aid under line items 200502, 141910
200550, and 200612. 141911

(5) Each district's adjustment amount, which shall be the 141912
district's charge-off valuation index multiplied by the statewide 141913
per pupil adjustment amount multiplied by the district's current 141914
year formula ADM. 141915

(C) On the form that the Department uses to compute funding 141916
for a school district in accordance with this section, the 141917
Department also shall indicate the amount of that funding 141918
allocated to special education and related services, the amount 141919

allocated to career-technical education, and the amount allocated 141920
to gifted education. The amounts allocated for special education 141921
and career-technical education shall be the amounts indicated on 141922
the PASS form for fiscal year 2011. Each school district that 141923
receives an allocation for career-technical education shall spend 141924
the funds only for purposes the Department of Education designates 141925
as approved for career-technical education expenses. 141926
Career-technical education expenses approved by the Department 141927
shall include only expenses connected to the delivery of 141928
career-technical programming to students enrolled in 141929
state-approved career-technical programs. If a school district 141930
informs the Department that it is unable to spend the full 141931
allocation on approved career-technical education expenses, the 141932
Department may reallocate the district's unexpended amount of the 141933
career-technical education allocation to other school districts. 141934
The overall funding levels calculated under division (A) of this 141935
section for districts affected by a reallocation under this 141936
division shall be adjusted accordingly. The Department shall first 141937
allocate the funds to school districts within the original school 141938
district's vocational education planning district that have growth 141939
in career-technical enrollment from the previous fiscal year. If 141940
there are no such districts, the Department shall allocate the 141941
funds to other school districts, with priority given to districts 141942
according to each district's growth in career-technical enrollment 141943
from the previous fiscal year. The amounts allocated to gifted 141944
education shall be the amounts districts received for gifted unit 141945
funding and supplemental identification funds in fiscal year 2009, 141946
either directly or through funds allocated to educational service 141947
centers. The Department shall require each school district to 141948
report data annually so that the Department may monitor and 141949
enforce the district's compliance with the requirements regarding 141950
the manner in which allocations for career-technical education and 141951
gifted education may be spent. 141952

(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 141983
sections 3302.03 and 3314.012 of the Revised Code for the prior 141984
school year an amount equal to \$17 times the district's 141985
current-year formula ADM, in the case of a school district, or the 141986
number of students in the community school's enrollment report for 141987
the current year, in the case of a community school. 141988

As used in this section, "the number of students in the 141989
community school's enrollment report" means "the final number of 141990
students reported under divisions (B)(2)(a) and (b) of section 141991
3314.08 of the Revised Code at the end of a fiscal year, as 141992
verified by the Department." 141993

Section 267.30.60. FUNDING FOR JOINT VOCATIONAL SCHOOL 141994
DISTRICTS 141995

The Department of Education shall distribute funds within 141996
appropriation item 200550, Foundation Funding, for joint 141997
vocational funding in each fiscal year to each joint vocational 141998
school district that received joint vocational funding in fiscal 141999
year 2011. The Department shall distribute to each such district 142000
joint vocational funding in an amount equal to the district's 142001
total state foundation aid as reported on the final JVS payment 142002
report produced by the Department for the previous fiscal year. 142003

The joint vocational funding for each fiscal year for each 142004
district is the amount specified in this section less any general 142005
revenue fund spending reductions ordered by the Governor under 142006
section 126.05 of the Revised Code. 142007

Section 267.30.70. PROPERTY TAX ALLOCATION - EDUCATION 142008

The Superintendent of Public Instruction shall not request, 142009
and the Controlling Board shall not approve, the transfer of 142010
appropriation from appropriation item 200901, Property Tax 142011
Allocation - Education, to any other appropriation item. 142012

The appropriation item 200901, Property Tax Allocation - 142013
Education, is appropriated to pay for the state's costs incurred 142014
because of the homestead exemption, the property tax rollback, and 142015
payments required under division (C) of section 5705.2110 of the 142016
Revised Code. In cooperation with the Department of Taxation, the 142017
Department of Education shall distribute these funds directly to 142018
the appropriate school districts of the state, notwithstanding 142019
sections 321.24 and 323.156 of the Revised Code, which provide for 142020
payment of the homestead exemption and property tax rollback by 142021
the Tax Commissioner to the appropriate county treasurer and the 142022
subsequent redistribution of these funds to the appropriate local 142023
taxing districts by the county auditor. 142024

Upon receipt of these amounts, each school district shall 142025
distribute the amount among the proper funds as if it had been 142026
paid as real or tangible personal property taxes. Payments for the 142027
costs of administration shall continue to be paid to the county 142028
treasurer and county auditor as provided for in sections 319.54, 142029
321.26, and 323.156 of the Revised Code. 142030

Any sums, in addition to the amount specifically appropriated 142031
in appropriation items 200901, Property Tax Allocation - 142032
Education, for the homestead exemption and the property tax 142033
rollback payments, and payments required under division (C) of 142034
section 5705.2110 of the Revised Code, which are determined to be 142035
necessary for these purposes, are hereby appropriated. 142036

Section 267.30.80. TEACHER CERTIFICATION AND LICENSURE 142037

The foregoing appropriation item 200681, Teacher 142038
Certification and Licensure, shall be used by the Department of 142039
Education in each year of the biennium to administer and support 142040
teacher certification and licensure activities. 142041

SCHOOL DISTRICT SOLVENCY ASSISTANCE 142042

(A) Of the foregoing appropriation item 200687, School 142043
District Solvency Assistance, \$20,000,000 in each fiscal year 142044
shall be allocated to the School District Shared Resource Account 142045
and \$5,000,000 in each fiscal year shall be allocated to the 142046
Catastrophic Expenditures Account. These funds shall be used to 142047
provide assistance and grants to school districts to enable them 142048
to remain solvent under section 3316.20 of the Revised Code. 142049
Assistance and grants shall be subject to approval by the 142050
Controlling Board. Except as provided under division (C) of this 142051
section, any required reimbursements from school districts for 142052
solvency assistance shall be made to the appropriate account in 142053
the School District Solvency Assistance Fund (Fund 5H30). 142054

(B) Notwithstanding any provision of law to the contrary, 142055
upon the request of the Superintendent of Public Instruction, the 142056
Director of Budget and Management may make transfers to the School 142057
District Solvency Assistance Fund (Fund 5H30) from any fund used 142058
by the Department of Education or the General Revenue Fund to 142059
maintain sufficient cash balances in Fund 5H30 in fiscal years 142060
2012 and 2013. Any cash transferred is hereby appropriated. The 142061
transferred cash may be used by the Department of Education to 142062
provide assistance and grants to school districts to enable them 142063
to remain solvent and to pay unforeseeable expenses of a temporary 142064
or emergency nature that the school district is unable to pay from 142065
existing resources. The Director of Budget and Management shall 142066
notify the members of the Controlling Board of any such transfers. 142067

(C) If the cash balance of the School District Solvency 142068
Assistance Fund (Fund 5H30) is insufficient to pay solvency 142069
assistance in fiscal years 2012 and 2013, at the request of the 142070
Superintendent of Public Instruction, and with the approval of the 142071
Controlling Board, the Director of Budget and Management may 142072
transfer cash from the Lottery Profits Education Reserve Fund 142073
(Fund 7018) to Fund 5H30 to provide assistance and grants to 142074

school districts to enable them to remain solvent and to pay 142075
unforeseeable expenses of a temporary nature that they are unable 142076
to pay from existing resources under section 3316.20 of the 142077
Revised Code. Such transfers are hereby appropriated to 142078
appropriation item 200670, School District Solvency Assistance - 142079
Lottery. Any required reimbursements from school districts for 142080
solvency assistance granted from appropriation item 200670, School 142081
District Solvency Assistance - Lottery, shall be made to Fund 142082
7018. 142083

Section 267.30.90. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 142084

Upon the request of the Superintendent of Public Instruction, 142085
the Director of Budget and Management may transfer up to \$639,000 142086
cash in each fiscal year from the General Revenue Fund to the 142087
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 142088
transferred cash is to be used by the Department of Education to 142089
pay the expenses the Department incurs in administering the 142090
Medicaid School Component of the Medicaid program established 142091
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 142092
of each fiscal year, or as soon as possible thereafter, the 142093
Director of Budget and Management shall transfer cash from Fund 142094
3AF0 back to the General Revenue Fund in an amount equal to the 142095
total amount transferred to Fund 3AF0 in that fiscal year. 142096

The money deposited into Fund 3AF0 under division (B) of 142097
section 5111.714 of the Revised Code is hereby appropriated for 142098
fiscal years 2012 and 2013 and shall be used in accordance with 142099
division (D) of section 5111.714 of the Revised Code. 142100

Section 267.40.10. HALF-MILL MAINTENANCE EQUALIZATION 142101

The foregoing appropriation item 200626, Half-Mill 142102
Maintenance Equalization, shall be used to make payments pursuant 142103
to section 3318.18 of the Revised Code. 142104

Section 267.40.20. AUXILIARY SERVICES REIMBURSEMENT 142105

Notwithstanding section 3317.064 of the Revised Code, if the 142106
unexpended, unencumbered cash balance is sufficient, the Treasurer 142107
of State shall transfer \$1,500,000 in fiscal year 2012 within 142108
thirty days after the effective date of this section, and 142109
\$1,500,000 in fiscal year 2013 by August 1, 2012, from the 142110
Auxiliary Services Personnel Unemployment Compensation Fund to the 142111
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 142112
Department of Education. 142113

Section 267.40.30. LOTTERY PROFITS EDUCATION FUND 142114

Appropriation item 200612, Foundation Funding (Fund 7017), 142115
shall be used in conjunction with appropriation item 200550, 142116
Foundation Funding (GRF), to provide state foundation payments to 142117
school districts. 142118

The Department of Education, with the approval of the 142119
Director of Budget and Management, shall determine the monthly 142120
distribution schedules of appropriation item 200550, Foundation 142121
Funding (GRF), and appropriation item 200612, Foundation Funding 142122
(Fund 7017). If adjustments to the monthly distribution schedule 142123
are necessary, the Department of Education shall make such 142124
adjustments with the approval of the Director of Budget and 142125
Management. 142126

Section 267.40.40. LOTTERY PROFITS EDUCATION RESERVE FUND 142127

(A) There is hereby created the Lottery Profits Education 142128
Reserve Fund (Fund 7018) in the State Treasury. Investment 142129
earnings of the Lottery Profits Education Reserve Fund shall be 142130
credited to the fund. 142131

(B) Notwithstanding any other provision of law to the 142132
contrary, the Director of Budget and Management may transfer cash 142133

from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 142134
in fiscal year 2012 and fiscal year 2013. Amounts transferred 142135
under this section are hereby appropriated. 142136

(C) On July 15, 2011, or as soon as possible thereafter, the 142137
Director of the Ohio Lottery Commission shall certify to the 142138
Director of Budget and Management the amount by which lottery 142139
profit transfers received by Fund 7017 exceeded \$711,000,000 in 142140
fiscal year 2011. The Director of Budget and Management may 142141
transfer the amount so certified, plus the cash balance in Fund 142142
7017, to Fund 7018. 142143

(D) On July 15, 2012, or as soon as possible thereafter, the 142144
Director of the Ohio Lottery Commission shall certify to the 142145
Director of Budget and Management the amount by which lottery 142146
profit transfers received by Fund 7017 exceeded \$717,500,000 in 142147
fiscal year 2012. The Director of Budget and Management may 142148
transfer the amount so certified, plus the cash balance in Fund 142149
7017, to Fund 7018. 142150

Section 267.40.50. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 142151
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 142152

Notwithstanding any provision of law to the contrary, in 142153
fiscal year 2012 and fiscal year 2013 the Director of Budget and 142154
Management may make temporary transfers between the General 142155
Revenue Fund and the School District Property Tax Replacement - 142156
Business Fund (Fund 7047) in the Department of Education to ensure 142157
sufficient balances in Fund 7047 and to replenish the General 142158
Revenue Fund for such transfers. 142159

Section 267.40.60. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 142160
BUSINESS 142161

The foregoing appropriation item 200909, School District 142162
Property Tax Replacement - Business, shall be used by the 142163

Department of Education, in consultation with the Department of 142164
Taxation, to make payments to school districts and joint 142165
vocational school districts under section 5751.21 of the Revised 142166
Code. If it is determined by the Director of Budget and Management 142167
that additional appropriations are necessary for this purpose, 142168
such amounts are hereby appropriated. 142169

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 142170

The foregoing appropriation item 200900, School District 142171
Property Tax Replacement-Utility, shall be used by the Department 142172
of Education, in consultation with the Department of Taxation, to 142173
make payments to school districts and joint vocational school 142174
districts under section 5727.85 of the Revised Code. If it is 142175
determined by the Director of Budget and Management that 142176
additional appropriations are necessary for this purpose, such 142177
amounts are hereby appropriated. 142178

DISTRIBUTION FORMULAS 142179

The Department of Education shall report the following to the 142180
Director of Budget and Management and the Legislative Service 142181
Commission: 142182

(A) Changes in formulas for distributing state 142183
appropriations, including administratively defined formula 142184
factors; 142185

(B) Discretionary changes in formulas for distributing 142186
federal appropriations; 142187

(C) Federally mandated changes in formulas for distributing 142188
federal appropriations. 142189

Any such changes shall be reported two weeks prior to the 142190
effective date of the change. 142191

Section 267.40.70. EDUCATIONAL SERVICE CENTERS FUNDING 142192

In fiscal year 2012, each Educational Service Center shall 142193
receive funding equal to ninety per cent of the amount received in 142194
fiscal year 2011 under section 3317.11 of the Revised Code and 142195
Section 265.50.10 of Am. Sub. H.B. 1 of the 128th General 142196
Assembly. 142197

In fiscal year 2013, each Educational Service Center shall 142198
receive funding equal to eighty-five per cent of the amount 142199
received in fiscal year 2012 under this section. 142200

Notwithstanding any provision of law to the contrary, the 142201
Department of Education shall modify the payments under this 142202
section as follows: 142203

(A) If an educational service center ceases operation, the 142204
Department shall redistribute that center's funding, as calculated 142205
under this section, to the remaining centers in proportion to each 142206
center's service center ADM as defined in section 3317.11 of the 142207
Revised Code. 142208

(B) If two or more educational service centers merge 142209
operations to create a single service center, the Department shall 142210
distribute the sum of the original service centers' funding, as 142211
calculated under this section, to the new service center. 142212

Section 267.40.80. PRIVATE TREATMENT FACILITY PROJECT 142213

(A) As used in this section: 142214

(1) The following are "participating residential treatment 142215
centers": 142216

(a) Private residential treatment facilities that have 142217
entered into a contract with the Department of Youth Services to 142218
provide services to children placed at the facility by the 142219
Department and which, in fiscal year 2012 or fiscal year 2013 or 142220
both, the Department pays through appropriation item 470401, 142221
RECLAIM Ohio; 142222

(b) Abraxas, in Shelby;	142223
(c) Paint Creek, in Bainbridge;	142224
(d) F.I.R.S.T., in Mansfield.	142225
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	142226 142227 142228
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	142229 142230
(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.	142231 142232 142233 142234 142235
(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.	142236 142237 142238
(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	142239 142240 142241 142242 142243 142244 142245 142246 142247 142248 142249 142250 142251 142252 142253

children under twenty-two years of age residing in the treatment center. 142254
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(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. 142256
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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. 142273
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The amount of tuition paid shall be: 142276

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code; 142277
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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 142279
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pursuant to the student's individualized education program, minus 142285
the tuition paid for the child under division (C)(1) of this 142286
section. 142287

A school district paying tuition under this division shall 142288
not include the child for whom tuition is paid in the district's 142289
average daily membership certified under division (A) of section 142290
3317.03 of the Revised Code. 142291

(D) In each of fiscal years 2012 and 2013, the Department of 142292
Education shall reimburse, from appropriations made for the 142293
purpose, a school district, educational service center, or 142294
residential treatment facility, whichever is providing the 142295
service, that has demonstrated that it is in compliance with the 142296
funding criteria for each served child for whom a school district 142297
must pay tuition under division (C) of this section. The amount of 142298
the reimbursement shall be the amount appropriated for this 142299
purpose divided by the full-time equivalent number of children for 142300
whom reimbursement is to be made. 142301

(E) Funds provided to a school district, educational service 142302
center, or residential treatment facility under this section shall 142303
be used to supplement, not supplant, funds from other public 142304
sources for which the school district, service center, or 142305
residential treatment facility is entitled or eligible. 142306

(F) The Department of Education shall track the utilization 142307
of funds provided to school districts, educational service 142308
centers, and residential treatment facilities under this section 142309
and monitor the effect of the funding on the educational programs 142310
they provide in participating residential treatment facilities. 142311
The Department shall monitor the programs for educational 142312
accountability. 142313

Section 267.40.90. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 142314
ASSESSMENT OF EDUCATION PROGRESS 142315

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. 142346

(D) The amount of any subsidy paid to a community school 142347
under this section shall not be deducted from the school district 142348
in which any of the students enrolled in the community school are 142349
entitled to attend school under section 3313.64 or 3313.65 of the 142350
Revised Code. The amount of any subsidy paid to a community school 142351
under this section shall be paid from funds appropriated to the 142352
Department of Education in appropriation item 200550, Foundation 142353
Funding. 142354

Section 267.50.20. EARMARK ACCOUNTABILITY 142355

At the request of the Superintendent of Public Instruction, 142356
any entity that receives a budget earmark under the Department of 142357
Education shall submit annually to the chairpersons of the 142358
committees of the House of Representatives and the Senate 142359
primarily concerned with education and to the Department of 142360
Education a report that includes a description of the services 142361
supported by the funds, a description of the results achieved by 142362
those services, an analysis of the effectiveness of the program, 142363
and an opinion as to the program's applicability to other school 142364
districts. For an earmarked entity that received state funds from 142365
an earmark in the prior fiscal year, no funds shall be provided by 142366
the Department of Education to an earmarked entity for a fiscal 142367
year until its report for the prior fiscal year has been 142368
submitted. 142369

Section 267.50.30. PROHIBITION FROM OPERATING FROM HOME 142370

No community school established under Chapter 3314. of the 142371
Revised Code that was not open for operation as of May 1, 2005, 142372
shall operate from a home, as defined in section 3313.64 of the 142373
Revised Code. 142374

Section 267.50.40. EARLY COLLEGE START UP COMMUNITY SCHOOL	142375
(A) As used in this section:	142376
(1) "Big eight school district" has the same meaning as in section 3314.02 of the Revised Code.	142377 142378
(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.	142379 142380 142381 142382
(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:	142383 142384 142385 142386 142387
(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.	142388 142389 142390 142391 142392
(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.	142393 142394 142395 142396
(3) The school provides the same educational program the school provided while part of the big eight school district.	142397 142398
Section 267.50.50. USE OF VOLUNTEERS	142399
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	142400 142401 142402 142403

recruit, train, and oversee the services of volunteers. The 142404
Superintendent may reimburse volunteers for necessary and 142405
appropriate expenses in accordance with state guidelines and may 142406
designate volunteers as state employees for the purpose of motor 142407
vehicle accident liability insurance under section 9.83 of the 142408
Revised Code, for immunity under section 9.86 of the Revised Code, 142409
and for indemnification from liability incurred in the performance 142410
of their duties under section 9.87 of the Revised Code. 142411

Section 267.50.60. RESTRICTION OF LIABILITY FOR CERTAIN 142412
REIMBURSEMENTS 142413

(A) Except as expressly required under a court judgment not 142414
subject to further appeals, or a settlement agreement with a 142415
school district executed on or before June 1, 2009, in the case of 142416
a school district for which the formula ADM for fiscal year 2005, 142417
as reported for that fiscal year under division (A) of section 142418
3317.03 of the Revised Code, was reduced based on enrollment 142419
reports for community schools, made under section 3314.08 of the 142420
Revised Code, regarding students entitled to attend school in the 142421
district, which reduction of formula ADM resulted in a reduction 142422
of foundation funding or transitional aid funding for fiscal year 142423
2005, 2006, or 2007, no school district, except a district named 142424
in the court's judgment or the settlement agreement, shall have a 142425
legal claim for reimbursement of the amount of such reduction in 142426
foundation funding or transitional aid funding, and the state 142427
shall not have liability for reimbursement of the amount of such 142428
reduction in foundation funding or transitional aid funding. 142429

(B) As used in this section: 142430

(1) "Community school" means a community school established 142431
under Chapter 3314. of the Revised Code. 142432

(2) "Entitled to attend school" means entitled to attend 142433
school in a school district under section 3313.64 or 3313.65 of 142434

the Revised Code. 142435

(3) "Foundation funding" means payments calculated for the 142436
respective fiscal year under Chapter 3317. of the Revised Code. 142437

(4) "Transitional aid funding" means payments calculated for 142438
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 142439
of the 125th General Assembly, as subsequently amended; Section 142440
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 142441
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 142442
of the 127th General Assembly. 142443

Section 267.50.70. UNAUDITABLE COMMUNITY SCHOOL 142444

(A) If the Auditor of State or a public accountant, pursuant 142445
to section 117.41 of the Revised Code, declares a community school 142446
established under Chapter 3314. of the Revised Code to be 142447
unauditable, the Auditor of State shall provide written 142448
notification of that declaration to the school, the school's 142449
sponsor, and the Department of Education. The Auditor of State 142450
also shall post the notification on the Auditor of State's web 142451
site. 142452

(B) Notwithstanding any provision to the contrary in Chapter 142453
3314. of the Revised Code or any other provision of law, a sponsor 142454
of a community school that is notified by the Auditor of State 142455
under division (A) of this section that a community school it 142456
sponsors is unauditabile shall not enter into contracts with any 142457
additional community schools under section 3314.03 of the Revised 142458
Code until the Auditor of State or a public accountant has 142459
completed a financial audit of that school. 142460

(C) Not later than forty-five days after receiving 142461
notification by the Auditor of State under division (A) of this 142462
section that a community school is unauditabile, the sponsor of the 142463
school shall provide a written response to the Auditor of State. 142464

The response shall include the following: 142465

(1) An overview of the process the sponsor will use to review 142466
and understand the circumstances that led to the community school 142467
becoming unauditabile; 142468

(2) A plan for providing the Auditor of State with the 142469
documentation necessary to complete an audit of the community 142470
school and for ensuring that all financial documents are available 142471
in the future; 142472

(3) The actions the sponsor will take to ensure that the plan 142473
described in division (C)(2) of this section is implemented. 142474

(D) If a community school fails to make reasonable efforts 142475
and continuing progress to bring its accounts, records, files, or 142476
reports into an auditable condition within ninety days after being 142477
declared unauditabile, the Auditor of State, in addition to 142478
requesting legal action under sections 117.41 and 117.42 of the 142479
Revised Code, shall notify the Department of the school's failure. 142480
If the Auditor of State or a public accountant subsequently is 142481
able to complete a financial audit of the school, the Auditor of 142482
State shall notify the Department that the audit has been 142483
completed. 142484

(E) Notwithstanding any provision to the contrary in Chapter 142485
3314. of the Revised Code or any other provision of law, upon 142486
notification by the Auditor of State under division (D) of this 142487
section that a community school has failed to make reasonable 142488
efforts and continuing progress to bring its accounts, records, 142489
files, or reports into an auditable condition following a 142490
declaration that the school is unauditabile, the Department shall 142491
immediately cease all payments to the school under Chapter 3314. 142492
of the Revised Code and any other provision of law. Upon 142493
subsequent notification from the Auditor of State under that 142494
division that the Auditor of State or a public accountant was able 142495

to complete a financial audit of the community school, the 142496
Department shall release all funds withheld from the school under 142497
this section. 142498

Section 267.50.80. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 142499

142500

In collaboration with the County Family and Children First 142501
Council, a city, local, or exempted village school district, 142502
community school, STEM school, joint vocational school district, 142503
educational service center, or county board of developmental 142504
disabilities that receives allocations from the Department of 142505
Education from appropriation item 200550, Foundation Funding, or 142506
appropriation item 200540, Special Education Enhancements, may 142507
transfer portions of those allocations to a flexible funding pool 142508
authorized by the Section of this act entitled "FAMILY AND 142509
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 142510
maintenance of effort or for federal or state funding matching 142511
requirements shall not be transferred unless the allocation may 142512
still be used to meet such requirements. 142513

Section 267.50.90. EDUCATIONAL SHARED SERVICES MODEL/P-16 142514

COUNCILS 142515

The Governor's Director of 21st Century Education shall 142516
develop a plan for the integration and consolidation of the 142517
publicly supported regional shared services organizations serving 142518
Ohio's public and chartered nonpublic schools and develop a plan 142519
to encourage communities and school districts to create regional 142520
P-16 councils to better organize and share existing community 142521
resources to improve student achievement. The Director shall 142522
include recommendations for implementation of the plans beginning 142523
July 1, 2012. 142524

In preparing the shared services plan, the Director shall 142525

recommend educational support organizations to be integrated into 142526
the regional shared service center system. The organizations to be 142527
integrated shall include, but shall not be limited to, educational 142528
service centers, education technology centers, information 142529
technology centers, area media centers, Ohio's statewide system of 142530
support, the education regional service system, regional advisory 142531
boards, and regional staff from the Department of Education 142532
providing direct support to school districts. 142533

In preparing the recommendations of the shared services plan, 142534
the Director shall include an examination of services offered to 142535
public and chartered nonpublic schools and recommendations for 142536
integration of services into a shared services model. Services to 142537
be considered shall include, but shall not be limited to, general 142538
instruction, special education, gifted education, academic 142539
leadership, technology, fiscal management, transportation, food 142540
services, human resources, employee benefits, pooled purchasing, 142541
professional development, and noninstructional support. 142542

Not later than October 15, 2011, the Director shall conduct a 142543
shared services survey of Ohio's school districts, community 142544
schools, STEM schools, chartered nonpublic schools, joint 142545
vocational school districts, and other educational service 142546
providers and local political subdivisions to gather baseline data 142547
on the current status of shared services and to determine where 142548
opportunities for additional shared services exist. 142549

In preparing the P-16 plan, the Director shall develop a set 142550
of model criteria that encourages and permits communities and 142551
school districts to create local P-16 councils. Members of the 142552
councils shall include, but not be limited to, local community 142553
leaders in primary and secondary education, higher education, 142554
early childhood education, and representatives of business, 142555
nonprofit, and social service agencies. 142556

In preparing the recommendations for the P-16 plan, the 142557

Director shall include an examination of existing P-16 councils in 142558
Ohio and identify for inclusion in the model criteria their 142559
success in setting short and long-term student achievement and 142560
growth targets in their communities, leading cross-sector 142561
strategies to improve student-level outcomes, effectively using 142562
data to inform decisions around funding, providing intervention 142563
strategies for students, and achieving greater systems alignment. 142564

Not later than January 1, 2012, the Director shall submit to 142565
the Governor and the General Assembly, in accordance with section 142566
101.68 of the Revised Code, legislative recommendations for 142567
implementation of the plans. 142568

Section 267.60.10. If there are unencumbered moneys remaining 142569
on July 1, 2011, in a school district's textbook and instructional 142570
materials fund, as required by former section 3315.17 of the 142571
Revised Code, the district board of education may transfer those 142572
moneys to the district's general fund and may use such moneys for 142573
any purpose authorized for general fund moneys. 142574

Section 267.60.20. A new conversion community school 142575
established under division (B) of section 3314.02 of the Revised 142576
Code may open for operation in the 2011-2012 school year, 142577
notwithstanding the deadlines prescribed by division (D) of 142578
section 3314.02 of the Revised Code for adoption and signing of 142579
the contract under section 3314.03 of the Revised Code, but those 142580
parties shall adopt and sign the contract, and file a copy of it 142581
with the Superintendent of Public Instruction, prior to the 142582
school's opening. 142583

Section 267.60.30. The State Board of Education shall 142584
initiate rulemaking procedures for the rules for the Jon Peterson 142585
Special Needs Scholarship Program, required under section 3310.64 142586
of the Revised Code, as enacted by this act, so that those rules 142587

are in effect not later than one hundred twenty days after the 142588
effective date of this section. 142589

Section 267.60.31. The Department of Education shall conduct 142590
a formative evaluation of the Jon Peterson Special Needs 142591
Scholarship Program established under sections 3310.51 to 3310.64 142592
of the Revised Code, using both quantitative and qualitative 142593
analyses, and shall report its findings to the General Assembly, 142594
in accordance with section 101.68 of the Revised Code, not later 142595
than December 31, 2014. 142596

The study shall include an assessment of: 142597

(A) The level of the participating student's satisfaction 142598
with the program; 142599

(B) The level of the participating parent's satisfaction with 142600
the program; 142601

(C) The fiscal impact to the state and resident school 142602
districts affected by the program. 142603

In conducting the evaluation, the Department shall to the 142604
extent possible gather comments from parents who have been awarded 142605
scholarships under the program, school district officials, 142606
representatives of registered private providers, educators, and 142607
representatives of educational organizations for inclusion in the 142608
report required under this section. 142609

The Department may contract with one or more qualified 142610
researchers who have previous experience evaluating school choice 142611
programs to conduct this study. The Department may accept grants 142612
to assist in funding this study. 142613

Section 269.10. ELC OHIO ELECTIONS COMMISSION 142614

General Revenue Fund 142615

GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 142616

TOTAL GRF General Revenue Fund	\$	333,117	\$	333,117	142617
General Services Fund Group					142618
4P20 051601 Ohio Elections	\$	225,000	\$	225,000	142619
Commission Fund					
TOTAL GSF General Services Fund	\$	225,000	\$	225,000	142620
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	558,117	\$	558,117	142621

Section 271.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL					142623
DIRECTORS					142624
General Services Fund Group					142625
4K90 881609 Operating Expenses	\$	561,494	\$	551,958	142626
TOTAL GSF General Services					142627
Fund Group	\$	561,494	\$	551,958	142628
TOTAL ALL BUDGET FUND GROUPS	\$	561,494	\$	551,958	142629

Section 273.10. PAY EMPLOYEE BENEFITS FUNDS					142631
Accrued Leave Liability Fund Group					142632
8060 995666 Accrued Leave Fund	\$	72,053,178	\$	71,828,986	142633
8070 995667 Disability Fund	\$	27,616,583	\$	26,593,747	142634
TOTAL ALF Accrued Leave Liability					142635
Fund Group	\$	99,669,761	\$	98,422,733	142636
Agency Fund Group					142637
1240 995673 Payroll Deductions	\$	855,456,678	\$	840,248,559	142638
8080 995668 State Employee Health	\$	590,265,468	\$	649,292,014	142639
Benefit Fund					
8090 995669 Dependent Care	\$	2,881,273	\$	2,967,711	142640
Spending Account					
8100 995670 Life Insurance	\$	2,080,634	\$	2,143,053	142641
Investment Fund					
8110 995671 Parental Leave	\$	3,484,737	\$	3,355,673	142642
Benefit Fund					

8130	995672	Health Care Spending	\$	8,588,262	\$	9,447,088	142643
		Account					
8140	995674	Cost Savings Days	\$	50,000,000	\$	0	142644
TOTAL	AGY	Agency Fund Group	\$	1,512,757,052	\$	1,507,454,098	142645
							142646
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,612,426,813	\$	1,605,876,831	142647

ACCRUED LEAVE LIABILITY FUND 142648

The foregoing appropriation item 995666, Accrued Leave Fund, 142649
shall be used to make payments from the Accrued Leave Liability 142650
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 142651
If it is determined by the Director of Budget and Management that 142652
additional amounts are necessary, the amounts are hereby 142653
appropriated. 142654

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 142655

The foregoing appropriation item 995667, Disability Fund, 142656
shall be used to make payments from the State Employee Disability 142657
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 142658
Revised Code. If it is determined by the Director of Budget and 142659
Management that additional amounts are necessary, the amounts are 142660
hereby appropriated. 142661

PAYROLL WITHHOLDING FUND 142662

The foregoing appropriation item 995673, Payroll Deductions, 142663
shall be used to make payments from the Payroll Withholding Fund 142664
(Fund 1240). If it is determined by the Director of Budget and 142665
Management that additional appropriation amounts are necessary, 142666
the amounts are hereby appropriated. 142667

STATE EMPLOYEE HEALTH BENEFIT FUND 142668

The foregoing appropriation item 995668, State Employee 142669
Health Benefit Fund, shall be used to make payments from the State 142670
Employee Health Benefit Fund (Fund 8080) pursuant to section 142671
124.87 of the Revised Code. If it is determined by the Director of 142672

Budget and Management that additional amounts are necessary, the 142673
amounts are hereby appropriated. 142674

DEPENDENT CARE SPENDING FUND 142675

The foregoing appropriation item 995669, Dependent Care 142676
Spending Account, shall be used to make payments from the 142677
Dependent Care Spending Fund (Fund 8090) to employees eligible for 142678
dependent care expenses. If it is determined by the Director of 142679
Budget and Management that additional amounts are necessary, the 142680
amounts are hereby appropriated. 142681

LIFE INSURANCE INVESTMENT FUND 142682

The foregoing appropriation item 995670, Life Insurance 142683
Investment Fund, shall be used to make payments from the Life 142684
Insurance Investment Fund (Fund 8100) for the costs and expenses 142685
of the state's life insurance benefit program pursuant to section 142686
125.212 of the Revised Code. If it is determined by the Director 142687
of Budget and Management that additional amounts are necessary, 142688
the amounts are hereby appropriated. 142689

PARENTAL LEAVE BENEFIT FUND 142690

The foregoing appropriation item 995671, Parental Leave 142691
Benefit Fund, shall be used to make payments from the Parental 142692
Leave Benefit Fund (Fund 8110) to employees eligible for parental 142693
leave benefits pursuant to section 124.137 of the Revised Code. If 142694
it is determined by the Director of Budget and Management that 142695
additional amounts are necessary, the amounts are hereby 142696
appropriated. 142697

HEALTH CARE SPENDING ACCOUNT FUND 142698

The foregoing appropriation item 995672, Health Care Spending 142699
Account, shall be used to make payments from the Health Care 142700
Spending Account Fund (Fund 8130) for payments pursuant to state 142701
employees' participation in a flexible spending account for 142702

non-reimbursed health care expenses and section 124.821 of the 142703
Revised Code. If it is determined by the Director of 142704
Administrative Services that additional appropriation amounts are 142705
necessary, the Director of Administrative Services may request 142706
that the Director of Budget and Management increase such amounts. 142707
Such amounts are hereby appropriated. 142708

At the request of the Director of Administrative Services, 142709
the Director of Budget and Management may transfer up to \$600,000 142710
annually from the General Revenue Fund to the Health Care Spending 142711
Account Fund during fiscal years 2012 and 2013. This cash shall be 142712
transferred as needed to provide adequate cash flow for the Health 142713
Care Spending Account Fund during fiscal year 2012 and fiscal year 142714
2013. If funds are available at the end of fiscal years 2012 and 142715
2013, the Director of Budget and Management shall transfer cash up 142716
to the amount previously transferred in the respective year, plus 142717
interest income, from the Health Care Spending Account (Fund 8130) 142718
to the General Revenue Fund. 142719

COST SAVINGS DAYS 142720

The foregoing appropriation item, 995674, Cost Savings Days, 142721
shall be used by the Director of Budget and Management in 142722
accordance with division (E) of section 124.392 of the Revised 142723
Code to pay employees who participated in a mandatory cost savings 142724
program, or to reimburse employees who did not fully participate 142725
in a mandatory cost savings program. Notwithstanding any provision 142726
of law to the contrary, in fiscal year 2012 and fiscal year 2013, 142727
the Director may transfer agency savings achieved from the use of 142728
a mandatory cost savings program to the General Revenue Fund or 142729
any other fund as deemed necessary by the Director. The Director 142730
may make temporary transfers from the General Revenue Fund to 142731
ensure sufficient balances in the Cost Savings Fund and may 142732
reimburse the General Revenue Fund for such transfers. If the 142733
Director determines that additional amounts are necessary for 142734

these purposes, the amounts are hereby appropriated. 142735

Section 273.20. CASH TRANSFER TO PAYROLL WITHHOLDING FUND 142736

The Director of Budget and Management may transfer \$561,897 142737
in cash from the Health Care Spending Account Fund (Fund 8130) to 142738
the Payroll Withholding Fund (Fund 1240) to correct payments made 142739
from the Payroll Withholding Fund that should have been made from 142740
the Health Care Spending Account Fund. 142741

Section 275.10. ERB STATE EMPLOYMENT RELATIONS BOARD 142742

General Revenue Fund					142743
GRF 125321 Operating Expenses	\$	3,758,869	\$	3,761,457	142744
TOTAL GRF General Revenue Fund	\$	3,758,869	\$	3,761,457	142745
General Services Fund Group					142746
5720 125603 Training and Publications	\$	87,075	\$	87,075	142747
TOTAL GSF General Services Fund Group	\$	87,075	\$	87,075	142749
TOTAL ALL BUDGET FUND GROUPS	\$	3,845,944	\$	3,848,532	142750

Section 277.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 142752

General Services Fund Group					142753
4K90 892609 Operating Expenses	\$	934,264	\$	921,778	142754
TOTAL GSF General Services Fund Group	\$	934,264	\$	921,778	142756
TOTAL ALL BUDGET FUND GROUPS	\$	934,264	\$	921,778	142757

Section 279.10. EPA ENVIRONMENTAL PROTECTION AGENCY 142759

General Services Fund Group					142760
1990 715602 Laboratory Services	\$	402,295	\$	408,560	142761
2190 715604 Central Support	\$	8,594,348	\$	8,555,680	142762

		Indirect				
4A10	715640	Operating Expenses	\$	2,304,267	\$	2,093,039 142763
TOTAL GSF General Services						142764
Fund Group			\$	11,300,910	\$	11,057,279 142765
Federal Special Revenue Fund Group						142766
3530	715612	Public Water Supply	\$	2,941,282	\$	2,941,282 142767
3540	715614	Hazardous Waste	\$	4,193,000	\$	4,193,000 142768
		Management - Federal				
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203 142769
		- Federal				
3620	715605	Underground Injection	\$	111,874	\$	111,874 142770
		Control - Federal				
3BU0	715684	Water Quality	\$	8,100,000	\$	6,785,000 142771
		Protection				
3CS0	715688	Federal NRD	\$	100,000	\$	100,000 142772
		Settlements				
3F20	715630	Revolving Loan Fund -	\$	907,543	\$	907,543 142773
		Operating				
3F30	715632	Federally Supported	\$	3,344,746	\$	3,290,405 142774
		Cleanup and Response				
3F50	715641	Nonpoint Source	\$	6,265,000	\$	6,260,000 142775
		Pollution Management				
3T30	715669	Drinking Water State	\$	2,273,323	\$	2,273,323 142776
		Revolving Fund				
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000 142777
TOTAL FED Federal Special Revenue						142778
Fund Group			\$	35,146,971	\$	33,772,630 142779
State Special Revenue Fund Group						142780
4J00	715638	Underground Injection	\$	445,234	\$	445,571 142781
		Control				
4K20	715648	Clean Air - Non Title	\$	3,152,306	\$	2,906,267 142782

4K30	715649	Solid Waste	\$	16,742,551	\$	16,414,654	142783
4K40	715650	Surface Water Protection	\$	7,642,625	\$	6,672,246	142784
4K40	715686	Environmental Lab Service	\$	2,096,007	\$	2,096,007	142785
4K50	715651	Drinking Water Protection	\$	7,410,118	\$	7,405,428	142786
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	142787
4R50	715656	Scrap Tire Management	\$	1,368,610	\$	1,376,742	142788
4R90	715658	Voluntary Action Program	\$	999,503	\$	997,425	142789
4T30	715659	Clean Air - Title V Permit Program	\$	16,349,471	\$	16,241,822	142790
4U70	715660	Construction and Demolition Debris	\$	425,913	\$	433,591	142791
5000	715608	Immediate Removal Special Account	\$	633,832	\$	634,033	142792
5030	715621	Hazardous Waste Facility Management	\$	10,241,107	\$	9,789,620	142793
5050	715623	Hazardous Waste Cleanup	\$	12,511,234	\$	12,331,272	142794
5050	715674	Clean Ohio Environmental Review	\$	108,104	\$	108,104	142795
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	142796
5420	715671	Risk Management Reporting	\$	132,636	\$	132,636	142797
5920	715627	Anti Tampering Settlement	\$	2,285	\$	2,285	142798
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	142799
5BC0	715622	Local Air Pollution Control	\$	2,297,980	\$	2,297,980	142800
5BC0	715624	Surface Water	\$	8,970,181	\$	9,114,974	142801
5BC0	715672	Air Pollution Control	\$	4,438,629	\$	4,534,758	142802

5BC0	715673	Drinking and Ground Water	\$	4,317,527	\$	4,323,521	142803
5BC0	715675	Hazardous Waste	\$	95,266	\$	95,266	142804
5BC0	715676	Assistance and Prevention	\$	640,179	\$	645,069	142805
5BC0	715677	Laboratory	\$	939,717	\$	958,586	142806
5BC0	715678	Corrective Actions	\$	31,765	\$	105,423	142807
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	142808
5BC0	715692	Administration	\$	8,562,476	\$	8,212,627	142809
5BT0	715679	C&DD Groundwater Monitoring	\$	203,800	\$	203,800	142810
5BY0	715681	Auto Emissions Test	\$	13,029,952	\$	13,242,762	142811
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	142812
5H40	715664	Groundwater Support	\$	77,508	\$	78,212	142813
5N20	715613	Dredge and Fill	\$	29,250	\$	29,250	142814
5Y30	715685	Surface Water Improvement	\$	2,800,000	\$	2,800,000	142815
6440	715631	ER Radiological Safety	\$	279,838	\$	279,966	142816
6600	715629	Infectious Waste Management	\$	91,573	\$	88,764	142817
6760	715642	Water Pollution Control Loan Administration	\$	4,317,376	\$	4,321,605	142818
6780	715635	Air Toxic Release	\$	138,669	\$	138,669	142819
6790	715636	Emergency Planning	\$	2,623,192	\$	2,623,252	142820
6960	715643	Air Pollution Control Administration	\$	1,100,000	\$	1,100,000	142821
6990	715644	Water Pollution Control Administration	\$	220,000	\$	220,000	142822
6A10	715645	Environmental Education	\$	1,488,260	\$	1,488,718	142823

TOTAL SSR State Special Revenue	\$ 140,764,230	\$ 138,700,461	142824
Fund Group			
Clean Ohio Conservation Fund Group			142825
5S10 715607 Clean Ohio -	\$ 284,083	\$ 284,124	142826
Operating			
TOTAL CLF Clean Ohio Conservation	\$ 284,083	\$ 284,124	142827
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 187,496,194	\$ 183,814,494	142828
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT			142829
On July 1 of each fiscal year, or as soon as possible			142830
thereafter, the Director of Budget and Management may transfer up			142831
to \$13,029,952 in cash in fiscal year 2012, and up to \$13,242,762			142832
in cash in fiscal year 2013 from the General Revenue Fund to the			142833
Auto Emissions Test Fund (Fund 5BY0) for the operation and			142834
oversight of the auto emissions testing program.			142835
AREAWIDE PLANNING AGENCIES			142836
The Director of Environmental Protection Agency may award			142837
grants from appropriation item 715687, Areawide Planning Agencies,			142838
to areawide planning agencies engaged in areawide water quality			142839
management and planning activities in accordance with Section 208			142840
of the "Federal Clean Water Act," 33 U.S.C. 1288.			142841
CORRECTIVE CASH TRANSFERS			142842
On July 1, 2011, or as soon as possible thereafter, the			142843
Director of Budget and Management shall transfer \$376,891.85 in			142844
cash that was mistakenly deposited in the Clean Air Non Title V			142845
Fund (Fund 4K20) to the Clean Air Title V Permit Fund (Fund 4T30).			142846
On July 1, 2011, or as soon as possible thereafter, the			142847
Director of Budget and Management shall transfer \$133,026.63 in			142848
cash that was mistakenly deposited in the Scrap Tire Management			142849
Fund (Fund 4R50) to the Site Specific Cleanup Fund (Fund 5410).			142850

Section 281.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				142851
General Revenue Fund				142852
GRF 172321	Operating Expenses	\$ 580,145	\$ 545,530	142853
TOTAL GRF General Revenue Fund				142854
TOTAL ALL BUDGET FUND GROUPS				142855
 Section 283.10. ETC ETECH OHIO				142857
General Revenue Fund				142858
GRF 935401	Statehouse News Bureau	\$ 215,561	\$ 215,561	142859
GRF 935402	Ohio Government Telecommunications Services	\$ 702,089	\$ 702,089	142860
GRF 935408	General Operations	\$ 1,251,789	\$ 1,254,193	142861
GRF 935409	Technology Operations	\$ 2,092,432	\$ 2,091,823	142862
GRF 935410	Content Development, Acquisition, and Distribution	\$ 2,607,094	\$ 2,607,094	142863
GRF 935411	Technology Integration and Professional Development	\$ 4,251,185	\$ 4,252,671	142864
GRF 935412	Information Technology	\$ 829,340	\$ 829,963	142865
TOTAL GRF General Revenue Fund				142866
General Services Fund Group				142867
4F30 935603	Affiliate Services	\$ 50,000	\$ 50,000	142868
4T20 935605	Government Television/Telecommunications Operating	\$ 25,000	\$ 25,000	142869
TOTAL GSF General Services Fund				142870

Group

State Special Revenue Fund Group					142871
4W90 935630 Telecommunity	\$	25,000	\$	25,000	142872
4X10 935634 Distance Learning	\$	24,150	\$	24,150	142873
5D40 935640 Conference/Special Purposes	\$	2,100,000	\$	2,100,000	142874
5FK0 935608 Media Services	\$	637,601	\$	637,956	142875
5JU0 935611 Information Technology Services	\$	1,455,000	\$	1,455,000	142876
5T30 935607 Gates Foundation Grants	\$	200,000	\$	171,112	142877
TOTAL SSR State Special Revenue Fund Group	\$	4,441,751	\$	4,413,218	142878
TOTAL ALL BUDGET FUND GROUPS	\$	16,466,241	\$	16,441,612	142879

Section 283.20. STATEHOUSE NEWS BUREAU 142881

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 142882
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 142885

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. 142886
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TECHNOLOGY OPERATIONS 142893

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 142894
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142896

radio transmission infrastructure and infrastructure that shall 142897
link all public K-12 classrooms to each other and to the Internet, 142898
and provide access to voice, video, other communication services, 142899
and data educational resources for students and teachers. The 142900
foregoing appropriation item 935409, Technology Operations, may 142901
also be used to cover student costs for taking advanced placement 142902
courses and courses that the Chancellor of the Board of Regents 142903
has determined to be eligible for postsecondary credit through the 142904
Ohio Learns Gateway. To the extent that funds remain available for 142905
this purpose, public school students taking advanced placement or 142906
postsecondary courses through the OhioLearns Gateway shall be 142907
eligible to receive a fee waiver to cover the cost of 142908
participating in one course. The fee waivers shall be distributed 142909
until the funds appropriated to support the waivers have been 142910
exhausted. 142911

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 142912

The foregoing appropriation item 935410, Content Development, 142913
Acquisition, and Distribution, shall be used for the development, 142914
acquisition, and distribution of information resources by public 142915
media and radio reading services and for educational use in the 142916
classroom and online. 142917

Of the foregoing appropriation item 935410, Content 142918
Development, Acquisition, and Distribution, up to \$658,099 in each 142919
fiscal year shall be allocated equally among the 12 Ohio 142920
educational television stations and used with the advice and 142921
approval of eTech Ohio. Funds shall be used for the production of 142922
interactive instructional programming series with priority given 142923
to resources aligned with state academic content standards in 142924
consultation with the Ohio Department of Education and for 142925
teleconferences to support eTech Ohio. The programming shall be 142926
targeted to the needs of the poorest two hundred school districts 142927
as determined by the district's adjusted valuation per pupil as 142928

defined in former section 3317.0213 of the Revised Code as that 142929
section existed prior to June 30, 2005. 142930

Of the foregoing appropriation item 935410, Content 142931
Development, Acquisition, and Distribution, up to \$1,749,283 in 142932
each fiscal year shall be distributed by eTech Ohio to Ohio's 142933
qualified public educational television stations and educational 142934
radio stations to support their operations. The funds shall be 142935
distributed pursuant to an allocation formula used by the Ohio 142936
Educational Telecommunications Network Commission unless a 142937
substitute formula is developed by eTech Ohio in consultation with 142938
Ohio's qualified public educational television stations and 142939
educational radio stations. 142940

Of the foregoing appropriation item 935410, Content 142941
Development, Acquisition, and Distribution, up to \$199,712 in each 142942
fiscal year shall be distributed by eTech Ohio to Ohio's qualified 142943
radio reading services to support their operations. The funds 142944
shall be distributed pursuant to an allocation formula used by the 142945
Ohio Educational Telecommunications Network Commission unless a 142946
substitute formula is developed by eTech Ohio in consultation with 142947
Ohio's qualified radio reading services. 142948

**Section 283.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 142949
DEVELOPMENT 142950**

The foregoing appropriation item 935411, Technology 142951
Integration and Professional Development, shall be used by eTech 142952
Ohio for the provision of staff development, hardware, software, 142953
telecommunications services, and information resources to support 142954
educational uses of technology in the classroom and at a distance 142955
and for professional development for teachers, administrators, and 142956
technology staff on the use of educational technology in 142957
qualifying public schools, including the State School for the 142958
Blind, the State School for the Deaf, and the Department of Youth 142959

Services. 142960

Of the foregoing appropriation item 935411, Technology 142961
Integration and Professional Development, up to \$1,691,701 in each 142962
fiscal year shall be used by eTech Ohio to contract with 142963
educational television to provide Ohio public schools with 142964
instructional resources and services with priority given to 142965
resources and services aligned with state academic content 142966
standards and such resources and services shall be based upon the 142967
advice and approval of eTech Ohio, based on a formula used by the 142968
Ohio SchoolNet Commission unless and until a substitute formula is 142969
developed by eTech Ohio in consultation with Ohio's educational 142970
technology agencies and noncommercial educational television 142971
stations. 142972

Section 283.40. TELECOMMUNITY 142973

The foregoing appropriation item 935630, Telecommunity, shall 142974
be distributed by eTech Ohio on a grant basis to eligible school 142975
districts to establish "distance learning" through interactive 142976
video technologies in the school district. Per agreements with 142977
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 142978
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 142979
Telephone Company, Orwell Telephone Company, Sprint North Central 142980
Telephone, VERIZON, and Western Reserve Telephone Company, school 142981
districts are eligible for funds if they are within one of the 142982
listed telephone company service areas. Funds to administer the 142983
program shall be expended by eTech Ohio up to the amount specified 142984
in the agreements with the listed telephone companies. 142985

Within thirty days after the effective date of this section, 142986
the Director of Budget and Management shall transfer to Fund 4W90 142987
in the State Special Revenue Fund Group any investment earnings 142988
from moneys paid by any telephone company as part of any 142989
settlement agreement between the listed companies and the Public 142990

Utilities Commission in fiscal years 1996 and beyond.				142991	
DISTANCE LEARNING				142992	
The foregoing appropriation item 935634, Distance Learning,				142993	
shall be distributed by eTech Ohio on a grant basis to eligible				142994	
school districts to establish "distance learning" in the school				142995	
district. Per an agreement with Ameritech, school districts are				142996	
eligible for funds if they are within an Ameritech service area.				142997	
Funds to administer the program shall be expended by eTech Ohio up				142998	
to the amount specified in the agreement with Ameritech.				142999	
Within thirty days after the effective date of this section,				143000	
the Director of Budget and Management shall transfer to Fund 4X10				143001	
in the State Special Revenue Fund Group any investment earnings				143002	
from moneys paid by any telephone company as part of a settlement				143003	
agreement between the company and the Public Utilities Commission				143004	
in fiscal year 1995.				143005	
GATES FOUNDATION GRANTS				143006	
The foregoing appropriation item 935607, Gates Foundation				143007	
Grants, shall be used by eTech Ohio to provide professional				143008	
development to school district principals, superintendents, and				143009	
other administrative staff on the use of education technology.				143010	
Section 285.10. ETH OHIO ETHICS COMMISSION				143011	
General Revenue Fund				143012	
GRF 146321 Operating Expenses	\$	1,409,751	\$	1,409,751	143013
TOTAL GRF General Revenue Fund	\$	1,409,751	\$	1,409,751	143014
General Services Fund Group				143015	
4M60 146601 Operating Expenses	\$	827,393	\$	827,393	143016
TOTAL GSF General Services				143017	
Fund Group	\$	827,393	\$	827,393	143018
TOTAL ALL BUDGET FUND GROUPS	\$	2,237,144	\$	2,237,144	143019
ETHICS COMMISSION CASINO-RELATED ACTIVITIES				143020	

On July 1, 2011, or as soon as possible thereafter, an amount 143021
equal to the unexpended and unencumbered balance of appropriation 143022
item 146602, Casino Investigations, at the end of fiscal year 2011 143023
is hereby reappropriated to the same appropriation item for fiscal 143024
year 2012, to be used for the performance of the Ohio Ethics 143025
Commission's casino-related duties. 143026

Section 287.10. EXP OHIO EXPOSITIONS COMMISSION 143027

General Revenue Fund 143028

GRF 723403 Junior Fair Subsidy \$ 250,000 \$ 250,000 143029

TOTAL GRF General Revenue Fund \$ 250,000 \$ 250,000 143030

State Special Revenue Fund Group 143031

4N20 723602 Ohio State Fair \$ 400,000 \$ 400,000 143032

Harness Racing

5060 723601 Operating Expenses \$ 12,991,000 \$ 12,894,000 143033

TOTAL SSR State Special Revenue 143034

Fund Group \$ 13,391,000 \$ 13,294,000 143035

TOTAL ALL BUDGET FUND GROUPS \$ 13,641,000 \$ 13,544,000 143036

STATE FAIR RESERVE 143037

The General Manager of the Expositions Commission may submit 143038

a request to the Controlling Board to use available amounts in the 143039

State Fair Reserve Fund (Fund 6400) if the following conditions 143040

apply: 143041

(A) Admissions receipts for the 2011 or 2012 Ohio State Fair 143042

are less than \$1,982,000 because of inclement weather or 143043

extraordinary circumstances; 143044

(B) The Ohio Expositions Commission declares a state of 143045

fiscal exigency; and 143046

(C) The request contains a plan describing how the 143047

Expositions Commission will eliminate the cash shortage causing 143048

the request. 143049

The amount approved by the Controlling Board is hereby 143050
appropriated. 143051

Section 289.10. GOV OFFICE OF THE GOVERNOR 143052

General Revenue Fund 143053

GRF 040321 Operating Expenses \$ 3,001,806 \$ 2,851,552 143054

TOTAL GRF General Revenue Fund \$ 3,001,806 \$ 2,851,552 143055

General Services Fund Group 143056

5AK0 040607 Government Relations \$ 365,149 \$ 365,149 143057

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 143058

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,366,955 \$ 3,216,701 143059

GOVERNMENT RELATIONS 143060

A portion of the foregoing appropriation item 040607, 143061

Government Relations, may be used to support Ohio's membership in 143062

national or regional associations. 143063

The Office of the Governor may charge any state agency of the 143064

executive branch using an intrastate transfer voucher such amounts 143065

necessary to defray the costs incurred for the conduct of 143066

governmental relations associated with issues that can be 143067

attributed to the agency. Amounts collected shall be deposited in 143068

the Government Relations Fund (Fund 5AK0). 143069

Section 291.10. DOH DEPARTMENT OF HEALTH 143070

General Revenue Fund 143071

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 143072

Surveillance System

GRF 440413 Local Health \$ 2,302,788 \$ 2,303,061 143073

Department Support

GRF 440416 Mothers and Children \$ 4,227,842 \$ 4,228,015 143074

Safety Net Services

GRF 440418	Immunizations	\$	6,430,538	\$	8,930,829	143075
GRF 440431	Free Clinics Safety Net Services	\$	437,326	\$	437,326	143076
GRF 440438	Breast and Cervical Cancer Screening	\$	823,217	\$	823,217	143077
GRF 440444	AIDS Prevention and Treatment	\$	5,842,315	\$	5,842,315	143078
GRF 440451	Public Health Laboratory	\$	3,654,348	\$	3,655,449	143079
GRF 440452	Child and Family Health Services Match	\$	630,390	\$	630,444	143080
GRF 440453	Health Care Quality Assurance	\$	8,170,694	\$	8,174,361	143081
GRF 440454	Local Environmental Health	\$	1,135,141	\$	1,135,362	143082
GRF 440459	Help Me Grow	\$	33,673,545	\$	33,673,987	143083
GRF 440465	Federally Qualified Health Centers	\$	458,688	\$	2,686,688	143084
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	143085
GRF 440468	Chronic Disease and Injury Prevention	\$	2,577,251	\$	2,577,251	143086
GRF 440472	Alcohol Testing	\$	550,000	\$	1,100,000	143087
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	143088
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,414	\$	1,045,414	143089
TOTAL GRF	General Revenue Fund	\$	80,612,432	\$	85,896,654	143090
	State Highway Safety Fund Group					143091
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	143092
TOTAL HSF	State Highway Safety Fund Group					143093
		\$	233,894	\$	233,894	143094
	General Services Fund Group					143095

1420	440646	Agency Health Services	\$	8,825,788	\$	8,826,146	143096
2110	440613	Central Support Indirect Costs	\$	28,900,000	\$	29,000,000	143097
4730	440622	Lab Operating Expenses	\$	5,000,000	\$	5,000,000	143098
5HB0	440470	Breast and Cervical Cancer Screening	\$	1,000,000	\$	0	143099
6830	440633	Employee Assistance Program	\$	1,100,000	\$	1,100,000	143100
6980	440634	Nurse Aide Training	\$	99,239	\$	99,265	143101
TOTAL GSF General Services							143102
Fund Group			\$	44,925,027	\$	44,025,411	143103
Federal Special Revenue Fund Group							143104
3200	440601	Maternal Child Health Block Grant	\$	27,068,886	\$	27,068,886	143105
3870	440602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	143106
3890	440604	Women, Infants, and Children	\$	308,672,689	\$	308,672,689	143107
3910	440606	Medicaid/Medicare	\$	29,625,467	\$	29,257,457	143108
3920	440618	Federal Public Health Programs	\$	137,976,988	\$	137,976,988	143109
TOTAL FED Federal Special Revenue							143110
Fund Group			\$	511,170,689	\$	510,802,679	143111
State Special Revenue Fund Group							143112
4700	440647	Fee Supported Programs	\$	24,503,065	\$	24,513,973	143113
4710	440619	Certificate of Need	\$	878,145	\$	878,433	143114
4770	440627	Medically Handicapped Children Audit	\$	3,692,704	\$	3,692,703	143115
4D60	440608	Genetics Services	\$	3,310,953	\$	3,311,039	143116

4F90	440610	Sickle Cell Disease Control	\$	1,032,754	\$	1,032,824	143117
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	143118
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	143119
4L30	440609	Miscellaneous Expenses	\$	3,333,164	\$	3,333,164	143120
4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870	143121
4V60	440641	Save Our Sight	\$	2,255,760	\$	2,255,789	143122
5B50	440616	Quality, Monitoring, and Inspection	\$	878,638	\$	878,997	143123
5C00	440615	Alcohol Testing and Permit	\$	551,018	\$	0	143124
5CN0	440645	Choose Life	\$	75,000	\$	75,000	143125
5D60	440620	Second Chance Trust	\$	1,151,815	\$	1,151,902	143126
5ED0	440651	Smoke Free Indoor Air	\$	190,452	\$	190,452	143127
5G40	440639	Adoption Services	\$	20,000	\$	20,000	143128
5L10	440623	Nursing Facility Technical Assistance Program	\$	687,500	\$	687,528	143129
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	143130
6100	440626	Radiation Emergency Response	\$	930,525	\$	930,576	143131
6660	440607	Medically Handicapped Children - County Assessments	\$	19,738,286	\$	19,739,617	143132
TOTAL SSR State Special Revenue							143133
Fund Group			\$	63,856,649	\$	63,318,867	143134
Holding Account Redistribution Fund Group							143135
R014	440631	Vital Statistics	\$	44,986	\$	44,986	143136

R048 440625	Refunds, Grants	\$	20,000	\$	20,000	143137
	Reconciliation, and					
	Audit Settlements					
TOTAL 090 Holding Account						143138
Redistribution Fund Group		\$	64,986	\$	64,986	143139
Tobacco Master Settlement Agreement Fund Group						143140
5BX0 440656	Tobacco Use	\$	1,000,000	\$	0	143141
	Prevention					
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	1,000,000	\$	0	143142
TOTAL ALL BUDGET FUND GROUPS		\$	701,863,677	\$	704,342,491	143143

Section 291.20. IMMUNIZATIONS 143145

Of the foregoing appropriation item 440418, Immunizations, 143146
 \$2,500,000 in fiscal year 2013 shall be used to purchase 143147
 pneumococcal conjugate vaccines. 143148

HIV/AIDS PREVENTION/TREATMENT 143149

The foregoing appropriation item 440444, AIDS Prevention and 143150
 Treatment, shall be used to assist persons with HIV/AIDS in 143151
 acquiring HIV-related medications and to administer educational 143152
 prevention initiatives. 143153

PUBLIC HEALTH LABORATORY 143154

A portion of the foregoing appropriation item 440451, Public 143155
 Health Laboratory, shall be used for coordination and management 143156
 of prevention program operations and the purchase of drugs for 143157
 sexually transmitted diseases. 143158

HELP ME GROW 143159

The foregoing appropriation item 440459, Help Me Grow, shall 143160
 be used by the Department of Health to implement the Help Me Grow 143161
 Program. Funds shall be distributed to counties through contracts, 143162
 grants, or subsidies in accordance with section 3701.61 of the 143163

Revised Code. Appropriation item 440459, Help Me Grow, may be used 143164
in conjunction with Early Intervention funding from the Department 143165
of Developmental Disabilities, and in conjunction with other early 143166
childhood funds and services to promote the optimal development of 143167
young children and family-centered programs and services that 143168
acknowledge and support the social, emotional, cognitive, 143169
intellectual, and physical development of children and the vital 143170
role of families in ensuring the well-being and success of 143171
children. The Department of Health shall enter into an interagency 143172
agreement with the Department of Education, Department of 143173
Developmental Disabilities, Department of Job and Family Services, 143174
and Department of Mental Health to ensure that all early childhood 143175
programs and initiatives are coordinated and school linked. 143176

Of the foregoing appropriation item 440459, Help Me Grow, if 143177
a county Family and Children First Council selects home-visiting 143178
programs, the home-visiting program shall only be eligible for 143179
funding if it serves pregnant women, or parents or other primary 143180
caregivers and the parent or other primary caregiver's child or 143181
children under three years of age, through quality programs of 143182
early childhood home visitation and if the home visitations are 143183
performed by nurses, social workers, child development specialists 143184
or other well-trained and competent staff, as demonstrated by 143185
education or training and the provision of ongoing specific 143186
training and supervision in the model of service being delivered. 143187
The home-visiting program also shall be required to have outcome 143188
and research standards that demonstrate ongoing positive outcomes 143189
for children, parents, and other primary caregivers that enhance 143190
child health and development, and conform to a clear consistent 143191
home visitation model that has been in existence for at least 143192
three years. The home visitation model shall be research-based; 143193
grounded in relevant, empirically based knowledge; linked to 143194
program-determined outcomes; associated with a national 143195
organization or institution of higher education that has 143196

comprehensive home visitation program standards that ensure high 143197
quality service delivery and continuous program improvement; and 143198
have demonstrated significant positive outcomes when evaluated 143199
using well-designed and rigorous randomized, controlled, or 143200
quasi-experimental research designs, and the evaluation results 143201
have been published in a peer-reviewed journal. 143202

For fiscal year 2012, the Department of Health shall support 143203
a county's need for a transition period to meet expected service 143204
levels for the Help Me Grow Home Visiting Program and the Part C 143205
Program by distributing funds for home visiting through a subsidy 143206
agreement that allows the county Family and Children First Council 143207
discretion to use a percentage of those funds for Part C services, 143208
so long as the services are provided in accordance with the 143209
"Individuals with Disability Education Act," 118 Stat. 2744 143210
(2004), 20 U.S.C. 1431 et seq. and section 3701.61 of the Revised 143211
Code. The county Family and Children First council may use up to 143212
one hundred per cent of the funds allocated for the first quarter, 143213
with decreasing percentages determined by the Department of Health 143214
for the remaining quarters of fiscal year 2012, for Part C 143215
services. 143216

The foregoing appropriation item 440459, Help Me Grow, may 143217
also be used for the Developmental Autism and Screening Program. 143218

FEDERALLY QUALIFIED HEALTH CENTERS 143219

For fiscal year 2012, any undisbursed funds previously 143220
provided under subsidy agreements between the Department of Health 143221
and the Ohio Association of Community Health Centers, or its 143222
predecessor organization, pursuant to section 183.18 of the 143223
Revised Code, shall be available to federally qualified health 143224
centers in the same manner as those funds in appropriation item 143225
440465, Federally Qualified Health Centers. 143226

TARGETED HEALTH CARE SERVICES OVER 21 143227

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. 143228
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The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program. 143232
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The Department shall expend all of these funds. 143238

GENETICS SERVICES 143239

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency. 143240
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MEDICALLY HANDICAPPED CHILDREN AUDIT 143245

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program. 143246
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CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND 143259
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The Director of Budget and Management may transfer up to 143261
\$551,018 in cash from the Liquor Control Fund (Fund 7043) to the 143262
Alcohol Testing and Permit Fund (Fund 5C00) in fiscal year 2012 to 143263
meet the operating needs of the Alcohol Testing and Permit 143264
Program. 143265

The Director of Budget and Management may transfer up to 143266
\$551,018 in cash in fiscal year 2012 to the Alcohol Testing and 143267
Permit Fund (Fund 5C00) from the Liquor Control Fund (Fund 7043) 143268
created in section 4301.12 of the Revised Code determined by a 143269
transfer schedule set by the Department of Health. 143270

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 143271

The foregoing appropriation item 440607, Medically 143272
Handicapped Children - County Assessments (Fund 6660), shall be 143273
used to make payments under division (E) of section 3701.023 of 143274
the Revised Code. 143275

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 143276

On July 1, 2011, or as soon as possible thereafter, the 143277
Director of Budget and Management may transfer, cash from the 143278
Resident Protection Fund (Fund 4E30), which is used by the Ohio 143279
Department of Job and Family Services, to the Nursing Facility 143280
Technical Assistance Program Fund (Fund 5L10), which is used by 143281
the Ohio Department of Health, to be used under section 3721.026 143282
of the Revised Code. The transfers shall be up to \$698,595 in each 143283
fiscal year of the biennium. 143284

Section 291.30. EARLY INTERVENTION WORKGROUP 143285

(A) The Department of Health shall convene a workgroup to 143286
develop recommendations for eligibility criteria for early 143287
intervention services to be provided pursuant to Part C of the 143288

"Individuals with Disability Education Act," 118 Stat. 2744 143289
(2004), 20 U.S.C. 1431 et seq. The recommendations shall be based 143290
on available funds and national data related to the identification 143291
of infants and toddlers who have developmental delays or are most 143292
at risk for developmental delays and, in either case, would 143293
benefit from early intervention services. 143294

(B) The workgroup shall be facilitated by the Department and 143295
shall be composed of all of the following members: 143296

(1) A representative from the Department of Developmental 143297
Disabilities; 143298

(2) A representative from the Department of Education; 143299

(3) A representative from the Department of Mental Health; 143300

(4) A representative from the Help Me Grow Advisory Council; 143301

(5) A parent member of the Help Me Grow Advisory Council; 143302

(6) A representative from the Ohio Family and Children First 143303
Cabinet Council; 143304

(7) A representative from the Ohio Family and Children First 143305
Association; 143306

(8) A county Help Me Grow project director; 143307

(9) A representative from the Ohio Council of Behavioral 143308
Health and Family Services Providers; 143309

(10) A representative from the Ohio Association for Infant 143310
Mental Health; 143311

(11) A representative from the Ohio Association of County 143312
Boards of Developmental Disabilities; 143313

(12) A representative from the Ohio Superintendents of County 143314
Boards of Developmental Disabilities; 143315

(13) A representative from the Ohio chapter of the American 143316
Academy of Pediatrics; 143317

(14) A public health nurse from a board of health of a city or general health district, or an authority having the duties of a board of health;	143318 143319 143320
(15) A representative from the Department of Job and Family Services;	143321 143322
(16) The executive director of the Ohio Developmental Disabilities Council or the director's designee;	143323 143324
(17) A representative of the County Commissioners Association of Ohio.	143325 143326
(C) The Department shall convene the workgroup not later than July 15, 2011. The workgroup shall present to the Director of Health its recommendations for eligibility criteria for Part C early intervention services not later than October 1, 2011. After the recommendations are submitted, the Director may accept the recommendations in whole or in part and implement eligibility criteria accordingly.	143327 143328 143329 143330 143331 143332 143333
Section 291.40. CERTIFICATE OF NEED FOR NEW NURSING HOME	143334
(A) As used in this section:	143335
"Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.	143336 143337
"Population" means that shown by the 2000 regular federal census.	143338 143339
(B) The Director of Health shall accept, for review under section 3702.52 of the Revised Code, a certificate of need application for the establishment, development, and construction of a new nursing home if all of the following conditions are met:	143340 143341 143342 143343
(1) The application is submitted to the Director not later than one hundred eighty days after the effective date of this section.	143344 143345 143346

(2) The new nursing home is to be located in a county that 143347
has a population of at least thirty thousand persons and not more 143348
than forty-one thousand persons. 143349

(3) The new nursing home is to be located on a campus that 143350
has been in operation for at least twelve years and both of the 143351
following are also located on the campus on the effective date of 143352
this section: 143353

(a) At least one existing residential care facility with at 143354
least twenty-five residents; 143355

(b) At least one existing independent living dwelling for 143356
seniors with at least seventy-five residents. 143357

(4) The new nursing home is to have not more than thirty beds 143358
to which both of the following apply: 143359

(a) All of the beds are to be transferred from an existing 143360
nursing home in the state. 143361

(b) All of the beds are proposed to be licensed as nursing 143362
home beds under Chapter 3721. of the Revised Code. 143363

(C) In reviewing certificate of need applications accepted 143364
under this section, the Director shall neither deny an application 143365
on the grounds that the new nursing home is to have less than 143366
fifty beds nor require an applicant to obtain a waiver of the 143367
minimum fifty-bed requirement established by division (I) of rule 143368
3701-12-23 of the Administrative Code. 143369

Section 291.50. EXEMPTION FROM CERTIFICATE OF NEED 143370
REQUIREMENT 143371

(A) As used in this section: 143372

"2010 bed need determination" means the determination of each 143373
county's bed need that the Director of Health made in calendar 143374
year 2010. 143375

"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.

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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.

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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.

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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.

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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.

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"Skilled nursing care" has the same meaning as in section 3721.01 of the Revised Code.

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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:

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(1) The county home is located in a county that has a bed need shortage.

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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.

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(3) The number of the county home's existing beds for which

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Medicare or Medicaid certification is sought does not exceed the 143406
bed need shortage quantity of the county in which the county home 143407
is located and the county home obtains Medicare or Medicaid 143408
certification for those existing beds not later than December 31, 143409
2013. 143410

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 143411

Agency Fund Group 143412

4610 372601	Operating Expenses	\$	12,500	\$	12,500	143413
TOTAL AGY	Agency Fund Group	\$	12,500	\$	12,500	143414
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	143415

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 143417

General Revenue Fund 143418

GRF 148100	Personal Services	\$	230,000	\$	230,000	143419
GRF 148200	Maintenance	\$	50,000	\$	50,000	143420
GRF 148402	Community Projects	\$	37,005	\$	44,922	143421
TOTAL GRF	General Revenue Fund	\$	317,005	\$	324,922	143422

General Services Fund Group 143423

6010 148602	Gifts and Miscellaneous	\$	4,558	\$	4,558	143424
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TOTAL GSF General Services 143425

Fund Group		\$	4,558	\$	4,558	143426
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TOTAL ALL BUDGET FUND GROUPS		\$	321,563	\$	329,480	143427
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Section 297.10. OHS OHIO HISTORICAL SOCIETY 143429

General Revenue Fund 143430

GRF 360501	Education and Collections	\$	2,368,997	\$	2,368,997	143431
GRF 360502	Site and Museum Operations	\$	3,926,288	\$	3,926,288	143432
GRF 360504	Ohio Preservation	\$	290,000	\$	290,000	143433

		Office				
GRF	360505	National	\$	414,798	\$	414,798 143434
		Afro-American Museum				
GRF	360506	Hayes Presidential	\$	281,043	\$	281,043 143435
		Center				
GRF	360508	State Historical	\$	390,570	\$	390,570 143436
		Grants				
GRF	360509	Outreach and	\$	90,395	\$	90,395 143437
		Partnership				
TOTAL GRF		General Revenue Fund	\$	7,762,091	\$	7,762,091 143438
TOTAL ALL BUDGET FUND GROUPS			\$	7,762,091	\$	7,762,091 143439

SUBSIDY APPROPRIATION 143440

Upon approval by the Director of Budget and Management, the 143441
foregoing appropriation items shall be released to the Ohio 143442
Historical Society in quarterly amounts that in total do not 143443
exceed the annual appropriations. The funds and fiscal records of 143444
the society for fiscal year 2012 and fiscal year 2013 shall be 143445
examined by independent certified public accountants approved by 143446
the Auditor of State, and a copy of the audited financial 143447
statements shall be filed with the Office of Budget and 143448
Management. The society shall prepare and submit to the Office of 143449
Budget and Management the following: 143450

(A) An estimated operating budget for each fiscal year of the 143451
biennium. The operating budget shall be submitted at or near the 143452
beginning of each calendar year. 143453

(B) Financial reports, indicating actual receipts and 143454
expenditures for the fiscal year to date. These reports shall be 143455
filed at least semiannually during the fiscal biennium. 143456

The foregoing appropriations shall be considered to be the 143457
contractual consideration provided by the state to support the 143458
state's offer to contract with the Ohio Historical Society under 143459
section 149.30 of the Revised Code. 143460

HAYES PRESIDENTIAL CENTER				143461
If a United States government agency, including, but not				143462
limited to, the National Park Service, chooses to take over the				143463
operations or maintenance of the Hayes Presidential Center, in				143464
whole or in part, the Ohio Historical Society shall make				143465
arrangements with the National Park Service or other United States				143466
government agency for the efficient transfer of operations or				143467
maintenance.				143468
STATE HISTORICAL GRANTS				143469
Of the foregoing appropriation item 360508, State Historical				143470
Grants, \$195,285 in each fiscal year shall be granted to the				143471
Cincinnati Museum Center, and \$195,285 in each fiscal year shall				143472
be granted to the Western Reserve Historical Society.				143473
Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES				143474
General Revenue Fund				143475
GRF 025321 Operating Expenses	\$	18,517,093	\$	18,517,093
TOTAL GRF General Revenue Fund	\$	18,517,093	\$	18,517,093
General Services Fund Group				143478
1030 025601 House Reimbursement	\$	1,433,664	\$	1,433,664
4A40 025602 Miscellaneous Sales	\$	37,849	\$	37,849
TOTAL GSF General Services				143481
Fund Group	\$	1,471,513	\$	1,471,513
TOTAL ALL BUDGET FUND GROUPS	\$	19,988,606	\$	19,988,606
OPERATING EXPENSES				143484
On July 1, 2011, or as soon as possible thereafter, the Clerk				143485
of the House of Representatives may certify to the Director of				143486
Budget and Management the amount of the unexpended, unencumbered				143487
balance of the foregoing appropriation item 025321, Operating				143488
Expenses, at the end of fiscal year 2011 to be reappropriated to				143489
fiscal year 2012. The amount certified is hereby reappropriated to				143490

the same appropriation item for fiscal year 2012. 143491

On July 1, 2012, or as soon as possible thereafter, the Clerk 143492
of the House of Representatives may certify to the Director of 143493
Budget and Management the amount of the unexpended, unencumbered 143494
balance of the foregoing appropriation item 025321, Operating 143495
Expenses, at the end of fiscal year 2012 to be reappropriated to 143496
fiscal year 2013. The amount certified is hereby reappropriated to 143497
the same appropriation item for fiscal year 2013. 143498

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 143499

Agency Fund Group 143500

5AZ0 997601 Housing Finance Agency \$ 9,800,000 \$ 9,800,000 143501

Personal Services

TOTAL AGY Agency Fund Group \$ 9,800,000 \$ 9,800,000 143502

TOTAL ALL BUDGET FUND GROUPS \$ 9,800,000 \$ 9,800,000 143503

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 143505

General Revenue Fund 143506

GRF 965321 Operating Expenses \$ 1,124,663 \$ 1,125,598 143507

TOTAL GRF General Revenue Fund \$ 1,124,663 \$ 1,125,598 143508

General Services Fund Group 143509

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 143510

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 143511

General for BWC/OIC

5GI0 965605 Deputy Inspector \$ 520,837 \$ 521,535 143512

General for ARRA

TOTAL GSF General Services Fund \$ 1,345,837 \$ 1,346,535 143513

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,470,500 \$ 2,472,133 143514

IGO CASINO-RELATED ACTIVITIES 143515

On July 1, 2011, or as soon as possible thereafter, an amount 143516
equal to the unexpended, unencumbered balance of appropriation 143517
item 965609, Casino Investigations, at the end of fiscal year 2011 143518
is hereby reappropriated to the same appropriation item for fiscal 143519
year 2012, to be used for the performance of the Inspector 143520
General's casino-related duties. 143521

DEPUTY INSPECTOR GENERAL FOR FUNDS RECEIVED THROUGH THE 143522
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 143523

On July 1, 2011, and on January 1, 2012, or as soon as 143524
possible thereafter, the Director of Budget and Management shall 143525
transfer \$225,000 in cash, for each period, from the General 143526
Revenue Fund to the Deputy Inspector General for Funds Received 143527
through the American Recovery and Reinvestment Act of 2009 Fund 143528
(Fund 5GI0), which is created in section 121.53 of the Revised 143529
Code. 143530

On July 1, 2012, and on January 1, 2013, or as soon as 143531
possible thereafter, the Director of Budget and Management shall 143532
transfer \$225,000 in cash, for each period, from the General 143533
Revenue Fund to the Deputy Inspector General for Funds Received 143534
through the American Recovery and Reinvestment Act of 2009 Fund 143535
(Fund 5GI0). 143536

Section 307.10. INS DEPARTMENT OF INSURANCE 143537
Federal Special Revenue Fund Group 143538
3EV0 820610 Health Insurance \$ 1,000,000 \$ 1,000,000 143539
Premium Review
3EW0 820611 Health Exchange \$ 1,000,000 \$ 1,000,000 143540
Planning
3U50 820602 OSHIIP Operating \$ 2,270,726 \$ 2,270,725 143541
Grant
TOTAL FED Federal Special 143542

Revenue Fund Group	\$	4,270,726	\$	4,270,725	143543
State Special Revenue Fund Group					143544
5540 820601 Operating Expenses -	\$	190,000	\$	180,000	143545
OSHIIP					
5540 820606 Operating Expenses	\$	22,745,538	\$	22,288,550	143546
5550 820605 Examination	\$	9,065,684	\$	8,934,065	143547
TOTAL SSR State Special Revenue					143548
Fund Group	\$	32,001,222	\$	31,402,615	143549
TOTAL ALL BUDGET FUND GROUPS	\$	36,271,948	\$	35,673,340	143550

MARKET CONDUCT EXAMINATION 143551

When conducting a market conduct examination of any insurer 143552
doing business in this state, the Superintendent of Insurance may 143553
assess the costs of the examination against the insurer. The 143554
superintendent may enter into consent agreements to impose 143555
administrative assessments or fines for conduct discovered that 143556
may be violations of statutes or rules administered by the 143557
superintendent. All costs, assessments, or fines collected shall 143558
be deposited to the credit of the Department of Insurance 143559
Operating Fund (Fund 5540). 143560

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 143561

The Director of Budget and Management, at the request of the 143562
Superintendent of Insurance, may transfer funds from the 143563
Department of Insurance Operating Fund (Fund 5540), established by 143564
section 3901.021 of the Revised Code, to the Superintendent's 143565
Examination Fund (Fund 5550), established by section 3901.071 of 143566
the Revised Code, only for expenses incurred in examining domestic 143567
fraternal benefit societies as required by section 3921.28 of the 143568
Revised Code. 143569

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 143570

Not later than the thirty-first day of July each fiscal year, 143571
the Director of Budget and Management shall transfer \$5,000,000 143572

from the Department of Insurance Operating Fund (Fund 5540) to the 143573
 General Revenue Fund. 143574

Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 143575

General Revenue Fund 143576

GRF 600321 Support Services 143577

State \$ 34,801,760 \$ 31,932,117 143578

Federal \$ 9,322,222 \$ 9,207,441 143579

Support Services Total \$ 44,123,982 \$ 41,139,558 143580

GRF 600410 TANF State \$ 151,386,934 \$ 151,386,934 143581

GRF 600413 Child Care \$ 84,732,730 \$ 84,732,730 143582

Match/Maintenance of
 Effort

GRF 600416 Computer Projects 143583

State \$ 67,955,340 \$ 69,263,506 143584

Federal \$ 13,105,167 \$ 12,937,222 143585

Computer Projects Total \$ 81,060,507 \$ 82,200,728 143586

GRF 600417 Medicaid Provider \$ 1,312,992 \$ 1,312,992 143587

Audits

GRF 600420 Child Support \$ 6,163,534 \$ 6,065,588 143588

Administration

GRF 600421 Office of Family \$ 3,768,929 \$ 3,757,493 143589

Stability

GRF 600423 Office of Children and \$ 5,123,406 \$ 4,978,756 143590

Families

GRF 600425 Office of Ohio Health 143591

Plans

State \$ 13,149,582 \$ 15,740,987 143592

Federal \$ 12,556,921 \$ 12,286,234 143593

Office of Ohio Health \$ 25,706,503 \$ 28,027,221 143594

Plans Total

GRF 600502 Administration - Local \$ 23,814,103 \$ 23,814,103 143595

GRF 600511	Disability Financial Assistance	\$	26,599,666	\$	27,108,734	143596
GRF 600521	Entitlement Administration - Local	\$	72,200,721	\$	72,200,721	143597
GRF 600523	Children and Families Services	\$	53,105,323	\$	53,105,323	143598
GRF 600525	Health Care/Medicaid					143599
	State	\$	4,297,729,447	\$	4,671,583,382	143600
	Federal	\$	7,507,443,548	\$	8,404,313,207	143601
	Health Care Total	\$	11,805,172,995	\$	13,075,896,589	143602
GRF 600526	Medicare Part D	\$	275,154,963	\$	300,140,824	143603
GRF 600528	Adoption Services					143604
	State	\$	29,257,932	\$	29,257,932	143605
	Federal	\$	41,085,169	\$	41,085,169	143606
	Adoption Services Total	\$	70,343,101	\$	70,343,101	143607
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	13,500,000	\$	13,500,000	143608
GRF 600534	Adult Protective Services	\$	366,003	\$	366,003	143609
GRF 600535	Early Care and Education	\$	123,596,474	\$	123,596,474	143610
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000	143611
GRF 600540	Second Harvest Food Banks	\$	4,000,000	\$	4,000,000	143612
GRF 600541	Kinship Permanency Incentive Program	\$	2,500,000	\$	3,500,000	143613
TOTAL GRF General Revenue Fund						143614
	State	\$	5,296,219,839	\$	5,697,344,599	143615
	Federal	\$	7,583,513,027	\$	8,479,829,273	143616
	GRF Total	\$	12,879,732,866	\$	14,177,173,872	143617
General Services Fund Group						143618
4A80 600658	Public Assistance	\$	34,000,000	\$	34,000,000	143619

		Activities				
5C90	600671	Medicaid Program	\$	85,800,878	\$	82,839,266 143620
		Support				
5DL0	600639	Medicaid Revenue and	\$	89,256,974	\$	84,156,974 143621
		Collections				
5DM0	600633	Administration &	\$	20,392,173	\$	19,858,928 143622
		Operating				
5FX0	600638	Medicaid Payment	\$	5,000,000	\$	6,000,000 143623
		Withholding				
5HL0	600602	State and County	\$	3,020,000	\$	3,020,000 143624
		Shared services				
5P50	600692	Prescription Drug	\$	220,600,000	\$	242,600,000 143625
		Rebate - State				
6130	600645	Training Activities	\$	500,000	\$	500,000 143626
TOTAL GSF General Services						143627
Fund Group			\$	458,570,025	\$	472,975,168 143628
Federal Special Revenue Fund Group						143629
3270	600606	Child Welfare	\$	29,769,865	\$	29,769,866 143630
3310	600686	Federal Operating	\$	49,128,140	\$	48,203,023 143631
3840	600610	Food Assistance and	\$	180,381,394	\$	180,381,394 143632
		State Administration				
3850	600614	Refugee Services	\$	11,582,440	\$	12,564,952 143633
3950	600616	Special	\$	2,259,264	\$	2,259,264 143634
		Activities/Child and				
		Family Services				
3960	600620	Social Services Block	\$	64,999,999	\$	64,999,998 143635
		Grant				
3970	600626	Child Support	\$	255,812,837	\$	255,813,528 143636
3980	600627	Adoption Maintenance/	\$	352,183,862	\$	352,184,253 143637
		Administration				
3A20	600641	Emergency Food	\$	5,000,000	\$	5,000,000 143638
		Distribution				
3AW0	600675	Faith Based	\$	544,140	\$	544,140 143639

		Initiatives			
3D30	600648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	143640
Federal					
3ER0	600603	Health Information Technology	\$ 411,661,286	\$ 416,395,286	143641
3F00	600623	Health Care Federal	\$ 2,637,061,505	\$ 2,720,724,869	143642
3F00	600650	Hospital Care Assurance Match	\$ 372,784,046	\$ 380,645,627	143643
3FA0	600680	Ohio Health Care Grants	\$ 9,405,000	\$ 20,000,000	143644
3G50	600655	Interagency Reimbursement	\$ 1,621,305,787	\$ 1,380,391,478	143645
3H70	600617	Child Care Federal	\$ 208,290,036	\$ 204,813,731	143646
3N00	600628	IV-E Foster Care Maintenance	\$ 133,963,142	\$ 133,963,142	143647
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	143648
3V00	600688	Workforce Investment Act	\$ 176,496,250	\$ 172,805,562	143649
3V40	600678	Federal Unemployment Programs	\$ 188,680,096	\$ 186,723,415	143650
3V40	600679	Unemployment Compensation Review Commission - Federal	\$ 4,166,988	\$ 4,068,758	143651
3V60	600689	TANF Block Grant	\$ 727,968,260	\$ 727,968,260	143652
TOTAL FED Federal Special Revenue					143653
Fund Group			\$ 7,446,018,911	\$ 7,302,795,120	143654
State Special Revenue Fund Group					143655
1980	600647	Children's Trust Fund	\$ 5,873,637	\$ 5,873,848	143656
4A90	600607	Unemployment Compensation Administration Fund	\$ 21,924,998	\$ 21,424,998	143657
4A90	600694	Unemployment Compensation Review	\$ 2,173,167	\$ 2,117,031	143658

		Commission				
4E30	600605	Nursing Home	\$	2,878,320	\$	2,878,319 143659
		Assessments				
4E70	600604	Child and Family	\$	400,000	\$	400,000 143660
		Services Collections				
4F10	600609	Children and Family	\$	683,359	\$	683,549 143661
		Services Activities				
4K10	600621	ICF/MR Bed Assessments	\$	41,405,596	\$	44,372,874 143662
4Z10	600625	HealthCare Compliance	\$	11,551,076	\$	14,582,000 143663
5AJ0	600631	Money Follows the	\$	5,483,080	\$	4,733,080 143664
		Person				
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000 143665
5DP0	600634	Adoption Assistance	\$	500,000	\$	500,000 143666
		Loan				
5ES0	600630	Food Assistance	\$	500,000	\$	500,000 143667
5GF0	600656	Medicaid - Hospital	\$	436,000,000	\$	436,000,000 143668
5KC0	600682	Health Care Special	\$	10,000,000	\$	10,000,000 143669
		Activities				
5R20	600608	Medicaid-Nursing	\$	402,489,308	\$	407,100,746 143670
		Facilities				
5S30	600629	MR/DD Medicaid	\$	9,252,738	\$	9,147,791 143671
		Administration and				
		Oversight				
5U30	600654	Health Care Services	\$	24,400,000	\$	24,400,000 143672
		Administration				
5U60	600663	Children and Family	\$	4,000,000	\$	4,000,000 143673
		Support				
6510	600649	Hospital Care	\$	212,526,123	\$	217,008,050 143674
		Assurance Program Fund				
TOTAL	SSR	State Special Revenue				143675
Fund	Group		\$	1,194,041,402	\$	1,207,722,286 143676
Agency	Fund	Group				143677
1920	600646	Support Intercept -	\$	130,000,000	\$	130,000,000 143678

		Federal				
5830	600642	Support Intercept -	\$	16,000,000	\$	16,000,000 143679
		State				
5B60	600601	Food Assistance	\$	2,000,000	\$	2,000,000 143680
		Intercept				
TOTAL	AGY	Agency Fund Group	\$	148,000,000	\$	148,000,000 143681
		Holding Account Redistribution Fund Group				143682
R012	600643	Refunds and Audit	\$	2,200,000	\$	2,200,000 143683
		Settlements				
R013	600644	Forgery Collections	\$	10,000	\$	10,000 143684
TOTAL	090	Holding Account	\$	2,210,000	\$	2,210,000 143685
		Redistribution Fund Group				
TOTAL	ALL	BUDGET FUND GROUPS	\$	22,128,573,204	\$	23,310,876,446 143686

Section 309.20. SUPPORT SERVICES 143688

Section 309.20.10. ADMINISTRATION AND OPERATING 143689

On July 1, 2011, or as soon as possible thereafter, the 143690
 Director of Budget and Management may transfer up to \$535,300 cash 143691
 from the TANF Quality Control Reinvestments Fund (Fund 5Z90) to 143692
 the Administration and Operating Fund (Fund 5DM0). Upon completion 143693
 of the transfer, Fund 5Z90 is abolished. 143694

Of the foregoing appropriation item 600633, Administration 143695
 and Operating, the Department of Job and Family Services shall use 143696
 up to \$535,300 to pay for one-time contract expenses. 143697

Section 309.20.20. TRANSFER TO STATE AND COUNTY SHARED 143698
SERVICES FUND 143699

Within thirty days of the effective date of this act, or as 143700
 soon as possible thereafter, the Director of Budget and Management 143701
 shall transfer the unencumbered cash balance in the County 143702
 Technologies Fund (Fund 5N10) to the State and County Shared 143703

Services Fund (Fund 5HL0). The transferred cash is hereby 143704
appropriated. 143705

Section 309.20.30. AGENCY FUND GROUP 143706

The Agency Fund Group and Holding Account Redistribution Fund 143707
Group shall be used to hold revenues until the appropriate fund is 143708
determined or until the revenues are directed to the appropriate 143709
governmental agency other than the Department of Job and Family 143710
Services. If receipts credited to the Support Intercept - Federal 143711
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 143712
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 143713
Settlements Fund (Fund R012), or the Forgery Collections Fund 143714
(Fund R013) exceed the amounts appropriated from the fund, the 143715
Director of Job and Family Services may request the Director of 143716
Budget and Management to authorize expenditures from the fund in 143717
excess of the amounts appropriated. Upon the approval of the 143718
Director of Budget and Management, the additional amounts are 143719
hereby appropriated. 143720

Section 309.30. MEDICAID 143721

Section 309.30.10. HEALTH CARE/MEDICAID 143722

The foregoing appropriation item 600525, Health 143723
Care/Medicaid, shall not be limited by section 131.33 of the 143724
Revised Code. 143725

Section 309.30.15. ODJFS ADMINISTRATION AND OVERSIGHT FUND 143726

Notwithstanding the amendment by this act to section 143727
5123.0412 of the Revised Code, the ODJFS Administration and 143728
Oversight Fund shall continue to exist in the state treasury until 143729
the Department of Job and Family Services expends all of the 143730
foregoing appropriation item 600629, MR/DD Medicaid Administration 143731

and Oversight. 143732

Section 309.30.20. UNIFIED LONG TERM CARE 143733

The foregoing appropriation item 600525, Health 143734
Care/Medicaid, may be used to provide the preadmission screening 143735
and resident review (PASRR), which includes screening, 143736
assessments, and determinations made under sections 5111.204, 143737
5119.061, and 5123.021 of the Revised Code. 143738

The foregoing appropriation item 600525, Health 143739
Care/Medicaid, may be used to assess and provide long-term care 143740
consultations under section 173.42 of the Revised Code to clients 143741
regardless of Medicaid eligibility. 143742

The foregoing appropriation item 600525, Health 143743
Care/Medicaid, may be used to provide nonwaiver funded PASSPORT 143744
and assisted living services to persons who the state department 143745
has determined to be eligible to participate in the nonwaiver 143746
funded PASSPORT and assisted living programs, who applied for but 143747
have not yet been determined to be financially eligible to 143748
participate in the Medicaid waiver component of the PASSPORT Home 143749
Care Program or the Assisted Living Program by a county department 143750
of job and family services, and to persons who are not eligible 143751
for Medicaid but were enrolled in the PASSPORT Program prior to 143752
July 1, 1990. 143753

The foregoing appropriation item 600525, Health 143754
Care/Medicaid, shall be used to provide the required state match 143755
for federal Medicaid funds supporting the Medicaid waiver-funded 143756
PASSPORT Home Care Program, the Choices Program, the Assisted 143757
Living Program, and the PACE Program. 143758

The foregoing appropriation item 600525, Health 143759
Care/Medicaid, shall be used to provide the federal matching share 143760
of program costs determined by the Department of Job and Family 143761

Services to be eligible for Medicaid reimbursement for the 143762
Medicaid waiver-funded PASSPORT Home Care Program, the Choices 143763
Program, the Assisted Living Program, and the PACE Program. 143764

Of the foregoing appropriation item 600525, Health 143765
Care/Medicaid, \$27,808,676 in fiscal year 2012 and \$55,788,006 in 143766
fiscal year 2013 shall be used to provide supplemental funding to 143767
the Medicaid waiver-funded PASSPORT Home Care Program. 143768

Section 309.30.23. HATTIE LARLHAM COMMUNITY LIVING 143769

Of the foregoing appropriation item 600525, Health 143770
Care/Medicaid, \$62,500 in each fiscal year shall be awarded to 143771
Hattie Larlham Community Living. 143772

Section 309.30.30. REDUCTION IN MEDICAID PAYMENT RATES 143773

(A) As used in this section, "charge high trim point" means a 143774
measure used to determine whether a claim for a hospital inpatient 143775
or outpatient service qualifies for a cost outlier payment under 143776
the Medicaid program. 143777

(B) For fiscal year 2012 and fiscal year 2013, the Director 143778
of Job and Family Services shall implement purchasing strategies 143779
and rate reductions for hospital and other Medicaid-covered 143780
services, as determined by the Director, that result in payment 143781
rates for those services being at least two per cent less than the 143782
respective payment rates for fiscal year 2011. In implementing the 143783
purchasing strategies and rate reductions, the Director shall do 143784
the following: 143785

(1) Notwithstanding the section of this act titled 143786
"CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND 143787
OUTPATIENT SERVICES," modernize hospital inpatient and outpatient 143788
reimbursement methodologies by doing the following: 143789

(a) Modifying the inpatient hospital capital reimbursement 143790

methodology;	143791
(b) Establishing new diagnosis-related groups in a cost-neutral manner;	143792 143793
(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%;	143794 143795 143796 143797
(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%;	143798 143799 143800 143801 143802
(e) Implementing other changes the Director considers appropriate.	143803 143804
(2) Establish selective contracting and prior authorization requirements for types of medical assistance the Director identifies.	143805 143806 143807
(C) The Director shall adopt rules under section 5111.02 and 5111.85 of the Revised Code as necessary to implement this section.	143808 143809 143810
(D) This section does not apply to nursing facility and intermediate care facility for the mentally retarded services provided under the Medicaid program.	143811 143812 143813
Section 309.30.31. FISCAL YEAR 2012 MEDICARE COPAYMENT FOR DIALYSIS SERVICES PROVIDED TO MEDICAID RECIPIENTS	143814 143815
(A) As used in this section, "dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 42 U.S.C. 1396n(h)(2)(B).	143816 143817 143818
(B) In fiscal year 2012, for dialysis services provided to a	143819

dual eligible individual, the Department of Job and Family Services shall pay under the Medicaid program an amount equal to the Medicare copayment amount that applies to the service, as that amount was paid by the Department immediately prior to the effective date of this section.

Section 309.30.32. FISCAL YEAR 2013 MEDICAID RATE FOR DIALYSIS SERVICES

Notwithstanding any conflicting provision of section 5111.021 of the Revised Code or any other conflicting provision of the Revised Code or this act, in fiscal year 2013, the Department of Job and Family Services may adjust the Medicaid rates that are paid for dialysis services by an amount sufficient to achieve aggregate savings of not more than \$9 million in state share expenditures under the Medicaid program.

Section 309.30.33. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE HOSPITAL INCENTIVE PAYMENT PROGRAM

(A) As used in this section:

(1) "Hospital" has the same meaning as in section 5112.40 of the Revised Code.

(2) "Hospital Assessment Fund" means the fund created under section 5112.45 of the Revised Code.

(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.

(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: 143849

(1) Continue the Hospital Inpatient and Outpatient 143850
Supplemental Upper Payment Limit Program that was established 143851
pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th 143852
General Assembly, with any modifications necessary to implement 143853
the program as described under division (D) of this section; 143854

(2) Create the Medicaid Managed Care Hospital Incentive 143855
Payment Program, as described under division (E) of this section. 143856

(C) Of the amounts deposited into the Hospital Assessment 143857
Fund in fiscal year 2012 and fiscal year 2013: 143858

(1) Up to \$432,432,725 (state and federal) in fiscal year 143859
2012 and up to \$415,162,388 (state and federal) in fiscal year 143860
2013 shall be used for the Hospital Inpatient and Outpatient 143861
Supplemental Upper Payment Limit Program; 143862

(2) Up to \$162,000,000 (state and federal) in each fiscal 143863
year shall be used for the Medicaid Managed Care Hospital 143864
Incentive Payment Program; 143865

(3) Up to \$176,021,111 (state and federal) in fiscal year 143866
2012 and up to \$195,158,394 (state and federal) in fiscal year 143867
2013 shall be used for the program authorized by the section of 143868
this act titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL 143869
INPATIENT AND OUTPATIENT SERVICES." 143870

(D)(1) If the Medicaid state plan amendment submitted under 143871
division (B)(1) of this section is approved, the Department shall 143872
implement the Hospital Inpatient and Outpatient Supplemental Upper 143873
Payment Limit Program during fiscal year 2012 and fiscal year 143874
2013. Under the Program, subject to division (D)(2) of this 143875
section, supplemental Medicaid payments shall be made to hospitals 143876
for Medicaid-covered inpatient and outpatient services. The 143877
Department shall make the payments through amounts that are made 143878
available for the Program under division (C) of this section and 143879

any federal financial participation available for the Program. 143880

(2) The Department shall take all actions necessary to cease 143881
implementation of the Program if the United States Secretary 143882
determines that the assessment imposed under section 5112.41 of 143883
the Revised Code is an impermissible healthcare-related tax under 143884
section 1903(w) of the "Social Security Act," 105 Stat. 1793 143885
(1991), 42 U.S.C. 1396b(w), as amended. 143886

(E)(1) If the Medicaid state plan amendment submitted under 143887
division (B)(2) of this section is approved, the Department shall 143888
implement the Medicaid Managed Care Hospital Incentive Payment 143889
Program. The purpose of the Program is to increase access to 143890
hospital services for Medicaid recipients who are enrolled in 143891
Medicaid managed care organizations. 143892

Under the Program, subject to division (E)(3) of this 143893
section, funds shall be provided to Medicaid managed care 143894
organizations, which shall use the funds to increase payments to 143895
hospitals for providing services to Medicaid recipients who are 143896
enrolled in the organizations. The Department shall provide the 143897
funds through amounts that are made available for the Program 143898
under division (C) of this section and any federal financial 143899
participation available for the Program. 143900

(2) Not later than July 1, 2012, the Department shall select 143901
an actuary to conduct a study of the contracted reimbursement 143902
rates between Medicaid managed care organizations and hospitals. 143903
The actuary shall determine if a reduction in the capitation rates 143904
paid to Medicaid managed care organizations in fiscal year 2013 is 143905
appropriate as a result of the contracted reimbursement rates 143906
between the organizations and hospitals. The actuary shall notify 143907
the Department of its determination. 143908

If the actuary determines that a reduction in the capitation 143909
rates paid to Medicaid managed care organizations in fiscal year 143910

2013 will not achieve \$22 million in state savings in fiscal year 143911
2013, the state shall receive the difference between what the 143912
actuary determines the state will save and \$22 million. The 143913
Department, in consultation with the Ohio Association of Health 143914
Plans and the Ohio Hospital Association, shall establish a 143915
methodology under which the difference is paid equally by Medicaid 143916
managed care organizations and hospitals in this state. 143917

Notwithstanding anything to the contrary specified in 143918
division (E)(3)(b) or (c) of this section, the Medicaid managed 143919
care organizations and hospitals shall pay the amounts determined 143920
under the methodology, unless the Department waives the 143921
requirement to make the payments. The requirement may be waived if 143922
spending for the Medicaid program in fiscal year 2013 is less than 143923
the amount that is budgeted for that fiscal year. If payments are 143924
made, the amount received by the Department shall be deposited 143925
into the state treasury to the credit of the Health Care 143926
Compliance Fund created under section 5111.171 of the Revised 143927
Code. 143928

(3)(a) The Department shall not provide funds to Medicaid 143929
managed care organizations under the Program unless an actuary 143930
selected by the Department certifies that the Program would not 143931
violate the actuarial soundness of the capitation rates paid to 143932
Medicaid managed care organizations. 143933

(b) The Department shall not implement the Program in a 143934
manner that causes a hospital to receive less money from the 143935
Hospital Assessment Fund than the hospital would have received if 143936
the Program were not implemented. 143937

(c) The Department shall not implement the Program in a 143938
manner that causes a Medicaid managed care organization to receive 143939
a lower capitation payment rate solely because funds are made 143940
available to the organization under the Program. 143941

(d) The Department shall take all necessary actions to cease 143942
implementation of the Program if the United States Secretary 143943
determines that the assessment imposed under section 5112.41 of 143944
the Revised Code is an impermissible healthcare-related tax under 143945
section 1903(w) of the "Social Security Act," 105 Stat. 1793 143946
(1991), 42 U.S.C. 1396b(w), as amended. 143947

(F) The Director of Budget and Management may authorize 143948
additional expenditures from appropriation item 600623, Health 143949
Care Federal, appropriation item 600525, Health Care/Medicaid, and 143950
appropriation item 600656, Medicaid-Hospital, in order to 143951
implement the programs authorized by this section and to implement 143952
the section of this act titled "CONTINUATION OF MEDICAID RATES FOR 143953
HOSPITAL INPATIENT AND OUTPATIENT SERVICES." Any amounts 143954
authorized are hereby appropriated. 143955

(G) Nothing in this section reduces payments to children's 143956
hospitals authorized under the section of this act titled 143957
"CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING." 143958

Section 309.30.35. CONTINUATION OF MEDICAID RATES FOR 143959
HOSPITAL INPATIENT AND OUTPATIENT SERVICES 143960

The Director of Job and Family Services shall amend rules 143961
adopted under section 5111.02 of the Revised Code as necessary to 143962
continue, for fiscal year 2012 and fiscal year 2013, the Medicaid 143963
reimbursement rates in effect on June 30, 2011, for 143964
Medicaid-covered hospital inpatient services and hospital 143965
outpatient services that are paid under the prospective payment 143966
system established in those rules. 143967

Section 309.30.38. CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING 143968

(A) As used in this section, "children's hospital" means a 143969
children's hospital, as defined in section 3702.51 of the Revised 143970
Code, that is located in this state, primarily serves patients 143971

eighteen years of age and younger, is subject to the Medicaid 143972
prospective payment system for hospitals established in rules 143973
adopted under section 5111.02 of the Revised Code, and is excluded 143974
from Medicare prospective payment in accordance with 42 C.F.R. 143975
412.23(d). 143976

(B) For fiscal year 2012 and fiscal year 2013, the Director 143977
of Job and Family Services shall make additional Medicaid payments 143978
to children's hospitals for inpatient services to compensate 143979
children's hospitals for the high percentage of Medicaid 143980
recipients they serve. The additional payments shall be made under 143981
a program modeled after the program the Department of Job and 143982
Family Services was required to create for fiscal year 2006 and 143983
fiscal year 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 143984
126th General Assembly. The program may be the same as the program 143985
the Director used for making the payments to children's hospitals 143986
for fiscal year 2010 and fiscal year 2011 under Section 309.30.15 143987
of Am. Sub. H.B. 1 of the 128th General Assembly. 143988

(C) All of the following shall be used to make additional 143989
Medicaid payments to children's hospitals under division (B) of 143990
this section: 143991

(1) Of the foregoing appropriation item 600537, Children's 143992
Hospital, up to \$6 million in each fiscal year plus the 143993
corresponding federal match; 143994

(2) Of the amounts deposited into the Hospital Assessment 143995
Fund created under section 5112.45 of the Revised Code, \$4.4 143996
million in fiscal year 2012, plus the corresponding federal match, 143997
and \$4 million in fiscal year 2013, plus the corresponding federal 143998
match. 143999

Section 309.30.40. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 144000

At the beginning of each quarter, or as soon as possible 144001

thereafter, the Director of Job and Family Services shall certify 144002
to the Director of Budget and Management the amount withheld in 144003
accordance with section 5111.1711 of the Revised Code for purposes 144004
of the Managed Care Performance Payment Program. Upon receiving 144005
certification, the Director of Budget and Management shall 144006
transfer cash in the amount certified from the General Revenue 144007
Fund to the Managed Care Performance Payment Fund. The transferred 144008
cash is hereby appropriated. Appropriation item 600525, Health 144009
Care/Medicaid, is hereby reduced by the amount of the transfer. 144010

Section 309.30.50. COORDINATION OF CARE FOR COVERED FAMILIES 144011
AND CHILDREN PENDING MEDICAID MANAGED CARE ENROLLMENT 144012

(A) As used in this section, "Medicaid managed care" means 144013
the care management system established under section 5111.16 of 144014
the Revised Code. 144015

(B) The departments of Job and Family Services and Health 144016
shall work together on the issue of achieving efficiencies in the 144017
delivery of medical assistance provided under Medicaid to families 144018
and children. 144019

(C) As part of their work under division (B) of this section, 144020
the departments shall develop a proposal for coordinating medical 144021
assistance provided to families and children under Medicaid while 144022
they wait to be enrolled in Medicaid managed care. In developing 144023
the proposal, the departments may do the following: 144024

(1) Conduct research on the status of families and children 144025
waiting to be enrolled in Medicaid managed care, including 144026
research on the reasons for the wait and the utilization of 144027
medical assistance during the waiting period; 144028

(2) Conduct a review of ways to help families and children 144029
receive medical assistance in the most appropriate setting while 144030
they wait to be enrolled in Medicaid managed care; 144031

(3) Develop recommendations for a coordinated, cost-effective system of helping families and children waiting to be enrolled in Medicaid managed care find the medical assistance they need during the waiting period;

(4) For the purpose of reducing the waiting period for enrollment in Medicaid managed care, develop recommendations for improving the enrollment processes.

(D) As part of the work that is done under division (B) of this section, the Department of Job and Family Services may submit to the United States Secretary of Health and Human Services a request for a Medicaid state plan amendment to authorize payment for Medicaid-reimbursable targeted case management services that are provided in connection with the Help Me Grow Program and for services provided under the Program. Each quarter during fiscal year 2012 and fiscal year 2013 following approval of the Medicaid state plan amendment, the Department of Job and Family Services shall certify to the Director of Budget and Management the state and federal share of the amount the Department of Job and Family Services has expended that quarter for services under this section. On receipt of each quarterly certification to the Director of Budget and Management shall decrease appropriation from appropriation item 440459, Help Me Grow, an amount equal to the state share of the certified expenditures and increase appropriation item 600525, Health Care/Medicaid by an equal amount and adjust the Federal share accordingly. This transfer is not intended to reduce General Revenue Funds appropriated for the Help Me Grow Program, but is done solely for the purpose of drawing down the federal share of Medicaid reimbursement.

Section 309.30.53. MEDICAID MANAGED CARE EXEMPTIONS

(A) Notwithstanding section 5111.16 of the Revised Code, as amended by this act, the Department of Job and Family Services

shall not include in the care management system established under 144063
that section in fiscal year 2012 or fiscal year 2013 any 144064
individual receiving services through the program for medically 144065
handicapped children established under section 3701.023 of the 144066
Revised Code who has one or more of the following conditions: 144067

(1) Cystic fibrosis; 144068

(2) Hemophilia; 144069

(3) Cancer; 144070

(4) Diabetes; 144071

(5) Cranio-facial anomalies; 144072

(6) Any other condition defined under division (B) of this 144073
section by the Director of Health as life-threatening. 144074

(B) For purposes of this section, the Director of Health 144075
shall adopt rules under Chapter 119. of the Revised Code defining 144076
a life-threatening condition. The Director shall include in the 144077
definition any medical condition that requires maintenance drugs 144078
or interventions that, if the drugs or interventions are absent, 144079
would result in devastating, life-threatening health outcomes. 144080

Section 309.30.60. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT 144081
SYSTEM FOR NURSING FACILITIES 144082

(A) As used in this section: 144083

"Franchise permit fee," "Medicaid days," "nursing facility," 144084
and "provider" have the same meanings as in section 5111.20 of the 144085
Revised Code. 144086

"Nursing facility services" means nursing facility services 144087
covered by the Medicaid program that a nursing facility provides 144088
to a resident of the nursing facility who is a Medicaid recipient 144089
eligible for Medicaid-covered nursing facility services. 144090

(B) Except as otherwise provided by this section, the 144091

provider of a nursing facility that has a valid Medicaid provider 144092
agreement on June 30, 2011, and a valid Medicaid provider 144093
agreement during fiscal year 2012 shall be paid, for nursing 144094
facility services the nursing facility provides during fiscal year 144095
2012, the rate calculated for the nursing facility under sections 144096
5111.20 to 5111.331 of the Revised Code with the following 144097
adjustments: 144098

(1) The cost per case mix-unit calculated under section 144099
5111.231 of the Revised Code, the rate for ancillary and support 144100
costs calculated under section 5111.24 of the Revised Code, the 144101
rate for tax costs calculated under section 5111.242 of the 144102
Revised Code, and the rate for capital costs calculated under 144103
section 5111.25 of the Revised Code shall each be increased by 144104
five and eight hundredths per cent; 144105

(2) The mean payment used in the calculation of the quality 144106
incentive payment made under section 5111.244 of the Revised Code 144107
shall be, weighted by Medicaid days, fourteen dollars and 144108
forty-one cents per Medicaid day. 144109

(C) If the franchise permit fee must be reduced or eliminated 144110
to comply with federal law, the Department of Job and Family 144111
Services shall reduce the amount it pays providers of nursing 144112
facility services under this section as necessary to reflect the 144113
loss to the state of the revenue and federal financial 144114
participation generated from the franchise permit fee. 144115

(D) The Department of Job and Family Services shall follow 144116
this section in determining the rate to be paid to the provider of 144117
a nursing facility that has a valid Medicaid provider agreement on 144118
June 30, 2011, and a valid Medicaid provider agreement during 144119
fiscal year 2012 notwithstanding anything to the contrary in 144120
sections 5111.20 to 5111.331 of the Revised Code. 144121

Section 309.30.70. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT 144122

SYSTEM FOR NURSING FACILITIES	144123
(A) As used in this section:	144124
"Franchise permit fee," "Medicaid days," "nursing facility,"	144125
and "provider" have the same meanings as in section 5111.20 of the	144126
Revised Code.	144127
"Nursing facility services" means nursing facility services	144128
covered by the Medicaid program that a nursing facility provides	144129
to a resident of the nursing facility who is a Medicaid recipient	144130
eligible for Medicaid-covered nursing facility services.	144131
(B) Except as otherwise provided by this section, the	144132
provider of a nursing facility that has a valid Medicaid provider	144133
agreement on June 30, 2012, and a valid Medicaid provider	144134
agreement during fiscal year 2013 shall be paid, for nursing	144135
facility services the nursing facility provides during fiscal year	144136
2013, the rate calculated for the nursing facility under sections	144137
5111.20 to 5111.331 of the Revised Code with the following	144138
adjustments:	144139
(1) The cost per case mix-unit calculated under section	144140
5111.231 of the Revised Code, the rate for ancillary and support	144141
costs calculated under section 5111.24 of the Revised Code, the	144142
rate for tax costs calculated under section 5111.242 of the	144143
Revised Code, and the rate for capital costs calculated under	144144
section 5111.25 of the Revised Code shall each be increased by	144145
five and eight hundredths per cent;	144146
(2) Unless, pursuant to division (D) of section 5111.244 of	144147
the Revised Code, no quality incentive payment is to be made for	144148
fiscal year 2013, the mean payment used in the calculation of the	144149
quality incentive payment made under section 5111.244 of the	144150
Revised Code shall be, weighted by Medicaid days, fourteen dollars	144151
and sixty-three cents per Medicaid day.	144152

(C) If the franchise permit fee must be reduced or eliminated 144153
to comply with federal law, the Department of Job and Family 144154
Services shall reduce the amount it pays providers of nursing 144155
facility services under this section as necessary to reflect the 144156
loss to the state of the revenue and federal financial 144157
participation generated from the franchise permit fee. 144158

(D) The Department of Job and Family Services shall follow 144159
this section in determining the rate to be paid to the provider of 144160
a nursing facility that has a valid Medicaid provider agreement on 144161
June 30, 2012, and a valid Medicaid provider agreement during 144162
fiscal year 2013 notwithstanding anything to the contrary in 144163
sections 5111.20 to 5111.331 of the Revised Code. 144164

Section 309.30.73. NURSING FACILITY CAPACITY COUNCIL 144165

(A) As used in this section, "nursing facility" has the same 144166
meaning as in section 5111.20 of the Revised Code. 144167

(B) There is hereby created the Nursing Facility Capacity 144168
Council. The Council shall consist of the following members, each 144169
of whom shall be appointed not later than sixty days after the 144170
effective date of this section: 144171

(1) One or more members of the Ohio Health Care Association, 144172
appointed by the executive director or chief administrative 144173
officer of the Association; 144174

(2) One or more members of the Ohio Academy of Nursing Homes, 144175
appointed by the executive director or chief administrative 144176
officer of the Academy; 144177

(3) One or more members of LeadingAge Ohio, appointed by the 144178
executive director or chief administrative officer of that 144179
organization; 144180

(4) One or more employees of the Department of Job and Family 144181
Services, appointed by the Director of Job and Family Services; 144182

(5) One or more employees of the Department of Aging, 144183
appointed by the Director of Aging; 144184

(6) One or more employees of the Department of Health, 144185
appointed by the Director of Health; 144186

(7) One or more employees of the Governor's Office of Health 144187
Transformation, appointed by the director of the Office. 144188

Each member of the Council shall serve at the pleasure of the 144189
member's appointing authority. A member shall serve without 144190
compensation, except to the extent that serving on the Council is 144191
considered part of the member's regular duties of employment. 144192

(C)(1) The Council shall examine the current and future 144193
capacity of nursing facilities in Ohio and the configuration of 144194
that capacity. 144195

(2) If excess capacity in nursing facilities is identified 144196
pursuant to the examination conducted under division (C)(1) of 144197
this section, the Council shall determine the potential effects of 144198
the excess capacity and recommend actions the state or private 144199
industry may take to address the excess capacity. For each action 144200
recommended, the Council shall consider and explain the impact of 144201
the action on all of the following: 144202

(a) The excess capacity; 144203

(b) The nursing facilities that would be affected by the 144204
action; 144205

(c) State revenues and expenditures. 144206

(D) Not later than June 30, 2012, the Council shall submit a 144207
written report of its findings and recommendations to the Governor 144208
and, in accordance with section 101.68 of the Revised Code, the 144209
General Assembly. On submission of the report, the Council shall 144210
cease to exist. 144211

Section 309.30.80. STUDY OF ICF/MR ISSUES	144212
(A) As used in this section:	144213
"Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	144214 144215
"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	144216 144217
"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	144218 144219 144220
(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:	144221 144222 144223 144224
(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;	144225 144226 144227 144228 144229
(2) Revising the Medicaid reimbursement formula for ICF/MR services to accomplish the following:	144230 144231
(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;	144232 144233 144234
(b) Provide capital incentives for reducing the capacity of ICFs/MR as necessary to achieve goals regarding the optimal capacity of ICFs/MR;	144235 144236 144237
(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;	144238 144239 144240

(d) Provide incentives for high quality services;	144241
(e) Achieve other goals developed for the purpose of improving the appropriateness and sufficiency of Medicaid reimbursements for ICF/MR services.	144242 144243 144244
(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. Not later than October 1, 2011, 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.	144245 144246 144247 144248 144249 144250 144251
(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:	144252 144253 144254 144255 144256
(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;	144257 144258 144259 144260
(2) The roles and responsibilities of both of the following:	144261
(a) ICFs/MR owned and operated by the Department of Developmental Disabilities;	144262 144263
(b) Providers of home and community-based services.	144264
(3) Simplifying and eliminating duplicate regulations regarding ICFs/MR in a manner that lowers the cost of ICF/MR services.	144265 144266 144267
Section 309.30.90. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR	144268 144269

(A) As used in this section:	144270
(1) "Capped per diem rate" means the per diem rate calculated for an ICF/MR under division (D) of this section.	144271 144272
(2) "Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	144273 144274 144275
(3) "Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	144276 144277
(4) "ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	144278 144279 144280
(5) "ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	144281 144282 144283
(6) "Imputed indirect care ceiling percentage" means the percentage above the median desk-reviewed, actual, allowable, per diem indirect care cost that is imputed for ICFs/MR with eight or fewer beds in a manner that causes the following percentages to be the same:	144284 144285 144286 144287 144288
(a) The percentage of ICFs/MR with eight or fewer beds that have desk-reviewed, actual, allowable, per diem indirect care costs from calendar year 2010, adjusted for inflation in accordance with division (C)(5) of this section, that are at or below the applicable per diem indirect care costs ceiling;	144289 144290 144291 144292 144293
(b) The percentage of ICFs/MR with more than eight beds that have desk-reviewed, actual, allowable, per diem indirect care costs from calendar year 2010, adjusted for inflation in accordance with division (C)(5) of this section, that are at or below the applicable per diem indirect care costs ceiling.	144294 144295 144296 144297 144298
(7) "Medicaid days" means all days during which a resident	144299

who is a Medicaid recipient occupies a bed in an ICF/MR that is 144300
included in the ICF/MR's Medicaid-certified capacity. Therapeutic 144301
or hospital leave days for which payment is made under section 144302
5111.33 of the Revised Code are considered Medicaid days 144303
proportionate to the percentage of the ICF/MR's per resident per 144304
day rate paid for those days. 144305

(8) "Modified per diem rate" means the per diem rate 144306
calculated for an ICF/MR under division (C) of this section. 144307

(9) "Unmodified per diem rate" means the per diem rate 144308
calculated for an ICF/MR under sections 5111.20 to 5111.331 of the 144309
Revised Code. 144310

(B) This section applies to each provider of an ICF/MR to 144311
which either of the following applies: 144312

(1) The provider has a valid Medicaid provider agreement for 144313
the ICF/MR on June 30, 2011, and a valid Medicaid provider 144314
agreement for the ICF/MR during fiscal year 2012. 144315

(2) The ICF/MR undergoes a change of operator effective July 144316
1, 2011, the exiting operator has a valid Medicaid provider 144317
agreement for the ICF/MR on June 30, 2011, and the entering 144318
operator has a valid Medicaid provider agreement for the ICF/MR 144319
during fiscal year 2012. 144320

(C) An ICF/MR's total modified per diem rate for fiscal year 144321
2012 shall be the ICF/MR's total unmodified per diem rate for that 144322
fiscal year with the following modifications: 144323

(1) In place of the inflation adjustment otherwise made under 144324
section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, 144325
actual, allowable, per diem other protected costs, excluding the 144326
franchise permit fee, from calendar year 2010 shall be multiplied 144327
by 1.0164. 144328

(2) The ICF/MR's maximum costs per case-mix unit shall be the 144329

following: 144330

(a) In the case of an ICF/MR with more than eight beds, the 144331
maximum established under division (B)(2)(a) of section 5111.23 of 144332
the Revised Code for the ICF/MR's peer group divided by 1.1123; 144333

(b) In the case of an ICF/MR with eight or fewer beds, the 144334
maximum established under division (B)(2)(b) of section 5111.23 of 144335
the Revised Code for the ICF/MR's peer group divided by 1.094. 144336

(3) In place of the inflation adjustment otherwise calculated 144337
under division (B)(3) of section 5111.23 of the Revised Code for 144338
the purpose of division (C)(2) of that section, an inflation 144339
adjustment of 1.0164 shall be used. 144340

(4) The maximum rate for indirect care costs for the ICF/MR's 144341
peer group shall be the following: 144342

(a) In the case of an ICF/MR with more than eight beds and 144343
subject to division (C)(5) of this section, the maximum 144344
established for the peer group under division (B)(1)(a) of section 144345
5111.241 of the Revised Code divided by 1.0843; 144346

(b) In the case of an ICF/MR with eight or fewer beds and 144347
subject to division (C)(5) of this section, the maximum 144348
established for the peer group under division (B)(2)(a) of section 144349
5111.241 of the Revised Code with the following adjustments: 144350

(i) In place of the 10.3 per cent that is otherwise used in 144351
making the calculation under division (B)(2)(a) of section 144352
5111.241 of the Revised Code for the ICF/MR's peer group, the 144353
imputed indirect care ceiling percentage shall be used. 144354

(ii) The amount calculated under division (B)(2)(a) of 144355
section 5111.241 of the Revised Code for the peer group, as 144356
adjusted under division (C)(4)(b)(i) of this section, shall be 144357
divided by 1.07. 144358

(5) In place of the inflation adjustment otherwise calculated 144359

under division (C)(1) of section 5111.241 of the Revised Code for 144360
the purposes of divisions (A)(1), (B)(1)(a), and (B)(2)(a) of that 144361
section, an inflation adjustment of 1.0164 shall be used. 144362

(6) In place of the efficiency incentive otherwise calculated 144363
under division (A)(2) of section 5111.241 of the Revised Code, the 144364
ICF/MR's efficiency incentive for indirect care costs shall be the 144365
following as reduced by 25 per cent: 144366

(a) In the case of an ICF/MR with more than eight beds, 7.1 144367
per cent of the maximum rate established for the ICF/MR's peer 144368
group under division (B)(1)(a) of section 5111.241 of the Revised 144369
Code, as adjusted under divisions (C)(4)(a) and (5) of this 144370
section; 144371

(b) In the case of an ICF/MR with eight or fewer beds, 7 per 144372
cent of the maximum rate established for the ICF/MR's peer group 144373
under division (B)(2)(a) of section 5111.241 of the Revised Code, 144374
as adjusted under divisions (C)(4)(b) and (5) of this section. 144375

(7) The ICF/MR's efficiency incentive for capital costs, as 144376
determined under division (B) of section 5111.251 of the Revised 144377
Code, shall be reduced by 50 per cent. 144378

(D) An ICF/MR's total capped per diem rate for fiscal year 144379
2012 shall be the ICF/MR's total unmodified per diem rate for that 144380
fiscal year reduced by the percentage by which the mean total 144381
unmodified per diem rates for all ICFs/MR in this state for fiscal 144382
year 2012, weighted by May 2011 Medicaid days and calculated as of 144383
July 1, 2011, exceeds \$279.81. 144384

(E) Except as otherwise provided by this section, the 144385
provider of an ICF/MR to which this section applies shall be paid, 144386
for ICF/MR services the ICF/MR provides during fiscal year 2012, a 144387
total per diem rate determined as follows: 144388

(1) Add the ICF/MR's total modified per diem rate to the 144389
ICF/MR's total capped per diem rate; 144390

(2) Divide the amount determined under division (E)(1) of this section by two. 144391
144392

(F) If the mean total per diem rate for all ICFs/MR to which this section applies, weighted by May 2011 Medicaid days and determined under division (E) of this section as of July 1, 2011, is other than \$279.81, the Department of Job and Family Services shall adjust, for fiscal year 2012, the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$279.81. 144393
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(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR 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. 144401
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(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised Code. 144408
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Section 309.33.10. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR 144413
144414

(A) As used in this section: 144415

(1) "Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code. 144416
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144418

(2) "Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code. 144419
144420

(3) "ICF/MR" means an intermediate care facility for the	144421
mentally retarded as defined in section 5111.20 of the Revised	144422
Code.	144423
(4) "ICF/MR services" means services covered by the Medicaid	144424
program that an ICF/MR provides to a Medicaid recipient eligible	144425
for the services.	144426
(5) "Medicaid days" means all days during which a resident	144427
who is a Medicaid recipient occupies a bed in an ICF/MR that is	144428
included in the ICF/MR's Medicaid-certified capacity. Therapeutic	144429
or hospital leave days for which payment is made under section	144430
5111.33 of the Revised Code are considered Medicaid days	144431
proportionate to the percentage of the ICF/MR's per resident per	144432
day rate paid for those days.	144433
(6) "Modified per diem rate" means the per diem rate	144434
calculated for an ICF/MR under division (C) of this section.	144435
(7) "Overall CPI inflation adjustment" means the amount	144436
determined as follows:	144437
(a) Using the United States Bureau of Labor Statistics'	144438
Consumer Price Index inflation calculator available at	144439
http://www.bls.gov/data/inflation_calculator.htm , determine the	144440
buying power that \$100 in calendar year 2010 has in calendar year	144441
2011;	144442
(b) Divide the amount determined under division (A)(7)(a) of	144443
this section by one hundred.	144444
(8) "Unmodified per diem rate" means the per diem rate	144445
calculated for an ICF/MR under sections 5111.20 to 5111.331 of the	144446
Revised Code.	144447
(B) This section applies to each provider of an ICF/MR to	144448
which either of the following applies:	144449
(1) The provider has a valid Medicaid provider agreement for	144450

the ICF/MR on June 30, 2012, and a valid Medicaid provider 144451
agreement for the ICF/MR during fiscal year 2013. 144452

(2) The ICF/MR undergoes a change of operator effective July 144453
1, 2012, the exiting operator has a valid Medicaid provider 144454
agreement for the ICF/MR on June 30, 2012, and the entering 144455
operator has a valid Medicaid provider agreement for the ICF/MR 144456
during fiscal year 2013. 144457

(C) An ICF/MR's total modified per diem rate for fiscal year 144458
2013 shall be the ICF/MR's total unmodified per diem rate for that 144459
fiscal year with the following modifications: 144460

(1) In place of the inflation adjustment otherwise made under 144461
section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, 144462
actual, allowable, per diem other protected costs, excluding the 144463
franchise permit fee, from calendar year 2011 shall be multiplied 144464
by the overall CPI inflation adjustment. 144465

(2) The ICF/MR's maximum costs per case-mix unit shall be the 144466
following: 144467

(a) In the case of an ICF/MR with more than eight beds, the 144468
maximum established under division (B)(2)(a) of section 5111.23 of 144469
the Revised Code for the ICF/MR's peer group divided by 1.1123; 144470

(b) In the case of an ICF/MR with eight or fewer beds, the 144471
maximum established under division (B)(2)(b) of section 5111.23 of 144472
the Revised Code for the ICF/MR's peer group divided by 1.094. 144473

(3) In place of the inflation adjustment otherwise calculated 144474
under division (B)(3) of section 5111.23 of the Revised Code for 144475
the purpose of division (C)(2) of that section, the overall CPI 144476
inflation adjustment shall be used. 144477

(4) The maximum rate for indirect care costs for the ICF/MR's 144478
peer group shall be the following: 144479

(a) In the case of an ICF/MR with more than eight beds and 144480

subject to division (C)(5) of this section, the maximum 144481
established for the peer group under division (B)(1)(b) of section 144482
5111.241 of the Revised Code divided by 1.0843; 144483

(b) In the case of an ICF/MR with eight or fewer beds and 144484
subject to division (C)(5) of this section, the maximum 144485
established for the peer group under division (B)(2)(b) of section 144486
5111.241 of the Revised Code divided by 1.07. 144487

(5) In place of the inflation adjustment otherwise calculated 144488
under divisions (C)(1) and (2) of section 5111.241 of the Revised 144489
Code for the purposes of divisions (A)(1), (B)(1)(b), and 144490
(B)(2)(b) of that section, the overall CPI inflation adjustment 144491
shall be used. 144492

(6) In place of the efficiency incentive otherwise calculated 144493
under division (A)(2) of section 5111.241 of the Revised Code, the 144494
ICF/MR's efficiency incentive for indirect care costs shall be the 144495
same as its efficiency incentive for indirect care costs for 144496
fiscal year 2012 as determined under division (C)(6) of the 144497
section of this act titled "Fiscal Year 2012 Medicaid 144498
Reimbursement System for ICFs/MR." 144499

(7) The ICF/MR's efficiency incentive for capital costs, as 144500
determined under division (B) of section 5111.251 of the Revised 144501
Code, shall be reduced by 50 per cent. 144502

(D) Except as otherwise provided by this section, the 144503
provider of an ICF/MR to which this section applies shall be paid, 144504
for ICF/MR services the ICF/MR provides during fiscal year 2013, 144505
the ICF/MR's total modified per diem rate. 144506

(E) If the mean total modified per diem rate for all ICFs/MR 144507
to which this section applies, weighted by May 2012 Medicaid days 144508
and determined under division (C) of this section as of July 1, 144509
2012, is other than \$280.14, the Department of Job and Family 144510
Services shall adjust, for fiscal year 2013, the modified per diem 144511

rate for each ICF/MR to which this section applies by a percentage 144512
that is equal to the percentage by which the mean total modified 144513
per diem rate is greater or less than \$280.14. 144514

(F) If the United States Centers for Medicare and Medicaid 144515
Services requires that the franchise permit fee be reduced or 144516
eliminated, the Department of Job and Family Services shall reduce 144517
the amount it pays providers of ICF/MR services under this section 144518
as necessary to reflect the loss to the state of the revenue and 144519
federal financial participation generated from the franchise 144520
permit fee. 144521

(G) The Department of Job and Family Services shall follow 144522
this section in determining the rate to be paid providers of 144523
ICF/MR services subject to this section notwithstanding anything 144524
to the contrary in sections 5111.20 to 5111.331 of the Revised 144525
Code. 144526

Section 309.33.20. ICF/MR AND WAIVER SERVICES TRANSFERRED TO 144527
DEPARTMENT OF DEVELOPMENTAL DISABILITIES 144528

The Director of Budget and Management shall establish line 144529
items for use by the Department of Developmental Disabilities for 144530
purposes regarding the Department's assumption of powers and 144531
duties under section 5111.226 of the Revised Code regarding the 144532
Medicaid program's coverage of ICF/MR services and, under section 144533
5111.871 of the Revised Code, the Medicaid waiver component known 144534
as the Transitions Developmental Disabilities Waiver. The 144535
Department of Developmental Disabilities shall certify to the 144536
Director of Budget and Management and the Director of Job and 144537
Family Services the appropriation amounts, in fiscal year 2012 and 144538
fiscal year 2013, necessary for the Department of Developmental 144539
Disabilities to fulfill its obligations regarding the new powers 144540
and duties without duplicating administration or services that 144541
remain with the Department of Job and Family Services. The 144542

Department of Job and Family Services shall certify to the 144543
Director of Budget and Management that there is an equal reduction 144544
in the Department of Job and Family Services' administration and 144545
services as is being certified by the Department of Developmental 144546
Disabilities. 144547

Once all certifications required under this section have been 144548
submitted and approved by the Director of Budget and Management, 144549
the appropriation items established under this section are hereby 144550
appropriated in the amounts approved by the Director of Budget and 144551
Management. The appropriations to the Department of Developmental 144552
Disabilities in each fiscal year shall not exceed the aggregate 144553
amount of expenditures that the Department of Job and Family 144554
Services made in fiscal year 2011 for ICF/MR services, services 144555
provided under the Transitions Developmental Disabilities Waiver, 144556
and related administrative costs. Appropriation item 600525, 144557
Health Care/Medicaid, is hereby reduced by the corresponding state 144558
and federal share of the amounts appropriated under this section 144559
to the Department of Developmental Disabilities in each fiscal 144560
year. 144561

Section 309.33.30. ADMINISTRATIVE ISSUES RELATED TO 144562
TERMINATION OF MEDICAID WAIVER PROGRAMS 144563

(A) As used in this section, "ODJFS or ODA Medicaid waiver 144564
component" means the following: 144565

(1) The Medicaid waiver component of the PASSPORT program 144566
created under section 173.40 of the Revised Code; 144567

(2) The Choices program created under section 173.403 of the 144568
Revised Code; 144569

(3) The Ohio Home Care program created under section 5111.861 144570
of the Revised Code; 144571

(4) The Ohio Transitions II Aging Carve-Out program created 144572

under section 5111.863 of the Revised Code; 144573

(5) The Medicaid waiver component of the Assisted Living 144574
program created under section 5111.89 of the Revised Code. 144575

(B) If an ODJFS or ODA Medicaid waiver component is 144576
terminated under section 173.40, 173.403, 5111.861, 5111.863, or 144577
5111.89 of the Revised Code, all of the following apply: 144578

(1) All applicable statutes, and all applicable rules, 144579
standards, guidelines, or orders issued by the Director or 144580
Department of Job and Family Services or Director or Department of 144581
Aging before the component is terminated, shall remain in full 144582
force and effect on and after that date, but solely for purposes 144583
of concluding the component's operations, including fulfilling the 144584
Departments' legal obligations for claims arising from the 144585
component relating to eligibility determinations, covered medical 144586
assistance provided to eligible persons, and recovering erroneous 144587
overpayments. 144588

(2) Notwithstanding the termination of the component, the 144589
right of subrogation for the cost of medical assistance given 144590
under section 5101.58 of the Revised Code to the Department of Job 144591
and Family Services and an assignment of the right to medical 144592
assistance given under section 5101.59 of the Revised Code to the 144593
Department continue to apply with respect to the component and 144594
remain in force to the full extent provided under those sections. 144595

(3) The Departments of Job and Family Services and Aging may 144596
use appropriated funds to satisfy any claims or contingent claims 144597
for medical assistance provided under the component before the 144598
component's termination. 144599

(4) Neither department has liability under the component to 144600
reimburse any provider or other person for claims for medical 144601
assistance rendered under the component after it is terminated. 144602

(C) The Directors of Job and Family Services and Aging may 144603

adopt rules in accordance with Chapter 119. of the Revised Code to 144604
implement this section. 144605

Section 309.33.40. BEACON QUALITY IMPROVEMENT INITIATIVES 144606

Building on the quality improvement work of the Best Evidence 144607
for Advancing Child Health in Ohio Now (BEACON) Council, the 144608
Departments of Health, Mental Health, and Job and Family Services, 144609
in conjunction with the Governor's Office of Health 144610
Transformation, may seek assistance from, and work with, the 144611
BEACON Council and hospitals and other provider groups to identify 144612
specific targets and initiatives to reduce the cost, and improve 144613
the quality, of medical assistance provided under the Medicaid 144614
program to children. At a minimum, the targets and initiatives 144615
shall focus on reducing all of the following: 144616

- (A) Avoidable hospitalizations; 144617
- (B) Inappropriate emergency room utilization; 144618
- (C) Use of multiple medications when not medically indicated; 144619
- (D) The state's rate of premature births; 144620
- (E) The state's rate of elective, preterm births. 144621

If the Departments of Health, Mental Health, and Job and 144622
Family Services identify initiatives under this section, they 144623
shall make the initiatives available on their internet web sites. 144624
The Departments shall also make a list of hospitals and other 144625
provider groups involved in the initiatives available on their 144626
internet web sites. 144627

Section 309.33.50. EXPANSION AND EVALUATION OF PACE PROGRAM 144628

(A) In order to effectively administer and manage growth 144629
within the PACE Program, the Director of Aging, in consultation 144630
with the Director of Job and Family Services, may expand the PACE 144631
Program to regions of the state beyond those currently served by 144632

the PACE Program if all of the following apply: 144633

(1) Funding is available for the expansion. 144634

(2) The Directors of Aging and Job and Family Services 144635
mutually determine, taking into consideration the results of the 144636
evaluation conducted under division (B) of this section, that the 144637
PACE Program is a cost effective alternative to nursing home care. 144638

(3) The United States Centers for Medicare and Medicaid 144639
Services agrees to share with the state any savings to the 144640
Medicare program resulting from an expansion of the PACE Program. 144641

(B) The Director of Aging shall contract with Miami 144642
University's Scripps Gerontology Center for an evaluation of the 144643
PACE program. 144644

(C) If the PACE Program is expanded, the Director of Aging 144645
may not decrease the number of individuals in Cuyahoga and 144646
Hamilton counties and parts of Butler, Clermont, and Warren 144647
counties who are participants in the PACE Program below the number 144648
of individuals in those counties and parts of counties who were 144649
participants in the PACE Program on July 1, 2011. 144650

Section 309.33.60. REPEAL OF THE CHILDREN'S BUY-IN PROGRAM 144651

(A) Notwithstanding sections 5101.5211 to 5101.5216 of the 144652
Revised Code and all references in the Revised Code to those 144653
sections or the Children's Buy-In Program, no person may enroll in 144654
the Program on or after the effective date of this section. 144655

Notwithstanding this act's repeal on October 1, 2011, of the 144656
statutes under which the Program is operated, persons enrolled in 144657
the Program immediately prior to that date may continue to receive 144658
services under the Program, as if those statutes were not 144659
repealed. Such persons may receive the services through December 144660
31, 2011, as long as they remain eligible for the Program. 144661

(B) Commencing on the effective date of this section, the 144662

Director of Job and Family Services shall take steps as necessary 144663
to transition persons enrolled in the Program to other health 144664
coverage options and otherwise conclude Program operations. 144665

All Program-related rules, standards, guidelines, or orders 144666
issued by the Director or Department of Job and Family Services 144667
prior to October 1, 2011, shall remain in full force and effect on 144668
and after that date, but solely for purposes of concluding the 144669
Program's operations. Such purposes include permitting eligible 144670
persons to receive services under the Program through December 31, 144671
2011, as authorized by this section, and fulfilling the 144672
Department's legal obligations for claims arising from the Program 144673
relating to eligibility determinations, covered medical services 144674
rendered to eligible persons, and recovering erroneous 144675
overpayments. 144676

(C) Notwithstanding this act's repeal of the statutes 144677
authorizing the Program, the right of subrogation for the cost of 144678
medical services and care given under section 5101.58 of the 144679
Revised Code to the Department and an assignment of the right to 144680
medical support given under section 5101.59 of the Revised Code to 144681
the Department continue to apply with respect to the Program and 144682
remain in force to the full extent provided under those sections. 144683

(D) The Department may use appropriated funds to satisfy any 144684
claims or contingent claims for services rendered to Program 144685
participants prior to October 1, 2011, and to eligible persons who 144686
receive services under the Program through December 31, 2011, as 144687
authorized by this section. The Department has no liability under 144688
the Program to reimburse any provider or other person for claims 144689
for services rendered on or after January 1, 2012. 144690

(E) The Department may adopt rules in accordance with section 144691
111.15 of the Revised Code to implement this section. 144692

Section 309.33.70. CONTINUATION OF DISPENSING FEE FOR 144693

NONCOMPOUNDED DRUGS 144694

The Medicaid dispensing fee for each noncompounded drug 144695
covered by the Medicaid program shall be \$1.80 for the period 144696
beginning July 1, 2011, and ending on the effective date of a 144697
rule, or an amendment to a rule, changing the amount of the fee 144698
that the Director of Job and Family Services adopts or amends 144699
under section 5111.02 of the Revised Code. 144700

Section 309.33.80. MONEY FOLLOWS THE PERSON ENHANCED 144701
REIMBURSEMENT FUND 144702

The Money Follows the Person Enhanced Reimbursement Fund, 144703
created by Section 751.20 of Am. Sub. H.B. 562 of the 127th 144704
General Assembly, shall continue to exist in the state treasury 144705
for fiscal year 2012 and fiscal year 2013. The federal payments 144706
made to the state under subsection (e) of section 6071 of the 144707
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 144708
shall be deposited into the fund. The Department of Job and Family 144709
Services shall continue to use money deposited into the fund for 144710
system reform activities related to the Money Follows the Person 144711
demonstration project. 144712

Section 309.33.90. MEDICARE PART D 144713

The foregoing appropriation item 600526, Medicare Part D, may 144714
be used by the Department of Job and Family Services for the 144715
implementation and operation of the Medicare Part D requirements 144716
contained in the "Medicare Prescription Drug, Improvement, and 144717
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 144718
the request of the Department of Job and Family Services, the 144719
Director of Budget and Management may transfer the state share of 144720
appropriations between appropriation item 600525, Health 144721
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 144722
the state share of appropriation item 600525, Health 144723

Care/Medicaid, is adjusted, the Director of Budget and Management 144724
shall adjust the federal share accordingly. The Department of Job 144725
and Family Services shall provide notification to the Controlling 144726
Board of any transfers at the next scheduled Controlling Board 144727
meeting. 144728

Section 309.35.10. REBALANCING LONG-TERM CARE 144729

(A) As used in this section: 144730

"Balancing Incentive Payments Program" means the program 144731
established under section 10202 of the Patient Protection and 144732
Affordable Care Act. 144733

"Long-term services and supports" has the same meaning as in 144734
section 10202(f)(1) of the Patient Protection and Affordable Care 144735
Act. 144736

"Non-institutionally-based long-term services and supports" 144737
has the same meaning as in section 10202(f)(1)(B) of the Patient 144738
Protection and Affordable Care Act. 144739

"Patient Protection and Affordable Care Act" means Public Law 144740
111-148. 144741

(B) The Departments of Job and Family Services, Aging, and 144742
Developmental Disabilities shall continue efforts to achieve a 144743
sustainable and balanced delivery system for long-term services 144744
and supports. In so doing, the Departments shall strive to realize 144745
the following goals by June 30, 2013: 144746

(1) Having at least fifty per cent of Medicaid recipients who 144747
are sixty years of age or older and need long-term services and 144748
supports utilize non-institutionally-based long-term services and 144749
supports; 144750

(2) Having at least sixty per cent of Medicaid recipients who 144751
are less than sixty years of age and have cognitive or physical 144752
disabilities for which long-term services and supports are needed 144753

utilize non-institutionally-based long-term services and supports. 144754

(C) If the Department of Job and Family Services determines 144755
that participating in the Balancing Incentive Payments Program 144756
will assist in achieving the goals specified in division (B) of 144757
this section, the Department may apply to the United States 144758
Secretary of Health and Human Services to participate in the 144759
program. Any funds the state receives as the result of the 144760
enhanced federal financial participation provided to states 144761
participating in the Balancing Incentive Payments Program shall be 144762
deposited into the Balancing Incentive Payments Program Fund, 144763
which is hereby created in the state treasury. The Department of 144764
Job and Family Services shall use the money in the fund in 144765
accordance with section 10202(c)(4) of the Patient Protection and 144766
Affordable Care Act. 144767

Section 309.35.20. BALANCING INCENTIVE PAYMENTS PROGRAM FUND 144768

The Director of Job and Family Services may seek Controlling 144769
Board approval to make expenditures from the Balancing Incentive 144770
Payments Program Fund. 144771

Section 309.35.30. DUAL ELIGIBLE INTEGRATED CARE 144772
DEMONSTRATION PROJECT 144773

The Director of Job and Family Services may seek Controlling 144774
Board approval to make expenditures from the Integrated Care 144775
Delivery Systems Fund. 144776

Section 390.35.33. RESIDENTIAL STATE SUPPLEMENT PROGRAM 144777

On July 1 of each fiscal year, or as soon as possible 144778
thereafter, the Director of Budget and Management shall transfer 144779
\$2.8 million cash from the General Revenue Fund to the Nursing 144780
Home Franchise Permit Fee Fund (Fund 5R20) to be used for the 144781
Residential State Supplement program. The transferred cash is 144782

hereby appropriated. 144783

Section 309.35.40. OHIO ACCESS SUCCESS PROJECT AND 144784
IDENTIFICATION OF OVERPAYMENTS 144785

(A) Notwithstanding any limitations in sections 3721.51 and 144786
3721.56 of the Revised Code, in each fiscal year, cash from the 144787
Nursing Home Franchise Permit Fee Fund (Fund 5R20) may be used by 144788
the Department of Job and Family Services for the following 144789
purposes: 144790

(1) Up to \$3,000,000 in each fiscal year to fund the state 144791
share of audits or limited reviews of Medicaid providers; 144792

(2) Up to \$450,000 in each fiscal year to provide one-time 144793
transitional benefits under the Ohio Access Success Project that 144794
the Director of Job and Family Services may establish under 144795
section 5111.97 of the Revised Code. 144796

(B) On July 1, 2011, or as soon as possible thereafter, the 144797
Director of Budget and Management shall transfer the cash balance 144798
in the Home and Community-Based Services for the Aged Fund (Fund 144799
4J50) to the Nursing Home Franchise Permit Fee Fund (Fund 5R20). 144800
The transferred cash is hereby appropriated. Upon completion of 144801
the transfer, Fund 4J50 is abolished. The Director shall cancel 144802
any existing encumbrances against appropriation item 600613, 144803
Nursing Facility Bed Assessments, and appropriation item 600618, 144804
Residential State Supplement Payments, and reestablish them 144805
against appropriation item 600608, Medicaid - Nursing Facilities. 144806

Section 309.35.50. PROVIDER FRANCHISE FEE OFFSETS 144807

(A) At least quarterly, the Director of Job and Family 144808
Services shall certify to the Director of Budget and Management 144809
both of the following: 144810

(1) The amount of offsets withheld under section 3721.541 of 144811

the Revised Code from payments made from the General Revenue Fund.	144812
(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund.	144813 144814
(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following:	144815 144816
(1) The Nursing Home Franchise Permit Fee Fund (Fund 5R20), in accordance with section 3721.56 of the Revised Code;	144817 144818
(2) The ICF/MR Bed Assessments Fund (Fund 4K10).	144819
(C) Amounts transferred pursuant to this section are hereby appropriated.	144820 144821
Section 309.35.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF DEVELOPMENTAL DISABILITIES	144822 144823
The Department of Job and Family Services may transfer cash in each fiscal year from the ICF/MR Bed Assessments Fund (Fund 4K10) to the Home and Community-Based Services Fund (Fund 4K80), used by the Department of Developmental Disabilities. The amount to be transferred shall be agreed to by both departments. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments. The transfer may be made using an intrastate transfer voucher.	144824 144825 144826 144827 144828 144829 144830 144831
Section 309.35.70. HOSPITAL CARE ASSURANCE MATCH	144832
The foregoing appropriation item 600650, Hospital Care Assurance Match, shall be used by the Department of Job and Family Services solely for distributing funds to hospitals under section 5112.08 of the Revised Code.	144833 144834 144835 144836
Section 309.35.73. HEALTHCARE COMPLIANCE APPROPRIATION	144837
Notwithstanding the provisions of section 5111.171 of the Revised Code specifying the uses of the HealthCare Compliance	144838 144839

Fund, appropriations in appropriation item 600625, HealthCare 144840
Compliance, may be used for expenses incurred in implementation or 144841
operation of Health Home programs and for the creation, 144842
modification, or replacement of any federally funded Medicaid 144843
healthcare systems in fiscal year 2012 and fiscal year 2013. 144844

Section 309.35.80. HEALTH CARE SERVICES ADMINISTRATION FUND 144845

Of the amount received by the Department of Job and Family 144846
Services during fiscal year 2012 and fiscal year 2013 from the 144847
first installment of assessments paid under section 5112.06 of the 144848
Revised Code and intergovernmental transfers made under section 144849
5112.07 of the Revised Code, the Director of Job and Family 144850
Services shall deposit \$350,000 in each fiscal year into the state 144851
treasury to the credit of the Health Care Services Administration 144852
Fund (Fund 5U30). 144853

Section 309.35.90. TRANSFERS OF OFFSETS TO THE HEALTH CARE 144854
SERVICES ADMINISTRATION FUND 144855

(A) As used in this section: 144856

"Hospital offset" means an offset from a hospital's Medicaid 144857
payment authorized by section 5112.991 of the Revised Code. 144858

"Vendor offset" means a reduction of a Medicaid payment to a 144859
Medicaid provider to correct a previous, incorrect Medicaid 144860
payment. 144861

(B) At least quarterly during fiscal year 2012 and fiscal 144862
year 2013, the Director of Job and Family Services shall certify 144863
to the Director of Budget and Management the amount of hospital 144864
offsets and vendor offsets for the period covered by the 144865
certification and the particular funds that would have been used 144866
to make the extra payments to providers if not for the offsets. 144867
The certification shall specify how much extra would have been 144868
taken from each of the funds if not for the hospital offsets and 144869

vendor offsets. 144870

(C) On receipt of a certification under division (B) of this 144871
section, the Director of Budget and Management shall transfer cash 144872
from the funds identified in the certification to the Health Care 144873
Services Administration Fund (Fund 5U30). The amount transferred 144874
from a fund shall equal the amount that would have been taken from 144875
the fund if not for the hospital offsets and vendor offsets as 144876
specified in the certification. The transferred cash is hereby 144877
appropriated. 144878

Section 309.37.10. PROVIDER APPLICATION FEES 144879

If receipts credited to the Health Care Services 144880
Administration Fund (Fund 5U30) exceed the amounts appropriated 144881
from the fund, the Director of Job and Family Services may seek 144882
Controlling Board approval to increase the appropriations in 144883
appropriation item 600654, Health Care Services Administration. 144884

Section 309.37.20. INTERAGENCY REIMBURSEMENT 144885

The Director of Job and Family Services may request the 144886
Director of Budget and Management to increase appropriation item 144887
600655, Interagency Reimbursement. Upon the approval of the 144888
Director of Budget and Management, the additional amounts are 144889
hereby appropriated. 144890

Section 309.37.30. MEDICAID PROGRAM SUPPORT FUND - STATE 144891

The foregoing appropriation item 600671, Medicaid Program 144892
Support, shall be used by the Department of Job and Family 144893
Services to pay for Medicaid services and contracts. The 144894
Department may also deposit to the Medicaid Program Support Fund 144895
(Fund 5C90) revenues received from other state agencies for 144896
Medicaid services under the terms of interagency agreements 144897
between the Department and other state agencies. 144898

Section 309.37.40. TRANSFERS OF IMD/DSH CASH TO THE 144899
DEPARTMENT OF MENTAL HEALTH 144900

The Department of Job and Family Services shall transfer cash 144901
from the Medicaid Program Support Fund (Fund 5C90), to the 144902
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 144903
Department of Mental Health, in accordance with an interagency 144904
agreement that delegates authority from the Department of Job and 144905
Family Services to the Department of Mental Health to administer 144906
specified Medicaid services. The transfer shall be made using an 144907
intrastate transfer voucher. 144908

Section 309.37.50. PRESCRIPTION DRUG COVERAGE UNDER MEDICAID 144909
MANAGED CARE 144910

(A) Not later than October 1, 2011, the Department of Job and 144911
Family Services shall enter into new contracts or amend existing 144912
contracts with health insuring corporations, pursuant to section 144913
5111.17 of the Revised Code, as the Department considers necessary 144914
to require, in accordance with section 5111.172 of the Revised 144915
Code, as amended by this act, that each health insuring 144916
corporation participating in the Medicaid care management system 144917
include coverage of prescription drugs for the Medicaid recipients 144918
who are enrolled in the health insuring corporation. 144919

(B) For a period of ninety days immediately following the 144920
effective date of the inclusion of prescription drug coverage 144921
under a new or amended contract with a health insuring corporation 144922
pursuant to division (A) of this section, if, immediately prior to 144923
the effective date of the coverage, a Medicaid recipient enrolled 144924
in the health insuring corporation was being treated with a drug 144925
prescribed by a licensed health professional authorized to 144926
prescribe drugs, as defined in section 4729.01 of the Revised 144927
Code, and the drug is not an antidepressant or antipsychotic 144928

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 using drug utilization or management techniques, including any prior authorization requirements, that are more stringent than the utilization or management techniques, if any, that the Medicaid recipient was subject to immediately prior to the effective date of the coverage.

(C) For a period of one hundred twenty days immediately following the effective date of the inclusion of prescription drug coverage under a new or amended contract with a health insuring corporation pursuant to division (A) of this section, both of the following apply:

(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 309.40. FAMILY STABILITY 144956

Section 309.40.10. FOOD STAMPS TRANSFER 144957

On July 1, 2011, or as soon as possible thereafter, the 144958

Director of Budget and Management may transfer up to \$1,000,000 144959
cash from the Food Stamp Program Fund (Fund 3840), to the Food 144960
Assistance Fund (Fund 5ES0). 144961

Section 309.40.20. NAME OF FOOD STAMP PROGRAM 144962

The Director of Job and Family Services is not required to 144963
amend rules regarding the Food Stamp Program to change the name of 144964
the program to the Supplemental Nutrition Assistance Program. The 144965
Director may refer to the program as the Food Stamp Program or the 144966
Food Assistance Program in rules and documents of the Department 144967
of Job and Family Services. 144968

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 144969
BANKS 144970

The foregoing appropriation item 600540, Second Harvest Food 144971
Banks, shall be used to provide funds to the Ohio Association of 144972
Second Harvest Food Banks to purchase and distribute food 144973
products. 144974

Notwithstanding section 5101.46 of the Revised Code and any 144975
other provision in this bill, in addition to funds designated for 144976
the Ohio Association of Second Harvest Food Banks in this section, 144977
in fiscal year 2012 and fiscal year 2013, the Director of Job and 144978
Family Services shall provide assistance from eligible funds to 144979
the Ohio Association of Second Harvest Food Banks in an amount up 144980
to or equal to the assistance provided in state fiscal year 2011 144981
from all funds used by the Department, except the General Revenue 144982
Fund. 144983

Eligible nonfederal expenditures made by member food banks of 144984
the Association shall be counted by the Department of Job and 144985
Family Services toward the TANF maintenance of effort requirements 144986
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 144987
shall enter into an agreement with the Ohio Association of Second 144988

Harvest Food Banks, in accordance with sections 5101.80 and 144989
5101.801 of the Revised Code, to carry out the requirements under 144990
this section. 144991

Section 309.40.40. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 144992

The foregoing appropriation item 600658, Public Assistance 144993
Activities, shall be used by the Department of Job and Family 144994
Services to meet the TANF maintenance of effort requirements of 42 144995
U.S.C. 609(a)(7). When the state is assured that it will meet the 144996
maintenance of effort requirement, the Department of Job and 144997
Family Services may use funds from appropriation item 600658, 144998
Public Assistance Activities, to support public assistance 144999
activities. 145000

Section 309.40.50. INDEPENDENT LIVING INITIATIVE 145001

Of the foregoing appropriation item 600689, TANF Block Grant, 145002
up to \$2,000,000 in each fiscal year shall be used, in accordance 145003
with sections 5101.80 and 5101.801 of the Revised Code, to support 145004
the Independent Living Initiative, including life skills training 145005
and work supports for older children in foster care and those who 145006
have recently aged out of foster care. 145007

Section 309.40.60. KINSHIP PERMANENCY INCENTIVE PROGRAM 145008

Of the foregoing appropriation item 600689, TANF Block Grant, 145009
\$1,200,000 in each fiscal year shall be used to support the 145010
activities of the Kinship Permanency Incentive Program established 145011
in section 5101.802 of the Revised Code. 145012

Section 309.40.63. OHIO COMMISSION ON FATHERHOOD 145013

Of the foregoing appropriation item 600689, TANF Block Grant, 145014
\$1,000,000 in each fiscal year shall be provided to the Ohio 145015
Commission on Fatherhood. 145016

Section 309.40.70. SWIPE CARD PILOT PROGRAM 145017

During fiscal year 2012 and fiscal year 2013, if the 145018
Department of Job and Family Services implements a program that 145019
utilizes a swipe card system and point of service device to verify 145020
enrollment and attendance and for payment for publicly funded 145021
child care, both of the following apply: 145022

(A) If a child care provider participating in the program 145023
engages in fraud with respect to reporting a child's enrollment or 145024
attendance, the fraud constitutes a reason for which the 145025
provider's license or certification must be revoked. 145026

(B) If a caretaker parent participating in the program 145027
engages in fraud with respect to reporting a child's enrollment or 145028
attendance, the caretaker parent shall lose eligibility for 145029
publicly funded child care. 145030

Section 309.50. CHILD WELFARE 145031

Section 309.50.10. DIFFERENTIAL RESPONSE 145032

In accordance with an independent evaluation of the Ohio 145033
Alternative Response Pilot Program that recommended statewide 145034
implementation, the Department of Job and Family Services shall 145035
plan the statewide expansion of the Ohio Alternative Response 145036
Pilot Program on a county by county basis, through a schedule 145037
determined by the Department. The program shall be known as the 145038
"differential response" approach as defined in section 2151.011 of 145039
the Revised Code. Notwithstanding provisions of Chapter 2151. of 145040
the Revised Code that refer to "differential response," 145041
"traditional response," and "alternative response," those 145042
provisions shall become effective on the scheduled date of 145043
expansion of the differential response approach to that county. 145044
Prior to statewide implementation, the Department may adopt rules 145045

in accordance with Chapter 119. of the Revised Code as necessary 145046
to carry out the purposes of this section. 145047

Section 309.50.20. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 145048

In collaboration with the county family and children first 145049
council, a county department of job and family services or public 145050
children services agency that receives an allocation from the 145051
Department of Job and Family Services from the foregoing 145052
appropriation item 600523, Children and Families Services, or 145053
600533, Child, Family, and Adult Community & Protective Services, 145054
may transfer a portion of either or both allocations to a flexible 145055
funding pool as authorized by the section of this act titled 145056
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 145057

Section 309.50.30. CHILD, FAMILY, AND ADULT COMMUNITY AND 145058
PROTECTIVE SERVICES 145059

(A) The foregoing appropriation item 600533, Child, Family, 145060
and Adult Community & Protective Services, shall be distributed to 145061
each county department of job and family services using the 145062
formula the Department of Job and Family Services uses when 145063
distributing Title XX funds to county departments of job and 145064
family services under section 5101.46 of the Revised Code. County 145065
departments shall use the funds distributed to them under this 145066
section as follows, in accordance with the written plan of 145067
cooperation entered into under section 307.983 of the Revised 145068
Code: 145069

(1) To assist individuals achieve or maintain 145070
self-sufficiency, including by reducing or preventing dependency 145071
among individuals with family income not exceeding two hundred per 145072
cent of the federal poverty guidelines; 145073

(2) Subject to division (B) of this section, to respond to 145074
reports of abuse, neglect, or exploitation of children and adults, 145075

including through the differential response approach program	145076
developed under Section 309.50.10 of this act;	145077
(3) To provide outreach and referral services regarding home	145078
and community-based services to individuals at risk of placement	145079
in a group home or institution, regardless of the individuals'	145080
family income and without need for a written application;	145081
(4) To provide outreach, referral, application assistance,	145082
and other services to assist individuals receive assistance,	145083
benefits, or services under Medicaid; Title IV-A programs, as	145084
defined in section 5101.80 of the Revised Code; the Supplemental	145085
Nutrition Assistance Program; and other public assistance	145086
programs.	145087
(B) Protective services may be provided to a child or adult	145088
as part of a response, under division (A)(2) of this section, to a	145089
report of abuse, neglect, or exploitation without regard to a	145090
child or adult's family income and without need for a written	145091
application. The protective services may be provided if the case	145092
record documents circumstances of actual or potential abuse,	145093
neglect, or exploitation.	145094
Section 309.50.33. CHILDREN AND FAMILY SERVICES ACTIVITIES	145095
The foregoing appropriation item 600609, Children and Family	145096
Services Activities, shall be used to expend miscellaneous	145097
foundation funds and grants to support children and family	145098
services activities.	145099
Section 309.50.40. ADOPTION ASSISTANCE LOAN	145100
Of the foregoing appropriation item 600634, Adoption	145101
Assistance Loan, the Department of Job and Family Services may use	145102
up to ten per cent for administration of adoption assistance loans	145103
pursuant to section 3107.018 of the Revised Code.	145104

Section 309.60.	UNEMPLOYMENT COMPENSATION			145105	
Section 309.60.10.	FEDERAL UNEMPLOYMENT PROGRAMS			145106	
All unexpended funds remaining at the end of fiscal year 2011				145107	
that were appropriated and made available to the state under				145108	
section 903(d) of the Social Security Act, as amended, in the				145109	
foregoing appropriation item 600678, Federal Unemployment Programs				145110	
(Fund 3V40), are hereby appropriated to the Department of Job and				145111	
Family Services. Upon the request of the Director of Job and				145112	
Family Services, the Director of Budget and Management may				145113	
increase the appropriation for fiscal year 2012 by the amount				145114	
remaining unspent from the fiscal year 2011 appropriation and may				145115	
increase the appropriation for fiscal year 2013 by the amount				145116	
remaining unspent from the fiscal year 2012 appropriation. The				145117	
appropriation shall be used under the direction of the Department				145118	
of Job and Family Services to pay for administrative activities				145119	
for the Unemployment Insurance Program, employment services, and				145120	
other allowable expenditures under section 903(d) of the Social				145121	
Security Act, as amended.				145122	
The amounts obligated pursuant to this section shall not				145123	
exceed at any time the amount by which the aggregate of the				145124	
amounts transferred to the account of the state under section				145125	
903(d) of the Social Security Act, as amended, exceeds the				145126	
aggregate of the amounts obligated for administration and paid out				145127	
for benefits and required by law to be charged against the amounts				145128	
transferred to the account of the state.				145129	
Section 311.10.	JCR JOINT COMMITTEE ON AGENCY RULE REVIEW			145130	
General Revenue Fund				145131	
GRF 029321	Operating Expenses	\$	435,168	\$ 435,168	145132
TOTAL GRF	General Revenue Fund	\$	435,168	\$ 435,168	145133

TOTAL ALL BUDGET FUND GROUPS	\$	435,168	\$	435,168	145134
OPERATING GUIDANCE					145135
The Chief Administrative Officer of the House of					145136
Representatives and the Clerk of the Senate shall determine, by					145137
mutual agreement, which of them shall act as fiscal agent for the					145138
Joint Committee on Agency Rule Review. Members of the Committee					145139
shall be paid in accordance with section 101.35 of the Revised					145140
Code.					145141
OPERATING EXPENSES					145142
On July 1, 2011, or as soon as possible thereafter, the					145143
Executive Director of the Joint Committee on Agency Rule Review					145144
may certify to the Director of Budget and Management the amount of					145145
the unexpended, unencumbered balance of the foregoing					145146
appropriation item 029321, Operating Expenses, at the end of					145147
fiscal year 2011 to be reappropriated to fiscal year 2012. The					145148
amount certified is hereby reappropriated to the same					145149
appropriation item for fiscal year 2012.					145150
On July 1, 2012, or as soon as possible thereafter, the					145151
Executive Director of the Joint Committee on Agency Rule Review					145152
may certify to the Director of Budget and Management the amount of					145153
the unexpended, unencumbered balance of the foregoing					145154
appropriation item 029321, Operating Expenses, at the end of					145155
fiscal year 2012 to be reappropriated to fiscal year 2013. The					145156
amount certified is hereby reappropriated to the same					145157
appropriation item for fiscal year 2013.					145158
Section 313.10. JCO JUDICIAL CONFERENCE OF OHIO					145159
General Revenue Fund					145160
GRF 018321 Operating Expenses	\$	720,000	\$	720,000	145161
TOTAL GRF General Revenue Fund	\$	720,000	\$	720,000	145162
General Services Fund Group					145163

4030 018601	Ohio Jury	\$	350,000	\$	350,000	145164
	Instructions					
TOTAL GSF	General Services Fund	\$	350,000	\$	350,000	145165
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,070,000	\$	1,070,000	145166
	OHIO JURY INSTRUCTIONS FUND					145167
	The Ohio Jury Instructions Fund (Fund 4030) shall consist of					145168
	grants, royalties, dues, conference fees, bequests, devises, and					145169
	other gifts received for the purpose of supporting costs incurred					145170
	by the Judicial Conference of Ohio in its activities as a part of					145171
	the judicial system of the state as determined by the Judicial					145172
	Conference Executive Committee. Fund 4030 shall be used by the					145173
	Judicial Conference of Ohio to pay expenses incurred in its					145174
	activities as a part of the judicial system of the state as					145175
	determined by the Judicial Conference Executive Committee. All					145176
	moneys accruing to Fund 4030 in excess of \$350,000 in fiscal year					145177
	2012 and in excess of \$350,000 in fiscal year 2013 are hereby					145178
	appropriated for the purposes authorized.					145179
	No money in Fund 4030 shall be transferred to any other fund					145180
	by the Director of Budget and Management or the Controlling Board.					145181
	Section 315.10. JSC THE JUDICIARY/SUPREME COURT					145182
	General Revenue Fund					145183
GRF 005321	Operating Expenses -	\$	133,704,620	\$	132,565,410	145184
	Judiciary/Supreme					
	Court					
GRF 005406	Law Related Education	\$	236,172	\$	236,172	145185
GRF 005409	Ohio Courts	\$	2,150,000	\$	2,150,000	145186
	Technology Initiative					
TOTAL GRF	General Revenue Fund	\$	136,090,792	\$	134,951,582	145187
	General Services Fund Group					145188

6720 005601	Continuing Judicial Education	\$	172,142	\$	169,420	145189
TOTAL GSF	General Services Fund Group	\$	172,142	\$	169,420	145190
Federal Special Revenue Fund Group						145191
3J00 005603	Federal Grants	\$	1,653,317	\$	1,605,717	145192
TOTAL FED	Federal Special Revenue Fund Group	\$	1,653,317	\$	1,605,717	145193
State Special Revenue Fund Group						145194
4C80 005605	Attorney Services	\$	3,718,328	\$	3,695,192	145195
5HT0 005617	Court Interpreter Certification	\$	39,000	\$	39,000	145196
5T80 005609	Grants and Awards	\$	50,000	\$	50,000	145197
6A80 005606	Supreme Court Admissions	\$	1,223,340	\$	1,205,056	145198
TOTAL SSR	State Special Revenue Fund Group	\$	5,030,668	\$	4,989,248	145199
TOTAL ALL BUDGET FUND GROUPS		\$	142,946,919	\$	141,715,967	145200
LAW-RELATED EDUCATION						145201
The foregoing appropriation item 005406, Law-Related						145202
Education, shall be distributed directly to the Ohio Center for						145203
Law-Related Education for the purposes of providing continuing						145204
citizenship education activities to primary and secondary						145205
students, expanding delinquency prevention programs, increasing						145206
activities for at-risk youth, and accessing additional public and						145207
private money for new programs.						145208
OHIO COURTS TECHNOLOGY INITIATIVE						145209
The foregoing appropriation item 005409, Ohio Courts						145210
Technology Initiative, shall be used to fund an initiative by the						145211
Supreme Court to facilitate the exchange of information and						145212
warehousing of data by and between Ohio courts and other justice						145213

system partners through the creation of an Ohio Courts Network, 145214
the delivery of technology services to courts throughout the 145215
state, including the provision of hardware, software, and the 145216
development and implementation of educational and training 145217
programs for judges and court personnel, and operation of the 145218
Commission on Technology and the Courts by the Supreme Court for 145219
the promulgation of statewide rules, policies, and uniform 145220
standards, and to aid in the orderly adoption and comprehensive 145221
use of technology in Ohio courts. 145222

CONTINUING JUDICIAL EDUCATION 145223

The Continuing Judicial Education Fund (Fund 6720) shall 145224
consist of fees paid by judges and court personnel for attending 145225
continuing education courses and other gifts and grants received 145226
for the purpose of continuing judicial education. The foregoing 145227
appropriation item 005601, Continuing Judicial Education, shall be 145228
used to pay expenses for continuing education courses for judges 145229
and court personnel. If it is determined by the Administrative 145230
Director of the Supreme Court that additional appropriations are 145231
necessary, the amounts are hereby appropriated. 145232

No money in Fund 6720 shall be transferred to any other fund 145233
by the Director of Budget and Management or the Controlling Board. 145234
Interest earned on money in Fund 6720 shall be credited to the 145235
fund. 145236

FEDERAL GRANTS 145237

The Federal Grants Fund (Fund 3J00) shall consist of grants 145238
and other moneys awarded to the Supreme Court (The Judiciary) by 145239
the United States Government or other entities that receive the 145240
moneys directly from the United States Government and distribute 145241
those moneys to the Supreme Court (The Judiciary). The foregoing 145242
appropriation item 005603, Federal Grants, shall be used in a 145243
manner consistent with the purpose of the grant or award. If it is 145244

determined by the Administrative Director of the Supreme Court 145245
that additional appropriations are necessary, the amounts are 145246
hereby appropriated. 145247

No money in Fund 3J00 shall be transferred to any other fund 145248
by the Director of Budget and Management or the Controlling Board. 145249
However, interest earned on money in Fund 3J00 shall be credited 145250
or transferred to the General Revenue Fund. 145251

ATTORNEY SERVICES 145252

The Attorney Services Fund (Fund 4C80), formerly known as the 145253
Attorney Registration Fund, shall consist of money received by the 145254
Supreme Court (The Judiciary) pursuant to the Rules for the 145255
Government of the Bar of Ohio. In addition to funding other 145256
activities considered appropriate by the Supreme Court, the 145257
foregoing appropriation item 005605, Attorney Services, may be 145258
used to compensate employees and to fund appropriate activities of 145259
the following offices established by the Supreme Court: the Office 145260
of Disciplinary Counsel, the Board of Commissioners on Grievances 145261
and Discipline, the Clients' Security Fund, and the Attorney 145262
Services Division. If it is determined by the Administrative 145263
Director of the Supreme Court that additional appropriations are 145264
necessary, the amounts are hereby appropriated. 145265

No money in Fund 4C80 shall be transferred to any other fund 145266
by the Director of Budget and Management or the Controlling Board. 145267
Interest earned on money in Fund 4C80 shall be credited to the 145268
fund. 145269

COURT INTERPRETER CERTIFICATION 145270

The Court Interpreter Certification Fund (Fund 5HT0) shall 145271
consist of money received by the Supreme Court (The Judiciary) 145272
pursuant to Rules 80 through 87 of the Rules of Superintendence 145273
for the Courts of Ohio. The foregoing appropriation item 005617, 145274
Court Interpreter Certification, shall be used to provide 145275

training, to provide the written examination, and to pay language 145276
experts to rate, or grade, the oral examinations of those applying 145277
to become certified court interpreters. If it is determined by the 145278
Administrative Director that additional appropriations are 145279
necessary, the amounts are hereby appropriated. 145280

No money in Fund 5HT0 shall be transferred to any other fund 145281
by the Director of Budget and Management or the Controlling Board. 145282
Interest earned on money in Fund 5HT0 shall be credited to the 145283
fund. 145284

GRANTS AND AWARDS 145285

The Grants and Awards Fund (Fund 5T80) shall consist of 145286
grants and other money awarded to the Supreme Court (The 145287
Judiciary) by the State Justice Institute, the Division of 145288
Criminal Justice Services, or other entities. The foregoing 145289
appropriation item 005609, Grants and Awards, shall be used in a 145290
manner consistent with the purpose of the grant or award. If it is 145291
determined by the Administrative Director of the Supreme Court 145292
that additional appropriations are necessary, the amounts are 145293
hereby appropriated. 145294

No money in Fund 5T80 shall be transferred to any other fund 145295
by the Director of Budget and Management or the Controlling Board. 145296
However, interest earned on money in Fund 5T80 shall be credited 145297
or transferred to the General Revenue Fund. 145298

SUPREME COURT ADMISSIONS 145299

The foregoing appropriation item 005606, Supreme Court 145300
Admissions, shall be used to compensate Supreme Court employees 145301
who are primarily responsible for administering the attorney 145302
admissions program under the Rules for the Government of the Bar 145303
of Ohio, and to fund any other activities considered appropriate 145304
by the court. Moneys shall be deposited into the Supreme Court 145305
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 145306

Government of the Bar of Ohio. If it is determined by the 145307
 Administrative Director of the Supreme Court that additional 145308
 appropriations are necessary, the amounts are hereby appropriated. 145309

No money in Fund 6A80 shall be transferred to any other fund 145310
 by the Director of Budget and Management or the Controlling Board. 145311
 Interest earned on money in Fund 6A80 shall be credited to the 145312
 fund. 145313

Section 317.10. LEC LAKE ERIE COMMISSION 145314

Federal Special Revenue Fund Group 145315

3EP0 780603 Lake Erie Federal \$ 95,750 \$ 95,750 145316
 Grants

TOTAL FED Federal Special Revenue \$ 95,750 \$ 95,750 145317
 Fund Group

State Special Revenue Fund Group 145318

4C00 780601 Lake Erie Protection \$ 400,000 \$ 400,000 145319
 Fund

5D80 780602 Lake Erie Resources \$ 261,783 \$ 250,143 145320
 Fund

TOTAL SSR State Special Revenue 145321

Fund Group \$ 661,783 \$ 650,143 145322

TOTAL ALL BUDGET FUND GROUPS \$ 757,533 \$ 745,893 145323

Section 319.10. LRS LEGAL RIGHTS SERVICE 145325

General Revenue Fund 145326

GRF 054321 Support Services \$ 97,255 \$ 24,314 145327

GRF 054401 Ombudsman \$ 142,003 \$ 35,750 145328

TOTAL GRF General Revenue Fund \$ 239,258 \$ 60,064 145329

General Services Fund Group 145330

5M00 054610 Settlements \$ 181,352 \$ 32,839 145331

TOTAL GSF General Services 145332

Fund Group		\$	181,352	\$	32,839	145333
Federal Special Revenue Fund Group						145334
3050 054602	Protection and Advocacy - Developmentally Disabled	\$	1,662,991	\$	415,748	145335
3AG0 054613	Protection and Advocacy - Voter Accessibility	\$	135,000	\$	33,752	145336
3B80 054603	Protection and Advocacy - Mentally Ill	\$	1,152,677	\$	288,170	145337
3CA0 054615	Work Incentives Planning and Assistance	\$	355,000	\$	88,752	145338
3N30 054606	Protection and Advocacy - Individual Rights	\$	591,112	\$	147,779	145339
3N90 054607	Assistive Technology	\$	135,000	\$	33,751	145340
3R90 054616	Developmental Disability Publications	\$	130,000	\$	32,500	145341
3T20 054609	Client Assistance Program	\$	435,000	\$	108,752	145342
3X10 054611	Protection and Advocacy - Beneficiaries of Social Security	\$	235,000	\$	58,752	145343
3Z60 054612	Protection and Advocacy - Traumatic Brain Injury	\$	151,624	\$	37,907	145344
TOTAL FED	Federal Special Revenue					145345
Fund Group		\$	4,983,404	\$	1,245,863	145346

State Special Revenue Fund Group				145347
5AE0 054614 Grants and Contracts	\$	74,600	\$ 18,652	145348
TOTAL SSR State Special Revenue	\$	74,600	\$ 18,652	145349
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,478,614	\$ 1,357,418	145350

Section 319.20. CONVERSION OF LEGAL RIGHTS SERVICE TO A 145352
NONPROFIT ENTITY 145353

(A) Not later than December 31, 2011, the administrator of 145354
the Legal Rights Service, in consultation with the Legal Rights 145355
Service Commission, shall establish a nonprofit entity to provide 145356
advocacy services and a client assistance program for people with 145357
disabilities. The Legal Rights Service may subcontract with the 145358
nonprofit entity to perform any functions that the Legal Rights 145359
Service is permitted or required to perform. 145360

(B)(1) Not later than September 30, 2012, and subject to 145361
division (B)(2) of this section, the Governor shall designate the 145362
nonprofit entity established under division (A) of this section to 145363
serve as the state's protection and advocacy system, as provided 145364
under 42 U.S.C. 15001, and as the state's client assistance 145365
program, as provided under 29 U.S.C. 732. On October 1, 2012, 145366
pursuant to section 5123.60 of the Revised Code, as enacted by 145367
this act, the nonprofit entity is the Ohio Protection and Advocacy 145368
System. 145369

(2) The Governor shall make the designation only if the 145370
nonprofit entity complies with all federal law regarding a 145371
protection and advocacy system and client assistance program. 145372

(C) Effective October 1, 2012, the Legal Rights Service, the 145373
Legal Rights Service Commission, and the Ombudsperson Section of 145374
the Legal Rights Service are abolished. 145375

Any aspect of the function of the Legal Rights Service, Legal 145376

Rights Service Commission, and the Ombudsperson Section of the 145377
Legal Rights Service commenced, but not completed on October 1, 145378
2012 shall be completed by the nonprofit entity in the same 145379
manner, and with the same effect, as if completed by the Legal 145380
Rights Service, Legal Rights Service Commission, and the 145381
Ombudsperson Section of the Legal Rights Service as they existed 145382
immediately prior to October 1, 2012. No validation, cure, right, 145383
privilege, remedy, obligation, or liability pertaining to the 145384
Legal Rights Service, Legal Rights Service Commission, and the 145385
Ombudsperson Section of the Legal Rights Service is lost or 145386
impaired by reason of the abolishment of the Legal Rights Service, 145387
Legal Rights Service Commission, and the Ombudsperson Section of 145388
the Legal Rights Service. Each such validation, cure, right, 145389
privilege, remedy, obligation, or liability shall be administered 145390
by the nonprofit entity established under division (A) of this 145391
section. 145392

Any action or proceeding that is related to the functions or 145393
duties of the Legal Rights Service, Legal Rights Service 145394
Commission, and the Ombudsperson Section of the Legal Rights 145395
Service pending on September 30, 2012, is not affected by the 145396
abolishment of the Legal Rights Service, the Legal Rights Service 145397
Commission, and the Ombudsperson Section of the Legal Rights 145398
Service and shall be prosecuted or defended in the name of the 145399
nonprofit entity. In all such actions and proceedings the 145400
nonprofit entity, on application to the court, shall be 145401
substituted as a party. 145402

(D) The foregoing appropriation items 054321, Support 145403
Services, and 054401, Ombudsman, may be used to support the costs 145404
of transitioning the Ohio Legal Rights Service into a nonprofit 145405
entity. 145406

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 145407

General Revenue Fund					145408
GRF 028321	Legislative Ethics	\$	550,000	\$	550,000
	Committee				145409
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000
					145410
General Services Fund Group					145411
4G70 028601	Joint Legislative	\$	100,000	\$	100,000
	Ethics Committee				145412
TOTAL GSF	General Services Fund	\$	100,000	\$	100,000
Group					145413
TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000
					145414
Section 323.10.	LSC LEGISLATIVE SERVICE COMMISSION				145415
General Revenue Fund					145416
GRF 035321	Operating Expenses	\$	15,117,700	\$	15,117,700
GRF 035402	Legislative Fellows	\$	1,022,120	\$	1,022,120
GRF 035405	Correctional	\$	438,900	\$	438,900
	Institution				145419
	Inspection Committee				
GRF 035407	Legislative Task	\$	750,000	\$	750,000
	Force on				145420
	Redistricting				
GRF 035409	National Associations	\$	460,560	\$	460,560
GRF 035410	Legislative	\$	3,661,250	\$	3,661,250
	Information Systems				145421
TOTAL GRF	General Revenue Fund	\$	21,450,530	\$	21,450,530
					145423
General Services Fund Group					145424
4100 035601	Sale of Publications	\$	10,000	\$	10,000
4F60 035603	Legislative Budget	\$	200,000	\$	200,000
	Services				145425
5EF0 035607	Legislative Agency	\$	30,000	\$	30,000
	Telephone Usage				145426
TOTAL GSF	General Services				145427
					145428

Fund Group		\$	240,000	\$	240,000	145429
TOTAL ALL BUDGET FUND GROUPS		\$	21,690,530	\$	21,690,530	145430
LEGISLATIVE TASK FORCE ON REDISTRICTING						145431
An amount equal to the unexpended, unencumbered portion of						145432
the foregoing appropriation item 035407, Legislative Task Force on						145433
Redistricting, at the end of fiscal year 2011 is hereby						145434
reappropriated to the Legislative Service Commission for the same						145435
purpose for fiscal year 2012.						145436
Section 325.10. LIB STATE LIBRARY BOARD						145437
General Revenue Fund						145438
GRF 350321	Operating Expenses	\$	5,057,312	\$	5,057,364	145439
GRF 350401	Ohioana Rental	\$	124,437	\$	124,437	145440
Payments						
GRF 350502	Regional Library	\$	582,469	\$	582,469	145441
Systems						
TOTAL GRF General Revenue Fund		\$	5,764,218	\$	5,764,270	145442
General Services Fund Group						145443
1390 350602	Intra-Agency Service	\$	9,000	\$	9,000	145444
Charges						
4590 350603	Library Service	\$	2,986,424	\$	2,986,180	145445
Charges						
4S40 350604	Ohio Public Library	\$	5,689,401	\$	5,689,788	145446
Information Network						
5GB0 350605	Library for the Blind	\$	1,274,194	\$	1,274,194	145447
5GG0 350606	Gates Foundation	\$	6,000	\$	0	145448
Grants						
TOTAL GSF General Services						145449
Fund Group		\$	9,965,019	\$	9,959,162	145450
Federal Special Revenue Fund Group						145451
3130 350601	LSTA Federal	\$	5,879,314	\$	5,879,314	145452

TOTAL FED Federal Special Revenue				145453	
Fund Group	\$	5,879,314	\$	5,879,314	145454
TOTAL ALL BUDGET FUND GROUPS	\$	21,608,551	\$	21,602,746	145455
OHIOANA RENTAL PAYMENTS				145456	
The foregoing appropriation item 350401, Ohioana Rental				145457	
Payments, shall be used to pay the rental expenses of the Martha				145458	
Kinney Cooper Ohioana Library Association under section 3375.61 of				145459	
the Revised Code.				145460	
REGIONAL LIBRARY SYSTEMS				145461	
The foregoing appropriation item 350502, Regional Library				145462	
Systems, shall be used to support regional library systems				145463	
eligible for funding under sections 3375.83 and 3375.90 of the				145464	
Revised Code.				145465	
OHIO PUBLIC LIBRARY INFORMATION NETWORK				145466	
(A) The foregoing appropriation item 350604, Ohio Public				145467	
Library Information Network, shall be used for an information				145468	
telecommunications network linking public libraries in the state				145469	
and such others as may participate in the Ohio Public Library				145470	
Information Network (OPLIN).				145471	
The Ohio Public Library Information Network Board of Trustees				145472	
created under section 3375.65 of the Revised Code may make				145473	
decisions regarding use of the foregoing appropriation item				145474	
350604, Ohio Public Library Information Network.				145475	
(B) Of the foregoing appropriation item 350604, Ohio Public				145476	
Library Information Network, up to \$81,000 in each fiscal year				145477	
shall be used to help local libraries use filters to screen out				145478	
obscene and illegal internet materials.				145479	
The OPLIN Board shall research and assist or advise local				145480	
libraries with regard to emerging technologies and methods that				145481	
may be effective means to control access to obscene and illegal				145482	

materials. The OPLIN Director shall provide written reports upon 145483
request within ten days to the Governor, the Speaker and Minority 145484
Leader of the House of Representatives, and the President and 145485
Minority Leader of the Senate on any steps being taken by OPLIN 145486
and public libraries in the state to limit and control such 145487
improper usage as well as information on technological, legal, and 145488
law enforcement trends nationally and internationally affecting 145489
this area of public access and service. 145490

(C) The Ohio Public Library Information Network, INFOhio, and 145491
OhioLINK shall, to the extent feasible, coordinate and cooperate 145492
in their purchase or other acquisition of the use of electronic 145493
databases for their respective users and shall contribute funds in 145494
an equitable manner to such effort. 145495

LIBRARY FOR THE BLIND 145496

The foregoing appropriation item 350605, Library for the 145497
Blind, shall be used for the statewide Talking Book Program to 145498
assist the blind and disabled. 145499

TRANSFER TO OPLIN TECHNOLOGY FUND 145500

Notwithstanding sections 5747.03 and 5747.47 of the Revised 145501
Code and any other provision of law to the contrary, in accordance 145502
with a schedule established by the Director of Budget and 145503
Management, the Director of Budget and Management shall transfer 145504
\$3,689,401 in cash in fiscal year 2012 and \$3,689,788 in cash in 145505
fiscal year 2013 from the Public Library Fund (Fund 7065) to the 145506
OPLIN Technology Fund (Fund 4S40). 145507

TRANSFER TO LIBRARY FOR THE BLIND FUND 145508

Notwithstanding sections 5747.03 and 5747.47 of the Revised 145509
Code and any other provision of law to the contrary, in accordance 145510
with a schedule established by the Director of Budget and 145511
Management, the Director of Budget and Management shall transfer 145512
\$1,274,194 cash in each fiscal year from the Public Library Fund 145513

(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 145514

Section 327.10. LCO LIQUOR CONTROL COMMISSION 145515

Liquor Control Fund Group 145516

7043 970321 Operating Expenses \$ 753,933 \$ 754,146 145517

TOTAL LCF Liquor Control Fund Group \$ 753,933 \$ 754,146 145518

TOTAL ALL BUDGET FUND GROUPS \$ 753,933 \$ 754,146 145519

Section 329.10. LOT STATE LOTTERY COMMISSION 145521

State Lottery Fund Group 145522

2310 950604 Charitable Gaming \$ 1,946,000 \$ 1,946,000 145523
Oversight

7044 950100 Personal Services \$ 26,000,000 \$ 26,000,000 145524

7044 950200 Maintenance \$ 13,558,000 \$ 13,266,150 145525

7044 950300 Equipment \$ 4,810,440 \$ 4,465,690 145526

7044 950402 Advertising Contracts \$ 21,756,000 \$ 21,756,000 145527

7044 950403 Gaming Contracts \$ 46,476,608 \$ 47,359,732 145528

7044 950500 Problem Gambling \$ 350,000 \$ 350,000 145529
Subsidy

7044 950601 Direct Prize Payments \$ 131,995,700 \$ 133,263,456 145530

8710 950602 Annuity Prizes \$ 77,206,258 \$ 77,641,283 145531

TOTAL SLF State Lottery Fund 145532

Group \$ 324,099,006 \$ 326,048,311 145533

TOTAL ALL BUDGET FUND GROUPS \$ 324,099,006 \$ 326,048,311 145534

OPERATING EXPENSES 145535

Notwithstanding sections 127.14 and 131.35 of the Revised 145536
Code, the Controlling Board may, at the request of the State 145537
Lottery Commission, authorize expenditures from the State Lottery 145538
Fund in excess of the amounts appropriated, up to a maximum of 15 145539
per cent of anticipated total revenue accruing from the sale of 145540
lottery tickets. Upon the approval of the Controlling Board, the 145541
additional amounts are hereby appropriated. 145542

DIRECT PRIZE PAYMENTS	145543
Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.	145544 145545 145546 145547
ANNUITY PRIZES	145548
Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.	145549 145550 145551 145552 145553 145554 145555
Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.	145556 145557 145558 145559
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	145560
The Director of Budget and Management shall transfer an amount greater than or equal to \$717,500,000 in fiscal year 2012 and \$680,500,000 in fiscal year 2013 from the State Lottery Fund to the Lottery Profits Education Fund (Fund 7017). Transfers from the State Lottery Fund to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2012 and fiscal year 2013. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.	145561 145562 145563 145564 145565 145566 145567 145568 145569
Section 331.10. MHC MANUFACTURED HOMES COMMISSION	145570
General Services Fund Group	145571
4K90 996609 Operating Expenses \$ 652,922 \$ 642,267	145572

TOTAL GSF General Services				145573
Fund Group	\$	652,922	\$ 642,267	145574
TOTAL ALL BUDGET FUND GROUPS	\$	652,922	\$ 642,267	145575

Section 333.10. MED STATE MEDICAL BOARD 145577

General Services Fund Group				145578
5C60 883609 Operating Expenses	\$	9,292,393	\$ 9,172,062	145579
TOTAL GSF General Services				145580
Fund Group	\$	9,292,393	\$ 9,172,062	145581
TOTAL ALL BUDGET FUND GROUPS	\$	9,292,393	\$ 9,172,062	145582

Section 335.10. AMB OHIO MEDICAL TRANSPORTATION BOARD 145584

General Services Fund Group				145585
4K90 915604 Operating Expenses	\$	493,641	\$ 493,856	145586
TOTAL GSF General Services				145587
Fund Group	\$	493,641	\$ 493,856	145588
TOTAL ALL BUDGET FUND GROUPS	\$	493,641	\$ 493,856	145589

Section 337.10. DMH DEPARTMENT OF MENTAL HEALTH 145591

General Revenue Fund				145592
GRF 332401 Forensic Services	\$	3,244,251	\$ 3,244,251	145593
GRF 333321 Central Administration	\$	16,000,000	\$ 16,000,000	145594
GRF 333402 Resident Trainees	\$	450,000	\$ 450,000	145595
GRF 333403 Pre-Admission Screening Expenses	\$	486,119	\$ 486,119	145596
GRF 333415 Lease-Rental Payments	\$	18,394,250	\$ 19,907,900	145597
GRF 333416 Research Program Evaluation	\$	421,724	\$ 421,998	145598
GRF 334412 Hospital Services	\$	194,918,888	\$ 192,051,209	145599
GRF 334506 Court Costs	\$	584,210	\$ 584,210	145600
GRF 335405 Family & Children	\$	1,386,000	\$ 1,386,000	145601

		First				
GRF	335419	Community Medication Subsidy	\$	8,963,818	\$	8,963,818 145602
GRF	335501	Mental Health Medicaid Match	\$	186,400,000	\$	0 145603
GRF	335505	Local Mental Health Systems of Care	\$	44,963,776	\$	54,087,955 145604
GRF	335506	Residential State Supplement	\$	4,702,875	\$	4,702,875 145605
TOTAL GRF		General Revenue Fund	\$	480,915,911	\$	302,286,335 145606
		General Services Fund Group				145607
1490	333609	Central Office Operating	\$	1,343,190	\$	1,343,190 145608
1490	334609	Hospital - Operating Expenses	\$	28,190,000	\$	28,190,000 145609
1500	334620	Special Education	\$	150,000	\$	150,000 145610
4P90	335604	Community Mental Health Projects	\$	4,061,100	\$	250,000 145611
1510	336601	Office of Support Services	\$	129,770,770	\$	129,779,822 145612
TOTAL GSF		General Services Fund Group	\$	163,515,060	\$	159,713,012 145613
		Federal Special Revenue Fund Group				145614
3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500 145615
3A60	333608	Community and Hospital Services	\$	140,000	\$	140,000 145616
3A70	333612	Social Services Block Grant	\$	50,000	\$	50,000 145617
3A80	333613	Federal Grant - Administration	\$	4,717,000	\$	4,717,000 145618
3A90	333614	Mental Health Block Grant -	\$	748,470	\$	748,470 145619

		Administration				
3B10	333635	Community Medicaid	\$	13,691,682	\$	13,691,682 145620
		Expansion				
3240	334605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000 145621
3A60	334608	Federal Miscellaneous	\$	200,000	\$	200,000 145622
3A80	334613	Federal Letter of	\$	200,000	\$	200,000 145623
		Credit				
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000 145624
3A70	335612	Social Services Block	\$	8,400,000	\$	8,400,000 145625
		Grant				
3A80	335613	Federal Grant -	\$	2,500,000	\$	2,500,000 145626
		Community Mental				
		Health Board Subsidy				
3A90	335614	Mental Health Block	\$	14,200,000	\$	14,200,000 145627
		Grant				
3B10	335635	Community Medicaid	\$	346,200,000	\$	0 145628
		Expansion				
TOTAL FED		Federal Special Revenue	\$	421,571,652	\$	75,371,652 145629
Fund Group						
State		Special Revenue Fund Group				145630
2320	333621	Family and Children	\$	448,286	\$	432,197 145631
		First Administration				
4850	333632	Mental Health	\$	134,233	\$	134,233 145632
		Operating				
4X50	333607	Behavioral Health	\$	3,000,624	\$	3,000,624 145633
		Medicaid Services				
5V20	333611	Non-Federal	\$	100,000	\$	100,000 145634
		Miscellaneous				
4850	334632	Mental Health	\$	2,477,500	\$	2,477,500 145635
		Operating				
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000 145636
6320	335616	Community Capital	\$	350,000	\$	350,000 145637
		Replacement				

TOTAL SSR State Special Revenue	\$	13,200,643	\$	13,184,554	145638
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,079,203,266	\$	550,555,553	145639

Section 337.10.10. FORENSIC SERVICES 145641

The foregoing appropriation item 332401, Forensic Services, 145642
shall be used to provide forensic psychiatric evaluations to 145643
courts of common pleas and to conduct evaluations of patients of 145644
forensic status in facilities operated or designated by the 145645
Department of Mental Health prior to conditional release to the 145646
community. A portion of this appropriation may be allocated 145647
through community mental health boards to certified community 145648
agencies in accordance with a distribution methodology as 145649
determined by the Director of Mental Health. 145650

In addition, appropriation item 332401, Forensic Services, 145651
may be used to provide forensic monitoring and tracking of 145652
individuals on conditional release and forensic training, and to 145653
support projects that assist courts and law enforcement to 145654
identify and develop appropriate alternative services to 145655
incarceration for nonviolent mentally ill offenders, and to 145656
provide specialized re-entry services to offenders leaving prisons 145657
and jails. 145658

Section 337.20.10. RESIDENCY TRAINEESHIP PROGRAMS 145659

The foregoing appropriation item 333402, Resident Trainees, 145660
shall be used to fund training agreements entered into by the 145661
Director of Mental Health for the development of curricula and the 145662
provision of training programs to support public mental health 145663
services. 145664

Section 337.20.20. PRE-ADMISSION SCREENING EXPENSES 145665

The foregoing appropriation item 333403, Pre-Admission 145666

Screening Expenses, shall be used to ensure that uniform statewide 145667
methods for pre-admission screening are in place for persons who 145668
have severe mental illness and are referred for long-term Medicaid 145669
certified nursing facility placement. Pre-admission screening 145670
includes the following activities: pre-admission assessment, 145671
consideration of continued stay requests, discharge planning and 145672
referral, and adjudication of appeals and grievance procedures. 145673

Section 337.20.30. LEASE-RENTAL PAYMENTS 145674

The foregoing appropriation item 333415, Lease-Rental 145675
Payments, shall be used to meet all payments at the times they are 145676
required to be made during the period from July 1, 2011, through 145677
June 30, 2013, by the Department of Mental Health under leases and 145678
agreements made under section 154.20 of the Revised Code. These 145679
appropriations are the source of funds pledged for bond service 145680
charges on obligations issued pursuant to Chapter 154. of the 145681
Revised Code. 145682

Section 337.20.50. HOSPITAL SERVICES 145683

The foregoing appropriation item 334412, Hospital Services, 145684
shall be used for the operation of the Department of Mental Health 145685
State Regional Psychiatric Hospitals, including, but not limited 145686
to, all aspects involving civil and forensic commitment, 145687
treatment, and discharge as determined by the Director of Mental 145688
Health. A portion of this appropriation may be used by the 145689
Department of Mental Health to create, purchase, or contract for 145690
the custody, supervision, control, and treatment of persons 145691
committed to the Department of Mental Health in other clinically 145692
appropriate environments, consistent with public safety. 145693

Section 337.20.60. FISCAL YEARS 2012 AND 2013 ALLOCATIONS OF 145694
STATE HOSPITAL FUNDS TO ADAMHS BOARDS 145695

(A) As used in this section: 145696

"Bed day" means a day for which a person receives inpatient 145697
hospitalization services in a state regional psychiatric hospital. 145698

"State regional psychiatric hospital" means a hospital that 145699
the Department of Mental Health maintains, operates, manages, and 145700
governs under section 5119.02 of the Revised Code for the care and 145701
treatment of mentally ill persons. 145702

(B) For fiscal years 2012 and 2013 and notwithstanding 145703
section 5119.62 of the Revised Code, the Director of Mental Health 145704
shall allocate a portion of the foregoing appropriation item 145705
334412, Hospital Services, to boards of alcohol, drug addiction, 145706
and mental health services. In consultation with the boards, the 145707
Director shall establish a methodology to be used in allocating 145708
the funds to boards. The allocation methodology shall include as 145709
factors at least the per diem cost of inpatient hospitalization 145710
services at state regional psychiatric hospitals and the estimated 145711
number of bed days that each board will incur in fiscal years 2012 145712
and 2013 in carrying out their duties under division (A)(11) of 145713
section 340.03 of the Revised Code. The Director may require each 145714
board to provide the Director with an estimate of the number of 145715
bed days the board will incur in fiscal years 2012 and 2013 for 145716
such purpose. 145717

(C) All of the following apply to the funds allocated to a 145718
board under this section: 145719

(1) Subject to divisions (C)(2) and (3) of this section, the 145720
board shall use the funds to pay for expenditures the board incurs 145721
in fiscal years 2012 and 2013 under division (A)(11) of section 145722
340.03 of the Revised Code in paying for inpatient hospitalization 145723
services provided by state regional psychiatric hospitals to 145724
persons involuntarily committed to the board pursuant to Chapter 145725
5122. of the Revised Code. 145726

(2) If the amount of the funds allocated to the board and used for the purpose specified in division (C)(1) of this section exceeds the amount that the board needs to pay for its expenditures identified in division (C)(1) of this section, the Director may permit the board to use the excess funds for the board's community mental health plan developed under division (A)(1)(c) of section 340.03 of the Revised Code.

(3) If the Director approves, the board may have a portion of the funds deposited into the Department of Mental Health Risk Fund.

(D) Notwithstanding the amendment by this act to section 5119.62 of the Revised Code, the Department of Mental Health Risk Fund shall continue to exist in the state treasury for the purpose of this section until it is no longer needed. In addition to the money that is in the fund on the effective date of this section, the fund shall consist of money deposited into it pursuant to division (C)(3) of this section and all the fund's investment earnings. Money in the fund shall be used in accordance with guidelines that the Director shall develop in consultation with representatives of the boards.

Section 337.30.20. COMMUNITY MEDICATION SUBSIDY

The foregoing appropriation item 335419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. This appropriation may be allocated to community mental health boards in accordance with a distribution methodology determined by the Director of Mental Health.

Section 337.30.30. MENTAL HEALTH MEDICAID MATCH

(A) As used in this section, "community mental health Medicaid services" means services provided under the component, or aspect of the component, of the Medicaid program that the Department of Mental Health administers pursuant to a contract entered into with the Department of Job and Family Services under section 5111.91 of the Revised Code.

(B) Subject to division (C) of this section, the foregoing appropriation item 335501, Mental Health Medicaid Match, shall be used by the Department of Mental Health to make payments for community mental health Medicaid services.

(C) For state fiscal year 2012, the Department shall allocate foregoing appropriation item 335501, Mental Health Medicaid Match, to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology the Department shall 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 145789
mental health Medicaid services that were provided before July 1, 145790
2011, and paid by the board. 145791

Section 337.30.40. LOCAL MENTAL HEALTH SYSTEMS OF CARE 145792

The foregoing appropriation item 335505, Local Mental Health 145793
Systems of Care, shall be used by community mental health boards 145794
to purchase mental health services permitted under Chapter 340. of 145795
the Revised Code. 145796

Section 337.30.50. RESIDENTIAL STATE SUPPLEMENT 145797

(A)(1) On July 1, 2011, the Residential State Supplement 145798
Program is transferred from the Department of Aging to the 145799
Department of Mental Health. The transferred program is thereupon 145800
and thereafter successor to, assumes the obligations of, and 145801
otherwise constitutes the continuation of the program as it was 145802
operated immediately prior to July 1, 2011. The transfer shall not 145803
affect persons receiving payments under the program on July 1, 145804
2011. 145805

(2) Any business of the program commenced but not completed 145806
before July 1, 2011 shall be completed by the Department of Mental 145807
Health. The business shall be completed in the same manner, and 145808
with the same effect, as if completed by the Department of Aging 145809
immediately prior to July 1, 2011. No validation, cure, right, 145810
privilege, remedy, obligation, or liability pertaining to the 145811
program is lost or impaired by reason of the program's transfer to 145812
the Department of Mental Health. Each such validation, cure, 145813
right, privilege, remedy, obligation, or liability shall be 145814
administered by the Department of Mental Health pursuant to 145815
sections 5119.69, 5119.691, and 5119.692 of the Revised Code. 145816

(3) All rules, orders, and determinations pertaining to the 145817
program as it was operated immediately prior to July 1, 2011 145818

continue in effect as rules, orders, and determinations of the 145819
Department of Mental Health until modified or rescinded by the 145820
Department of Mental Health. If necessary to ensure the integrity 145821
of the numbering system of the Administrative Code, the Director 145822
of the Legislative Service Commission shall renumber the rules to 145823
reflect the transfer of the Residential State Supplement Program 145824
from the Department of Aging to the Department of Mental Health. 145825

(4) Any action or proceeding that is related to the functions 145826
or duties of the Residential State Supplement Program pending on 145827
July 1, 2011 is not affected by the transfer of the program and 145828
shall be prosecuted or defended in the name of the Department of 145829
Mental Health. In all such actions and proceedings, the Department 145830
of Mental Health, on application to the court, shall be 145831
substituted as a party. 145832

(B) The foregoing appropriation item 335506, Residential 145833
State Supplement, may be used by the Department of Mental Health 145834
to provide training for adult care facilities serving residents 145835
with mental illness, to transfer cash to the Nursing Home 145836
Franchise Permit Fee Fund (Fund 5R20) used by the Department of 145837
Job and Family Services, and to make benefit payments to 145838
residential state supplement recipients. Under the Residential 145839
State Supplement Program, the amount used to determine whether a 145840
resident is eligible for payment, and for determining the amount 145841
per month the eligible resident will receive, shall be as follows: 145842

(1) \$927 for a residential care facility, as defined in 145843
section 3721.01 of the Revised Code; 145844

(2) \$927 for an adult group home, as defined in section 145845
5119.70 of the Revised Code; 145846

(3) \$824 for an adult foster home, as defined in section 145847
5119.692 of the Revised Code; 145848

(4) \$824 for an adult family home, as defined in section 145849

5119.70 of the Revised Code;	145850
(5) \$824 for a residential facility, as identified in	145851
division (C)(1)(c) of section 5119.69 of the Revised Code; and	145852
(6) \$618 for community mental health housing services, as	145853
identified in division (C)(1)(d) of section 5119.69 of the Revised	145854
Code.	145855
The Department of Mental Health shall reflect these amounts	145856
in any applicable rules the Department adopts under section	145857
5119.69 of the Revised Code.	145858
Section 337.30.60. BEHAVIORAL HEALTH MEDICAID SERVICES	145859
The Department of Mental Health shall administer specified	145860
Medicaid services as delegated by the Department of Job and Family	145861
Services in an interagency agreement. The foregoing appropriation	145862
item 333607, Behavioral Health Medicaid Services, may be used to	145863
make payments for free-standing psychiatric hospital inpatient	145864
services as defined in an interagency agreement with the	145865
Department of Job and Family Services.	145866
Section 337.30.70. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING	145867
POOL	145868
A county family and children first council may establish and	145869
operate a flexible funding pool in order to assure access to	145870
needed services by families, children, and older adults in need of	145871
protective services. The operation of the flexible funding pools	145872
shall be subject to the following restrictions:	145873
(A) The county council shall establish and operate the	145874
flexible funding pool in accordance with formal guidance issued by	145875
the Family and Children First Cabinet Council;	145876
(B) The county council shall produce an annual report on its	145877
use of the pooled funds. The annual report shall conform to a	145878

format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

Section 337.30.75. TRANSITION FOR CURRENTLY CERTIFIED ADULT FOSTER HOMES

On July 1, 2011, the certification of adult foster homes is transferred from the Department of Aging to the Department of Mental Health. A certification that was issued by the Director of Aging to an adult foster home under former section 175.36 of the Revised Code and that is current and valid on the effective date of section 5119.692 of the Revised Code, as enacted by this act, is deemed to be a certificate issued by the Director of Mental Health under those sections.

Any business regarding the certification of adult foster homes commenced but not completed before July 1, 2011 shall be completed by the Department of Mental Health. The business shall be completed in the same manner, and with the same effect, as if completed by the Department of Aging immediately prior to July 1, 2011.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's transfer of responsibility to the Department of Mental Health, from the Department of Aging, for the certification of adult foster homes.

Each such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the Department of Mental Health pursuant to section 5119.692 of the Revised Code.

All rules, orders, and determinations pertaining to the certification of adult foster homes as it was operated immediately prior to July 1, 2011 shall continue in effect as rules, orders, and determinations of the Department of Mental Health until modified or rescinded by the Department of Mental Health. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect the transfer of the certification of adult foster homes from the Department of Aging to the Department of Mental Health.

Any action or proceeding that is related to the functions or duties of the certification of adult foster homes pending on July 1, 2011 is not affected by the transfer of the certification and shall be prosecuted or defended in the name of the Department of Mental Health. In all such actions and proceedings, the Department of Mental Health, on application to the court, shall be substituted as a party.

Section 337.30.80. TRANSITION FOR CURRENTLY LICENSED ADULT CARE FACILITIES

On July 1, 2011, the licensing of adult care facilities is transferred from the Department of Health to the Department of Mental Health. A license that was issued by the Director of Health to an adult care facility under former Chapter 3722. of the Revised Code and that is current and valid on the effective date

of sections 5119.70 to 5119.88 of the Revised Code, as enacted by 145940
this act, is deemed to be a license issued by the Director of 145941
Mental Health under those sections. 145942

Any business regarding the licensing of adult care facilities 145943
commenced but not completed before July 1, 2011 shall be completed 145944
by the Department of Mental Health. The business shall be 145945
completed in the same manner, and with the same effect, as if 145946
completed by the Department of Health immediately prior to July 1, 145947
2011. 145948

No validation, cure, right, privilege, remedy, obligation, or 145949
liability is lost or impaired by reason of this act's transfer of 145950
responsibility to the Department of Mental Health, from the 145951
Department of Health, for the licensing of adult care facilities. 145952
Each such validation, cure, right, privilege, remedy, obligation, 145953
or liability shall be administered by the Department of Mental 145954
Health pursuant to sections 5119.70 to 5119.88 of the Revised 145955
Code. 145956

All rules, orders, and determinations pertaining to the 145957
licensing of adult care facilities as it was operated immediately 145958
prior to July 1, 2011 shall continue in effect as rules, orders, 145959
and determinations of the Department of Mental Health until 145960
modified or rescinded by the Department of Mental Health. If 145961
necessary to ensure the integrity of the numbering system of the 145962
Administrative Code, the Director of the Legislative Service 145963
Commission shall renumber the rules to reflect the transfer of the 145964
licensing of adult care facilities from the Department of Health 145965
to the Department of Mental Health. 145966

Any action or proceeding that is related to the functions or 145967
duties of the licensing of adult care facilities pending on July 145968
1, 2011 is not affected by the transfer of the licensing and shall 145969
be prosecuted or defended in the name of the Department of Mental 145970
Health. In all such actions and proceedings, the Department of 145971

Mental Health, on application to the court, shall be substituted 145972
as a party. 145973

Section 337.30.90. BEHAVIORAL HEALTH DOCUMENTATION REDUCTION 145974

(A) As used in this section: 145975

(1) "Community behavioral health services and programs" means 145976
both of the following: 145977

(a) Community mental health services certified by the 145978
Director of Mental Health under section 5119.611 of the Revised 145979
Code; 145980

(b) Alcohol and drug addiction programs certified by the 145981
Department of Alcohol and Drug Addiction Services under section 145982
3793.06 of the Revised Code. 145983

(2) "Residential facility" has the same meaning as in section 145984
5119.22 of the Revised Code. 145985

(B) Not later than December 31, 2011, the Directors of Mental 145986
Health and Alcohol and Drug Addiction Services, or their 145987
designees, shall, in consultation with persons interested in the 145988
issues of residential facilities and community behavioral health 145989
services and programs, do all of the following: 145990

(1) Identify areas of duplicative and unnecessary 145991
documentation requirements associated with licensing residential 145992
facilities and certifying community behavioral health services and 145993
programs; 145994

(2) Align the documentation standards of the Departments of 145995
Mental Health and Alcohol and Drug Addiction Services; 145996

(3) Streamline the Departments' standards regarding 145997
residential facilities and community behavioral health services 145998
and programs with federal standards; 145999

(4) Promote the integration of behavioral and physical health 146000

in residential facilities and community behavioral health services 146001
and programs. 146002

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 146003

General Revenue Fund 146004

GRF 149321 Operating Expenses \$ 423,588 \$ 408,990 146005

GRF 149501 Minority Health \$ 1,061,600 \$ 1,061,600 146006

Grants

GRF 149502 Lupus Program \$ 110,047 \$ 110,047 146007

TOTAL GRF General Revenue Fund \$ 1,595,235 \$ 1,580,637 146008

Federal Special Revenue Fund Group 146009

3J90 149602 Federal Grants \$ 140,000 \$ 140,000 146010

TOTAL FED Federal Special Revenue 146011

Fund Group \$ 140,000 \$ 140,000 146012

State Special Revenue Fund Group 146013

4C20 149601 Minority Health \$ 25,000 \$ 25,000 146014

Conference

TOTAL SSR State Special Revenue 146015

Fund Group \$ 25,000 \$ 25,000 146016

TOTAL ALL BUDGET FUND GROUPS \$ 1,760,235 \$ 1,745,637 146017

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR 146019

REGISTRATION BOARD 146020

General Services Fund Group 146021

4K90 865601 Operating Expenses \$ 331,841 \$ 324,292 146022

TOTAL GSF General Services 146023

Fund Group \$ 331,841 \$ 324,292 146024

TOTAL ALL BUDGET FUND GROUPS \$ 331,841 \$ 324,292 146025

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 146027

General Revenue Fund 146028

GRF	725401	Wildlife-GRF Central Support	\$	1,800,000	\$	1,800,000	146029
GRF	725413	Lease Rental Payments	\$	20,568,600	\$	19,734,700	146030
GRF	725456	Canal Lands	\$	135,000	\$	135,000	146031
GRF	725502	Soil and Water Districts	\$	2,900,000	\$	2,900,000	146032
GRF	725903	Natural Resources General Obligation Debt Service	\$	5,375,300	\$	25,209,100	146033
GRF	727321	Division of Forestry	\$	4,878,338	\$	4,880,000	146034
GRF	729321	Office of Information Technology	\$	194,118	\$	197,117	146035
GRF	730321	Division of Parks and Recreation	\$	30,000,000	\$	30,000,000	146036
GRF	736321	Division of Engineering	\$	3,024,459	\$	3,025,078	146037
GRF	737321	Division of Soil and Water Resources	\$	4,982,961	\$	4,983,356	146038
TOTAL GRF		General Revenue Fund	\$	73,858,776	\$	92,864,351	146039
		General Services Fund Group					146040
1550	725601	Departmental Projects	\$	3,365,651	\$	2,725,484	146041
1570	725651	Central Support Indirect	\$	5,854,167	\$	5,857,800	146042
2040	725687	Information Services	\$	4,659,276	\$	4,643,835	146043
2070	725690	Real Estate Services	\$	50,000	\$	50,000	146044
2230	725665	Law Enforcement Administration	\$	2,106,776	\$	2,126,432	146045
2270	725406	Parks Projects Personnel	\$	436,500	\$	436,500	146046
4300	725671	Canal Lands	\$	907,618	\$	907,879	146047
4D50	725618	Recycled Materials	\$	50,000	\$	50,000	146048
4S90	725622	NatureWorks Personnel	\$	400,358	\$	400,358	146049
4X80	725662	Water Resources	\$	138,011	\$	138,005	146050

		Council					
5100	725631	Maintenance -	\$	303,611	\$	303,611	146051
		State-owned					
		Residences					
5160	725620	Water Management	\$	2,541,565	\$	2,559,292	146052
6350	725664	Fountain Square	\$	3,544,623	\$	3,548,445	146053
		Facilities Management					
6970	725670	Submerged Lands	\$	836,162	\$	848,546	146054
TOTAL GSF General Services							146055
Fund Group			\$	25,194,318	\$	24,596,187	146056
Federal Special Revenue Fund Group							146057
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102	146058
		Grant					
3B30	725640	Federal Forest	\$	600,000	\$	600,000	146059
		Pass-Thru					
3B40	725641	Federal Flood	\$	600,000	\$	600,000	146060
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	21,007,667	\$	21,207,667	146061
		Mine Lands					
3B60	725653	Federal Land and	\$	1,150,000	\$	1,150,000	146062
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	3,200,000	\$	3,200,000	146063
		Regulatory					
3P10	725632	Geological Survey -	\$	692,401	\$	692,401	146064
		Federal					
3P20	725642	Oil and Gas-Federal	\$	234,509	\$	234,509	146065
3P30	725650	Coastal Management -	\$	3,290,633	\$	3,290,633	146066
		Federal					
3P40	725660	Federal - Soil and	\$	1,213,048	\$	1,209,957	146067
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	2,025,001	\$	2,025,001	146068
		Abatement/Treatment					

3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	146069
TOTAL FED Federal Special Revenue							146070
Fund Group			\$	36,121,361	\$	36,318,270	146071
State Special Revenue Fund Group							146072
4J20	725628	Injection Well Review	\$	130,899	\$	128,466	146073
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	146074
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	146075
5090	725602	State Forest	\$	7,891,747	\$	7,058,793	146076
5110	725646	Ohio Geological Mapping	\$	704,777	\$	705,130	146077
5120	725605	State Parks Operations	\$	32,284,117	\$	31,550,444	146078
5140	725606	Lake Erie Shoreline	\$	1,502,654	\$	1,505,983	146079
5180	725643	Oil and Gas Permit Fees	\$	5,821,970	\$	5,623,645	146080
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	146081
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	146082
5220	725656	Natural Areas and Preserves	\$	546,580	\$	546,639	146083
5260	725610	Strip Mining Administration Fee	\$	2,000,000	\$	2,000,000	146084
5270	725637	Surface Mining Administration	\$	1,940,977	\$	1,941,532	146085
5290	725639	Unreclaimed Land Fund	\$	2,004,180	\$	2,004,180	146086
5310	725648	Reclamation Forfeiture	\$	1,423,000	\$	1,423,000	146087
5320	725644	Litter Control and Recycling	\$	4,926,730	\$	4,911,575	146088
5860	725633	Scrap Tire Program	\$	1,497,645	\$	1,497,645	146089
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	146090
5BV0	725658	Heidelberg Water	\$	250,000	\$	250,000	146091

		Quality Lab					
5BV0	725683	Soil and Water	\$	8,000,000	\$	8,000,000	146092
		Districts					
5CU0	725647	Mine Safety	\$	3,000,000	\$	3,000,000	146093
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000	146094
		Enforcement					
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000	146095
		Preserves Law					
		Enforcement					
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	146096
		Enforcement					
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	146097
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500	146098
		Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	146099
6150	725661	Dam Safety	\$	925,344	\$	926,028	146100
TOTAL SSR		State Special Revenue					146101
Fund Group			\$	76,073,745	\$	74,296,185	146102
Clean Ohio Conservation Fund Group							146103
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775	146104
TOTAL CLF		Clean Ohio Conservation	\$	300,775	\$	300,775	146105
Fund Group							
Wildlife Fund Group							146106
5P20	725634	Wildlife Boater	\$	4,000,000	\$	4,000,000	146107
		Angler Administration					
7015	740401	Division of Wildlife	\$	52,721,044	\$	51,669,158	146108
		Conservation					
8150	725636	Cooperative	\$	120,449	\$	120,449	146109
		Management Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	146110
8170	725655	Wildlife Conservation	\$	3,240,000	\$	3,240,000	146111
		Checkoff Fund					

8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	146112
8190	725685	Ohio River Management	\$	128,584	\$	128,584	146113
TOTAL WLF Wildlife Fund Group			\$	62,676,962	\$	61,625,076	146114
Waterways Safety Fund Group							146115
7086	725414	Waterways Improvement	\$	5,692,601	\$	5,693,671	146116
7086	725418	Buoy Placement	\$	52,182	\$	52,182	146117
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	146118
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	146119
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	146120
7086	725693	Grand Lake St. Marys Mitigation	\$	4,000,000	\$	0	146121
7086	739401	Division of Watercraft	\$	18,040,593	\$	17,552,370	146122
TOTAL WSF Waterways Safety Fund Group			\$	28,848,172	\$	24,361,019	146123 146124
Accrued Leave Liability Fund Group							146125
4M80	725675	FOP Contract	\$	20,219	\$	20,219	146126
TOTAL ALF Accrued Leave Liability Fund Group			\$	20,219	\$	20,219	146127 146128
Holding Account Redistribution Fund Group							146129
R017	725659	Performance Cash Bond Refunds	\$	296,263	\$	296,263	146130
R043	725624	Forestry	\$	2,000,000	\$	2,154,750	146131
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,296,263	\$	2,451,013	146132 146133
TOTAL ALL BUDGET FUND GROUPS			\$	305,390,591	\$	316,833,095	146134
Section 343.20. CENTRAL SUPPORT INDIRECT							146136

With the exception of the Division of Wildlife, whose direct 146137
and indirect central support charges shall be paid out of the 146138
General Revenue Fund from the foregoing appropriation item 725401, 146139
Wildlife-GRF Central Support, the Department of Natural Resources, 146140
with approval of the Director of Budget and Management, shall 146141
utilize a methodology for determining each division's payments 146142
into the Central Support Indirect Fund (Fund 1570). The 146143
methodology used shall contain the characteristics of 146144
administrative ease and uniform application in compliance with 146145
federal grant requirements. It may include direct cost charges for 146146
specific services provided. Payments to Fund 1570 shall be made 146147
using an intrastate transfer voucher. 146148

Section 343.30. WELL LOG FILING FEES 146149

The Chief of the Division of Soil and Water Resources shall 146150
deposit fees forwarded to the Division pursuant to section 1521.05 146151
of the Revised Code into the Departmental Services - Intrastate 146152
Fund (Fund 1550) for the purposes described in that section. 146153

Section 343.40. LEASE RENTAL PAYMENTS 146154

The foregoing appropriation item 725413, Lease Rental 146155
Payments, shall be used to meet all payments at the times they are 146156
required to be made during the period from July 1, 2011, through 146157
June 30, 2013, by the Department of Natural Resources pursuant to 146158
leases and agreements made under section 154.22 of the Revised 146159
Code. These appropriations are the source of funds pledged for 146160
bond service charges or obligations issued pursuant to Chapter 146161
154. of the Revised Code. 146162

CANAL LANDS 146163

The foregoing appropriation item 725456, Canal Lands, shall 146164
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 146165
provide operating expenses for the State Canal Lands Program. The 146166

transfer shall be made using an intrastate transfer voucher and 146167
shall be subject to the approval of the Director of Budget and 146168
Management. 146169

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 146170

The foregoing appropriation item 725903, Natural Resources 146171
General Obligation Debt Service, shall be used to pay all debt 146172
service and related financing costs during the period July 1, 146173
2011, through June 30, 2013, on obligations issued under sections 146174
151.01 and 151.05 of the Revised Code. 146175

Section 343.40.10. LAW ENFORCEMENT ADMINISTRATION 146176

The foregoing appropriation item 725665, Law Enforcement 146177
Administration, shall be used to cover the cost of support, 146178
coordination, and oversight of the Department of Natural 146179
Resources' law enforcement functions. The Law Enforcement 146180
Administration Fund (Fund 2230) shall consist of cash transferred 146181
to it via intrastate transfer voucher from other funds as 146182
determined by the Director of Natural Resources and the Director 146183
of Budget and Management. 146184

Section 343.40.20. FOUNTAIN SQUARE 146185

The foregoing appropriation item 725664, Fountain Square 146186
Facilities Management, shall be used for payment of repairs, 146187
renovation, utilities, property management, and building 146188
maintenance expenses for the Fountain Square complex. Cash 146189
transferred by intrastate transfer vouchers from various 146190
department funds and rental income received by the Department of 146191
Natural Resources shall be deposited into the Fountain Square 146192
Facilities Management Fund (Fund 6350). 146193

Section 343.40.30. SOIL AND WATER DISTRICTS 146194

In addition to state payments to soil and water conservation 146195

districts authorized by section 1515.10 of the Revised Code, the 146196
Department of Natural Resources may use appropriation item 725683, 146197
Soil and Water Districts, to pay any soil and water conservation 146198
district an annual amount not to exceed \$40,000, upon receipt of a 146199
request and justification from the district and approval by the 146200
Ohio Soil and Water Conservation Commission. The county auditor 146201
shall credit the payments to the special fund established under 146202
section 1515.10 of the Revised Code for the local soil and water 146203
conservation district. Moneys received by each district shall be 146204
expended for the purposes of the district. 146205

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION OPERATIONS 146206

During fiscal years 2012 and 2013, the Director of Budget and 146207
Management may, in consultation with the Director of Natural 146208
Resources, transfer such cash as necessary from the General 146209
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) for handling 146210
the increased regulatory work related to the expansion of oil and 146211
gas drilling that will occur before receipts from this activity 146212
are deposited into Fund 5180. Once funds from severance taxes, 146213
application and permitting fees, and other sources have accrued to 146214
Fund 5180 in such amounts as are deemed sufficient to sustain 146215
expanded operations, the Director of Budget and Management, in 146216
consultation with the Director of Natural Resources, shall 146217
establish a schedule for repaying the transferred funds from Fund 146218
5180 to the General Revenue Fund. 146219

OIL AND GAS WELL PLUGGING 146220

The foregoing appropriation item 725677, Oil and Gas Well 146221
Plugging, shall be used exclusively for the purposes of plugging 146222
wells and to properly restore the land surface of idle and orphan 146223
oil and gas wells pursuant to section 1509.071 of the Revised 146224
Code. No funds from the appropriation item shall be used for 146225
salaries, maintenance, equipment, or other administrative 146226
purposes, except for those costs directly attributed to the 146227

plugging of an idle or orphan well. This appropriation item shall 146228
not be used to transfer cash to any other fund or appropriation 146229
item. 146230

LITTER CONTROL AND RECYCLING 146231

Of the foregoing appropriation item 725644, Litter Control 146232
and Recycling, up to \$1,500,000 may be used in each fiscal year 146233
for the administration of the Recycling and Litter Prevention 146234
Program. 146235

Section 343.40.40. CLEAN OHIO OPERATING EXPENSES 146236

The foregoing appropriation item 725405, Clean Ohio 146237
Operating, shall be used by the Department of Natural Resources in 146238
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 146239
to section 1519.05 of the Revised Code. 146240

Section 343.40.50. WATERCRAFT MARINE PATROL 146241

Of the foregoing appropriation item 739401, Division of 146242
Watercraft, up to \$200,000 in each fiscal year shall be expended 146243
for the purchase of equipment for marine patrols qualifying for 146244
funding from the Department of Natural Resources pursuant to 146245
section 1547.67 of the Revised Code. Proposals for equipment shall 146246
accompany the submission of documentation for receipt of a marine 146247
patrol subsidy pursuant to section 1547.67 of the Revised Code and 146248
shall be loaned to eligible marine patrols pursuant to a 146249
cooperative agreement between the Department of Natural Resources 146250
and the eligible marine patrol. 146251

Section 343.40.60. TRANSFER FOR GRAND LAKE ST. MARYS 146252
MITIGATION 146253

On July 1, 2011, or as soon as possible thereafter, the 146254
Director of Natural Resources may request the Director of Budget 146255
and Management to transfer up to \$4,000,000 in cash from the 146256

Watercraft Revolving Loan Fund (Fund 5AW0) to the Waterways Safety 146257
Fund (Fund 7086) to support toxic algae mitigation activities at 146258
Grand Lake St. Marys State Park. The amount transferred is hereby 146259
appropriated to appropriation item 725693, Grand Lake St. Marys 146260
Mitigation. 146261

Section 343.50. PARKS CAPITAL EXPENSES FUND 146262

The Director of Natural Resources shall submit to the 146263
Director of Budget and Management the estimated design, 146264
engineering, and planning costs of capital-related work to be done 146265
by Department of Natural Resources staff for parks projects within 146266
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 146267
Director of Budget and Management approves the estimated costs, 146268
the Director may release appropriations from appropriation item 146269
C725E6, Project Planning, Fund 7035, for those purposes. Upon 146270
release of the appropriations, the Department of Natural Resources 146271
shall pay for these expenses from the Parks Capital Expenses Fund 146272
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 146273
Fund 7035 using an intrastate transfer voucher. 146274

NATUREWORKS CAPITAL EXPENSES FUND 146275

The Department of Natural Resources shall periodically 146276
prepare and submit to the Director of Budget and Management the 146277
estimated design, planning, and engineering costs of 146278
capital-related work to be done by Department of Natural Resources 146279
staff for each capital improvement project within the Ohio Parks 146280
and Natural Resources Fund (Fund 7031). If the Director of Budget 146281
and Management approves the estimated costs, the Director may 146282
release appropriations from appropriation item C725E5, Project 146283
Planning, in Fund 7031, for those purposes. Upon release of the 146284
appropriations, the Department of Natural Resources shall pay for 146285
these expenses from the Capital Expenses Fund (Fund 4S90). 146286
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 146287

using an intrastate transfer voucher. 146288

Section 345.10. NUR STATE BOARD OF NURSING 146289

General Services Fund Group 146290

4K90 884609 Operating Expenses \$ 6,943,322 \$ 6,680,896 146291

5AC0 884602 Nurse Education Grant \$ 1,373,506 \$ 1,373,506 146292
Program

5P80 884601 Nursing Special \$ 5,000 \$ 5,000 146293
Issues

TOTAL GSF General Services 146294

Fund Group \$ 8,321,828 \$ 8,059,402 146295

TOTAL ALL BUDGET FUND GROUPS \$ 8,321,828 \$ 8,059,402 146296

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 146298

AND ATHLETIC TRAINERS BOARD 146299

General Services Fund Group 146300

4K90 890609 Operating Expenses \$ 874,087 \$ 866,169 146301

TOTAL GSF General Services Fund \$ 874,087 \$ 866,169 146302

Group

TOTAL ALL BUDGET FUND GROUPS \$ 874,087 \$ 866,169 146303

Section 349.10. OLA OHIOANA LIBRARY ASSOCIATION 146305

General Revenue Fund 146306

GRF 355501 Library Subsidy \$ 120,000 \$ 120,000 146307

TOTAL GRF General Revenue Fund \$ 120,000 \$ 120,000 146308

TOTAL ALL BUDGET FUND GROUPS \$ 120,000 \$ 120,000 146309

Section 351.10. ODB OHIO OPTICAL DISPENSERS BOARD 146311

General Services Fund Group 146312

4K90 894609 Operating Expenses \$ 357,039 \$ 347,300 146313

TOTAL GSF General Services 146314

Fund Group \$ 357,039 \$ 347,300 146315

TOTAL ALL BUDGET FUND GROUPS	\$	357,039	\$	347,300	146316
Section 353.10. OPT STATE BOARD OF OPTOMETRY					146318
General Services Fund Group					146319
4K90 885609 Operating Expenses	\$	356,914	\$	347,278	146320
TOTAL GSF General Services					146321
Fund Group	\$	356,914	\$	347,278	146322
TOTAL ALL BUDGET FUND GROUPS	\$	356,914	\$	347,278	146323
Section 355.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					146325 146326
General Services Fund Group					146327
4K90 973609 Operating Expenses	\$	126,340	\$	114,218	146328
TOTAL GSF General Services					146329
Fund Group	\$	126,340	\$	114,218	146330
TOTAL ALL BUDGET FUND GROUPS	\$	126,340	\$	114,218	146331
Section 357.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD					146332 146333
Agency Fund Group					146334
6910 810632 PUSTRCB Staff	\$	1,162,179	\$	1,123,014	146335
TOTAL AGY Agency Fund Group	\$	1,162,179	\$	1,123,014	146336
TOTAL ALL BUDGET FUND GROUPS	\$	1,162,179	\$	1,123,014	146337
Section 359.10. PRX STATE BOARD OF PHARMACY					146339
General Services Fund Group					146340
4A50 887605 Drug Law Enforcement	\$	150,000	\$	150,000	146341
4K90 887609 Operating Expenses	\$	6,608,498	\$	6,701,285	146342
TOTAL GSF General Services Fund	\$	6,758,498	\$	6,851,285	146343
Group					
Federal Special Revenue Fund Group					146344
3CT0 887606 2008	\$	70,775	\$	0	146345

		Developing/Enhancing					
		PMP					
3DV0	887607	Enhancing Ohio's PMP	\$	169,888	\$	2,379	146346
3EY0	887603	Administration of	\$	320,637	\$	66,335	146347
		PMIX Hub					
3EZ0	887610	NASPER 10	\$	164,459		27,710	146348
TOTAL FED		Federal Special Revenue	\$	725,759	\$	96,424	146349
		Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	7,484,257	\$	6,947,709	146350
		Section 361.10. PSY STATE BOARD OF PSYCHOLOGY					146352
		General Services Fund Group					146353
4K90	882609	Operating Expenses	\$	525,394	\$	535,406	146354
TOTAL GSF		General Services					146355
		Fund Group	\$	525,394	\$	535,406	146356
TOTAL ALL BUDGET FUND GROUPS			\$	525,394	\$	535,406	146357
		Section 363.10. PUB OHIO PUBLIC DEFENDER COMMISSION					146359
		General Revenue Fund					146360
GRF	019401	State Legal Defense	\$	2,610,272	\$	3,020,855	146361
		Services					
GRF	019403	Multi-County: State	\$	338,931	\$	406,626	146362
		Share					
GRF	019404	Trumbull County -	\$	99,321	\$	119,158	146363
		State Share					
GRF	019405	Training Account	\$	50,000	\$	50,000	146364
GRF	019501	County Reimbursement	\$	2,565,398	\$	3,077,786	146365
TOTAL GRF		General Revenue Fund	\$	5,663,922	\$	6,674,425	146366
		General Services Fund Group					146367
4070	019604	County Representation	\$	231,076	\$	231,754	146368
4080	019605	Client Payments	\$	1,052,919	\$	953,492	146369
5CX0	019617	Civil Case Filing Fee	\$	708,654	\$	705,713	146370

TOTAL GSF General Services				146371
Fund Group	\$	1,992,649	\$ 1,890,959	146372
Federal Special Revenue Fund Group				146373
3S80 019608 Federal	\$	341,733	\$ 263,431	146374
Representation				
TOTAL FED Federal Special Revenue				146375
Fund Group	\$	341,733	\$ 263,431	146376
State Special Revenue Fund Group				146377
4C70 019601 Multi-County: County	\$	3,324,009	\$ 3,333,014	146378
Share				
4N90 019613 Gifts and Grants	\$	35,000	\$ 35,000	146379
4X70 019610 Trumbull County -	\$	974,069	\$ 976,612	146380
County Share				
5740 019606 Civil Legal Aid	\$	24,000,000	\$ 27,000,000	146381
5DY0 019618 Indigent Defense	\$	42,195,000	\$ 43,125,000	146382
Support - County				
Share				
5DY0 019619 Indigent Defense	\$	6,521,723	\$ 6,096,759	146383
Support Fund - State				
Office				
TOTAL SSR State Special Revenue				146384
Fund Group	\$	77,049,801	\$ 80,566,385	146385
TOTAL ALL BUDGET FUND GROUPS	\$	85,048,105	\$ 89,395,200	146386
INDIGENT DEFENSE OFFICE				146387
The foregoing appropriation items 019404, Trumbull County -				146388
State Share, and 019610, Trumbull County - County Share, shall be				146389
used to support an indigent defense office for Trumbull County.				146390
MULTI-COUNTY OFFICE				146391
The foregoing appropriation items 019403, Multi-County: State				146392
Share, and 019601, Multi-County: County Share, shall be used to				146393
support the Office of the Ohio Public Defender's Multi-County				146394

Branch Office Program.					146395
TRAINING ACCOUNT					146396
The foregoing appropriation item 019405, Training Account,					146397
shall be used by the Ohio Public Defender to provide legal					146398
training programs at no cost for private appointed counsel who					146399
represent at least one indigent defendant at no cost and for state					146400
and county public defenders and attorneys who contract with the					146401
Ohio Public Defender to provide indigent defense services.					146402
FEDERAL REPRESENTATION					146403
The foregoing appropriation item 019608, Federal					146404
Representation, shall be used to receive reimbursements from the					146405
federal courts when the Ohio Public Defender provides					146406
representation in federal court cases and to support					146407
representation in such cases.					146408
Section 365.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					146409
General Services Fund Group					146410
5F60 870622 Utility and Railroad	\$	30,637,234	\$	31,638,708	146411
Regulation					
5F60 870624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	146412
5F60 870625 Motor Transportation	\$	4,976,641	\$	5,971,218	146413
Regulation					
5Q50 870626 Telecommunications	\$	5,000,000	\$	5,000,000	146414
Relay Service					
TOTAL GSF General Services					146415
Fund Group	\$	40,771,875	\$	42,767,926	146416
Federal Special Revenue Fund Group					146417
3330 870601 Gas Pipeline Safety	\$	597,959	\$	597,959	146418
3500 870608 Motor Carrier Safety	\$	7,351,660	\$	7,351,660	146419
3CU0 870627 Electric Market	\$	91,183	\$	0	146420
Modeling					

3EA0	870630	Energy Assurance Planning	\$	384,000	\$	384,000	146421
3ED0	870631	State Regulators Assistance	\$	231,824	\$	231,824	146422
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	146423
TOTAL FED Federal Special Revenue							146424
Fund Group			\$	8,756,626	\$	8,665,443	146425
State Special Revenue Fund Group							146426
4A30	870614	Grade Crossing Protection Devices-State	\$	1,347,357	\$	1,347,357	146427
4L80	870617	Pipeline Safety-State	\$	181,992	\$	181,992	146428
4S60	870618	Hazardous Material Registration	\$	450,395	\$	450,395	146429
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346	146430
4U80	870620	Civil Forfeitures	\$	277,347	\$	277,496	146431
5590	870605	Public Utilities Territorial Administration	\$	3,880	\$	3,880	146432
5600	870607	Special Assessment	\$	97,000	\$	97,000	146433
5610	870606	Power Siting Board	\$	631,508	\$	631,618	146434
5BP0	870623	Wireless 9-1-1 Administration	\$	36,440,000	\$	18,220,000	146435
5HD0	870629	Radioactive Waste Transportation	\$	98,800	\$	98,800	146436
6380	870611	Biofuels/Municipal Waste Technology	\$	570	\$	0	146437
6610	870612	Hazardous Materials Transportation	\$	898,800	\$	898,800	146438

TOTAL SSR State Special Revenue				146439
Fund Group		\$ 40,800,995	\$ 22,580,684	146440
TOTAL ALL BUDGET FUND GROUPS		\$ 90,329,496	\$ 74,014,053	146441
COMMUNITY-VOICEMAIL SERVICE PILOT PROGRAM				146442
The Community-voicemail Service Pilot Program assessments				146443
authorized by Section 6 of Sub. S.B. 162 of the 128th General				146444
Assembly shall cease. These assessments shall be refunded without				146445
interest to those assessed under the program by the Public				146446
Utilities Commission within 60 days of the effective date of this				146447
section.				146448
Section 367.10. PWC PUBLIC WORKS COMMISSION				146449
General Revenue Fund				146450
GRF 150904 Conservation General		\$ 21,953,000	\$ 29,297,300	146451
Obligation Debt				
Service				
GRF 150907 State Capital		\$ 106,770,600	\$ 215,571,100	146452
Improvements				
General Obligation				146453
Debt Service				
TOTAL GRF General Revenue Fund		\$ 128,723,600	\$ 244,868,400	146454
Clean Ohio Conservation Fund Group				146455
7056 150403 Clean Ohio Operating		\$ 300,000	\$ 288,980	146456
Expenses				
TOTAL 056 Clean Ohio Conservation		\$ 300,000	\$ 288,980	146457
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 129,023,600	\$ 245,157,380	146458
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				146459
The foregoing appropriation item 150904, Conservation General				146460
Obligation Debt Service, shall be used to pay all debt service and				146461
related financing costs during the period from July 1, 2011,				146462

through June 30, 2013, at the times they are required to be made 146463
for obligations issued under sections 151.01 and 151.09 of the 146464
Revised Code. 146465

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 146466

The foregoing appropriation item 150907, State Capital 146467
Improvements General Obligation Debt Service, shall be used to pay 146468
all debt service and related financing costs during the period 146469
from July 1, 2011, through June 30, 2013, at the times they are 146470
required to be made for obligations issued under sections 151.01 146471
and 151.08 of the Revised Code. 146472

CLEAN OHIO OPERATING EXPENSES 146473

The foregoing appropriation item 150403, Clean Ohio Operating 146474
Expenses, shall be used by the Ohio Public Works Commission in 146475
administering Clean Ohio Conservation Fund (Fund 7056) projects 146476
pursuant to sections 164.20 to 164.27 of the Revised Code. 146477

REIMBURSEMENT TO THE GENERAL REVENUE FUND 146478

(A) On or before July 15, 2013, the Director of the Public 146479
Works Commission shall certify to the Director of Budget and 146480
Management the following: 146481

(1) The total amount disbursed from appropriation item 146482
700409, Farmland Preservation, during the FY 2012-FY 2013 146483
biennium; and 146484

(2) The amount of interest earnings that have been credited 146485
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 146486
of the amount needed for other purposes as calculated by the 146487
Director of the Public Works Commission. 146488

(B) If the Director of Budget and Management determines under 146489
division (A)(2) of this section that there are excess interest 146490
earnings, the Director of Budget and Management shall, on or 146491
before July 15, 2013, transfer the excess interest earnings to the 146492

General Revenue Fund in an amount equal to the total amount 146493
disbursed under division (A)(1) of this section from the Clean 146494
Ohio Conservation Fund (Fund 7056). 146495

Section 369.10. RAC STATE RACING COMMISSION 146496

State Special Revenue Fund Group 146497

5620 875601 Thoroughbred Race \$ 1,796,328 \$ 1,696,456 146498
Fund

5630 875602 Standardbred \$ 1,697,418 \$ 1,697,452 146499
Development Fund

5640 875603 Quarter Horse \$ 1,000 \$ 1,000 146500
Development Fund

5650 875604 Racing Commission \$ 3,095,331 \$ 2,934,178 146501
Operating

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 146502
Racing Purse

TOTAL SSR State Special Revenue 146503

Fund Group \$ 18,590,078 \$ 18,329,087 146504

Holding Account Redistribution Fund Group 146505

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 146506

TOTAL 090 Holding Account 146507

Redistribution

Fund Group \$ 100,000 \$ 100,000 146508

TOTAL ALL BUDGET FUND GROUPS \$ 18,690,078 \$ 18,429,087 146509

Section 371.10. BOR BOARD OF REGENTS 146511

General Revenue Fund 146512

GRF 235321 Operating Expenses \$ 2,300,000 \$ 2,300,000 146513

GRF 235401 Lease Rental Payments \$ 83,151,600 \$ 57,634,400 146514

GRF 235402 Sea Grants \$ 285,000 \$ 285,000 146515

GRF 235406 Articulation and \$ 2,000,000 \$ 2,000,000 146516
Transfer

GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	146517
GRF 235409	Information System	\$	800,000	\$	800,000	146518
GRF 235414	State Grants and Scholarship Administration	\$	1,230,000	\$	1,230,000	146519
GRF 235417	Ohio Learning Network	\$	2,532,688	\$	2,532,688	146520
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	146521
GRF 235433	Economic Growth Challenge	\$	440,000	\$	440,000	146522
GRF 235438	Choose Ohio First Scholarship	\$	15,750,085	\$	15,750,085	146523
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$	7,302,416	146524
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,317,547	\$	15,317,547	146525
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	146526
GRF 235501	State Share of Instruction	\$	1,735,530,031	\$	1,751,225,497	146527
GRF 235502	Student Support Services	\$	632,974	\$	632,974	146528
GRF 235504	War Orphans Scholarships	\$	4,787,833	\$	4,787,833	146529
GRF 235507	OhioLINK	\$	6,100,000	\$	6,100,000	146530
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	146531
GRF 235510	Ohio Supercomputer Center	\$	3,347,418	\$	3,347,418	146532

GRF 235511	Cooperative Extension Service	\$	22,220,910	\$	22,220,910	146533
GRF 235514	Central State Supplement	\$	11,503,651	\$	10,928,468	146534
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	146535
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	146536
GRF 235520	Shawnee State Supplement	\$	2,448,523	\$	2,326,097	146537
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	146538
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	146539
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	146540
GRF 235535	Ohio Agricultural Research and Development Center	\$	33,100,000	\$	33,100,000	146541
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	146542
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	146543
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	146544
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	146545
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	146546
GRF 235541	Northeast Ohio Medical University Clinical	\$	2,994,178	\$	2,994,178	146547

	Teaching				
GRF 235552	Capital Component	\$	20,638,274	\$	20,638,274 146548
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342 146549
GRF 235556	Ohio Academic	\$	3,172,519	\$	3,172,519 146550
	Resources Network				
GRF 235558	Long-term Care	\$	195,300	\$	195,300 146551
	Research				
GRF 235563	Ohio College	\$	80,284,265	\$	80,284,265 146552
	Opportunity Grant				
GRF 235572	The Ohio State	\$	766,533	\$	766,533 146553
	University Clinic				
	Support				
GRF 235599	National Guard	\$	16,912,271	\$	16,912,271 146554
	Scholarship Program				
GRF 235909	Higher Education	\$	108,262,500	\$	201,555,000 146555
	General Obligation				
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,226,105,156	\$	2,308,878,313 146556
	General Services Fund Group				146557
2200 235614	Program Approval and	\$	1,311,567	\$	1,457,959 146558
	Reauthorization				
4560 235603	Sales and Services	\$	199,250	\$	199,250 146559
5JC0 235649	Co-op Internship	\$	14,000,000		14,000,000 146560
	Program				
5JC0 235667	Ohio College	\$	6,000,000	\$	6,000,000 146561
	Opportunity				
	Grant-Proprietary				
5JC0 235668	Air Force Institute	\$	4,000,000	\$	4,000,000 146562
	of Technology -				
	Defense/Aerospace				
	Graduate Studies				
	Institute				
TOTAL GSF	General Services				146563

Fund Group		\$	25,510,817	\$	25,657,209	146564
Federal Special Revenue Fund Group						146565
3120 235609	Tech Prep	\$	183,850	\$	183,850	146566
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000	146567
3120 235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	146568
3120 235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	146569
3120 235641	Adult Basic and Literacy Education - Federal	\$	14,835,671	\$	14,835,671	146570
3120 235659	Race to the Top Scholarship Program	\$	2,400,000	\$	3,780,000	146571
3120 235660	Race to the Top Educator Preparation Reform Initiative	\$	448,000	\$	1,120,000	146572
3120 235661	Americorps Grant	\$	260,000	\$	260,000	146573
3H20 235608	Human Services Project	\$	3,500,000	\$	3,500,000	146574
3N60 235638	College Access Challenge Grant	\$	4,381,431	\$	4,381,431	146575
TOTAL FED	Federal Special Revenue					146576
Fund Group		\$	34,021,913	\$	36,073,913	146577
State Special Revenue Fund Group						146578
4E80 235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	146579
5FR0 235640	Joyce Foundation Grant	\$	919,719	\$	919,719	146580
5FR0 235647	Developmental Education Initiatives	\$	135,000	\$	135,000	146581
5FR0 235657	Win-Win Grant	\$	37,000	\$	15,000	146582

5P30	235663	Variable Savings Plan	\$	8,946,994	\$	9,072,136	146583
6450	235664	Guaranteed Savings Plan	\$	900,293	\$	907,514	146584
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	146585
TOTAL SSR State Special Revenue							146586
Fund Group							
			\$	11,859,426	\$	11,969,789	146587
Third Frontier Research & Development Fund Group							146588
7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	146589
Third Frontier Fund							
TOTAL 011 Third Frontier Research & Development Fund Group							146590
TOTAL ALL BUDGET FUND GROUPS							
			\$	2,305,497,312	\$	2,390,579,224	146591

Section 371.10.10. LEASE RENTAL PAYMENTS 146593

The foregoing appropriation item 235401, Lease Rental 146594
Payments, shall be used to meet all payments at the times they are 146595
required to be made during the period from July 1, 2011, through 146596
June 30, 2013, by the Chancellor of the Board of Regents under 146597
leases and agreements made under section 154.21 of the Revised 146598
Code. These appropriations are the source of funds pledged for 146599
bond service charges or obligations issued pursuant to Chapter 146600
154. of the Revised Code. 146601

Section 371.10.20. SEA GRANTS 146602

The foregoing appropriation item 235402, Sea Grants, shall be 146603
used as required matching Funds by The Ohio State University's Sea 146604
Grant program to enhance the economic value, public utilization, 146605
and responsible management of Lake Erie and Ohio's coastal 146606
resources. 146607

Section 371.10.30. ARTICULATION AND TRANSFER 146608

The foregoing appropriation item 235406, Articulation and 146609

Transfer, shall be used by the Chancellor of the Board of Regents 146610
to maintain and expand the work of the Articulation and Transfer 146611
Council to develop a system of transfer policies to ensure that 146612
students at state institutions of higher education can transfer 146613
and have coursework apply to their majors and degrees at any other 146614
state institution of higher education without unnecessary 146615
duplication or institutional barriers under sections 3333.16, 146616
3333.161, and 3333.162 of the Revised Code. 146617

Section 371.10.40. MIDWEST HIGHER EDUCATION COMPACT 146618

The foregoing appropriation item 235408, Midwest Higher 146619
Education Compact, shall be distributed by the Chancellor of the 146620
Board of Regents under section 3333.40 of the Revised Code. 146621

Section 371.10.50. INFORMATION SYSTEM 146622

The foregoing appropriation item 235409, Information System, 146623
shall be used by the Chancellor of the Board of Regents to support 146624
the development and implementation of information technology 146625
solutions designed to improve the performance and services of the 146626
Chancellor of the Board of Regents and the University System of 146627
Ohio. Information technology solutions shall be provided by the 146628
Ohio Academic Research Network (OARnet). 146629

Section 371.10.60. STATE GRANTS AND SCHOLARSHIP 146630
ADMINISTRATION 146631

The foregoing appropriation item 235414, State Grants and 146632
Scholarship Administration, shall be used by the Chancellor of the 146633
Board of Regents to administer the following student financial aid 146634
programs: Ohio College Opportunity Grant, Ohio War Orphans' 146635
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 146636
Officers College Memorial Fund, and any other student financial 146637
aid programs created by the General Assembly. The appropriation 146638

item also shall be used to support all state financial aid audits 146639
and student financial aid programs created by Congress, and to 146640
provide fiscal services for the Ohio National Guard Scholarship 146641
Program. 146642

Section 371.10.70. OHIO LEARNING NETWORK 146643

The foregoing appropriation item 235417, Ohio Learning 146644
Network, shall be used by the Chancellor of the Board of Regents 146645
to support the continued implementation of the Ohio Learning 146646
Network, a consortium organized under division (U) of section 146647
3333.04 of the Revised Code to expand access to dual enrollment 146648
opportunities for high school students, as well as adult and 146649
higher education opportunities through technology. The funds shall 146650
be used by the Ohio Learning Network to develop and promote 146651
learning and assessment through the use of technology, to test and 146652
provide advice on emerging learning-directed technologies, and to 146653
facilitate cost-effectiveness through shared educational 146654
technology investments. 146655

Of the foregoing appropriation item 235417, Ohio Learning 146656
Network, up to \$250,000 in each fiscal year shall be used by the 146657
Chancellor of the Board of Regents to fund staff support and 146658
operations of the Ohio Digital Learning Task Force established in 146659
Section 371.60.80 of this act. 146660

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 146661

The foregoing appropriation item 235428, Appalachian New 146662
Economy Partnership, shall be distributed to Ohio University to 146663
continue a multi-campus and multi-agency coordinated effort to 146664
link Appalachia to the new economy. Ohio University shall use 146665
these funds to provide leadership in the development and 146666
implementation of initiatives in the areas of entrepreneurship, 146667
management, education, and technology. 146668

Section 371.10.90. ECONOMIC GROWTH CHALLENGE 146669

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. 146670
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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. 146674
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Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP 146682

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. 146683
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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. 146686
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Section 371.20.20. ADULT BASIC AND LITERACY EDUCATION 146691

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. 146692
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Section 371.20.30. POST-SECONDARY ADULT CAREER-TECHNICAL EDUCATION 146698
146699

The foregoing appropriation item 235444, Post-Secondary Adult Career-Technical Education, shall be used by the Chancellor of the Board of Regents in each fiscal year to provide post-secondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code. 146700
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Section 371.20.40. AREA HEALTH EDUCATION CENTERS 146705

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program. 146706
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Section 371.20.50. STATE SHARE OF INSTRUCTION FORMULAS 146713

The Chancellor of the Board of Regents shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas, enrollment, course completion, degree attainment, and student achievement factors in the instructional models set out in this section. 146714
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(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 146719

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2013, in accordance with instructions of the Board of Regents, each state-assisted institution of higher education shall report its actual enrollment, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of the Board of Regents. 146720
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146725

(2) In defining the number of full-time equivalent students 146726

for state subsidy purposes, the Chancellor of the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(3) In calculating the core subsidy entitlements for university branch and main campuses, the Chancellor of the Board of Regents shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) For those undergraduate FTE students with successful course completions, identified in division (A)(3)(a) of this section, that had an expected family contribution less than 2190 or were determined to have been in need of remedial education shall be defined as at-risk students and shall have their eligible completions weighted by the following:

(i) Campus-specific course completion rates by model;

(ii) Campus-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2009-2010 academic year; and

(iii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(4) In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five

per cent of current year enrollment. 146758

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 146759

For purposes of calculating state share of instruction 146760

allocations, the total instructional costs per full-time 146761

equivalent student shall be: 146762

Model	Fiscal	Fiscal	146763
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	Year 2012	Year 2013	
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ARTS AND HUMANITIES 1	\$8,000	\$8,207	146764
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ARTS AND HUMANITIES 2	\$10,757	\$11,036	146765
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ARTS AND HUMANITIES 3	\$13,853	\$14,212	146766
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ARTS AND HUMANITIES 4	\$20,228	\$20,751	146767
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ARTS AND HUMANITIES 5	\$32,605	\$33,449	146768
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ARTS AND HUMANITIES 6	\$38,027	\$39,011	146769
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BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,124	\$7,308	146770
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BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,164	\$8,376	146771
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BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,430	\$10,700	146772
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BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,406	\$12,727	146773
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BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,267	\$19,765	146774
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BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,684	\$23,272	146775
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BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$29,426	\$30,188	146776
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MEDICAL 1	\$51,214	\$52,539	146777
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MEDICAL 2	\$46,876	\$48,089	146778
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SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$7,306	\$7,495	146779
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MEDICINE 1			
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SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$10,242	\$10,507	146780
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MEDICINE 2			
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SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$12,242	\$12,559	146781
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MEDICINE 3			
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SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,592	\$15,995	146782
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MEDICINE 4			
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SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$20,250	\$20,774	146783
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MEDICINE 5			
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SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$22,357	\$22,935	146784
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$28,000	\$28,724	146785
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$37,731	\$38,707	146786
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$52,676	\$54,039	146787
MEDICINE 9			

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section. 146788
146789

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 146790
146791

For the purpose of implementing the recommendations of the State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 146792
146793
146794
146795
146796
146797

Model	Fiscal Year 2012	Fiscal Year 2013	
ARTS AND HUMANITIES 1	1.0000	1.0000	146798 146799
ARTS AND HUMANITIES 2	1.0000	1.0000	146800
ARTS AND HUMANITIES 3	1.0000	1.0000	146801
ARTS AND HUMANITIES 4	1.0000	1.0000	146802
ARTS AND HUMANITIES 5	1.0425	1.0425	146803
ARTS AND HUMANITIES 6	1.0425	1.0425	146804
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	146805
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	146806
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	146807
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	146808
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	146809
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	146810

BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	146811
MEDICAL 1	1.6456	1.6456	146812
MEDICAL 2	1.7462	1.7462	146813
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	146814
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	146815
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	146816
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	146817
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	146818
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	146819
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	146820
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	146821
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	146822
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			146823
ENTITLEMENTS AND ADJUSTMENTS			146824
(1) Of the foregoing appropriation item 235501, State Share			146825
of Instruction, 7.5 per cent of the fiscal year 2012 appropriation			146826
and 10 per cent of the fiscal year 2013 appropriation for			146827
state-supported community colleges, state community colleges, and			146828
technical colleges shall be allocated to colleges in proportion to			146829
their share of college student success factors as adopted by the			146830
Chancellor of the Board of Regents in formal communication to the			146831
Controlling Board on August 30, 2010.			146832
(2) Of the foregoing appropriation item 235501, State Share			146833

of Instruction, up to 12.89 per cent of the appropriation for 146834
university main campuses in each fiscal year shall be reserved for 146835
support of doctoral programs to implement the funding 146836
recommendations made by representatives of the universities. The 146837
amount so reserved shall be referred to as the doctoral set-aside. 146838

The doctoral set-aside shall be allocated to universities as 146839
follows: 146840

(a) 70 per cent of the doctoral set-aside in fiscal year 2012 146841
and 60 per cent of the doctoral set-aside in fiscal year 2013 146842
shall be allocated to universities in proportion to their share of 146843
the total number of Doctoral I equivalent FTEs as calculated on an 146844
institutional basis using the greater of the two-year or five-year 146845
FTEs for the period fiscal year 1994 through fiscal year 1998 with 146846
annualized FTEs for fiscal years 1994 through 1997 and all-term 146847
FTEs for fiscal year 1998 as adjusted to reflect the effects of 146848
doctoral review and subsequent changes in Doctoral I equivalent 146849
enrollments. For the purposes of this calculation, Doctoral I 146850
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 146851
times the sum of Doctoral II FTEs. 146852

(b) 15 per cent of the doctoral set-aside in fiscal year 2012 146853
and 20 per cent of the doctoral set-aside in fiscal year 2013 146854
shall be allocated to universities in proportion to each campus's 146855
share of the total statewide doctoral degrees, weighted by the 146856
cost of the doctoral discipline. In calculating each campus's 146857
doctoral degrees the Chancellor of the Board of Regents shall use 146858
the three-year average doctoral degrees awarded for the three-year 146859
period ending in the prior year. 146860

(c) 7.5 per cent of the doctoral set-aside in fiscal year 146861
2012 and 10 per cent of the doctoral set-aside in fiscal year 2013 146862
shall be allocated to universities in proportion to their share of 146863
research grant activity, using a data collection method that is 146864
reviewed and approved by the presidents of Ohio's doctoral degree 146865

granting universities. In the event that the data collection 146866
method is not available, funding for this component shall be 146867
allocated to universities in proportion to their share of research 146868
grant activity published by the National Science Foundation. Grant 146869
awards from the Department of Health and Human Services shall be 146870
weighted at 50 per cent. 146871

(d) 7.5 per cent of the doctoral set-aside in fiscal year 146872
2012 and 10 per cent of the doctoral set-aside in fiscal year 2013 146873
shall be allocated to universities based on other quality measures 146874
that contribute to the advancement of quality doctoral programs. 146875
These other quality measures shall be identified by the Chancellor 146876
in consultation with universities. If for any reason metrics for 146877
distributing the quality component of the doctoral set-aside are 146878
not identified prior to the fiscal year allocation process, this 146879
portion of the doctoral set-aside funds shall be allocated to 146880
universities based on division (D)(2)(a) of this section. 146881

(3) Of the foregoing appropriation item 235501, State Share 146882
of Instruction, 7.01 per cent of the appropriation for university 146883
main campuses in each fiscal year shall be reserved for support of 146884
Medical II FTEs. The amount so reserved shall be referred to as 146885
the medical II set-aside. 146886

The medical II set-aside shall be allocated to universities 146887
in proportion to their share of the total number of Medical II 146888
FTEs as calculated in division (A) of this section, weighted by 146889
model cost. 146890

The Northeast Ohio Medical University may use funds from the 146891
addition of 35 medical students resulting from its partnership 146892
with Cleveland State University to establish the Northeast Ohio 146893
Medical University academic campus at Cleveland State University 146894
to enable 50 per cent or more of the medical curriculum to be 146895
based in Cleveland at Cleveland State University, local hospitals, 146896
and community- and neighborhood-based primary care clinics. 146897

Cleveland State University shall not receive state capital 146898
appropriations to pay for facilities for the academic campus. 146899

(4) Of the foregoing appropriation item 235501, State Share 146900
of Instruction, 1.61 per cent of the appropriation for university 146901
main campuses in each fiscal year shall be reserved for support of 146902
Medical I FTEs. The amount so reserved shall be referred to as the 146903
medical I set-aside. 146904

The medical I set-aside shall be allocated to universities in 146905
proportion to their share of the total number of Medical I FTEs as 146906
calculated in division (A) of this section. 146907

(5) Of the foregoing appropriation item 235501, State Share 146908
of Instruction, 15 per cent of the fiscal year 2012 appropriation 146909
for university main campuses and 20 per cent of the fiscal year 146910
2013 appropriation for university main campuses shall be reserved 146911
for support of associate, baccalaureate, master's, and 146912
professional level degree attainment. 146913

The degree attainment funding shall be allocated to 146914
universities in proportion to each campus's share of the total 146915
statewide degrees granted, weighted by the cost of the degree 146916
programs. 146917

In calculating the subsidy entitlements for degree attainment 146918
at university main campuses, the Chancellor of the Board of 146919
Regents shall use the following count of degrees and degree costs: 146920

(a) For those associate degrees awarded by a state-supported 146921
university, the subsidy eligible degrees granted are defined as 146922
only those earned by students attending a university that received 146923
funding under GRF appropriation item 235418, Access Challenge, in 146924
fiscal year 2009. 146925

(b) For professional law and legal studies degrees awarded by 146926
a state-supported university, the subsidy-eligible degrees at each 146927
institution shall equal no more than the following: 146928

University of Akron	132	146929
University of Cincinnati	90	146930
Cleveland State University	192	146931
The Ohio State University	149	146932
University of Toledo	134	146933

(c) In calculating each campus's count of degrees, the
Chancellor of the Board of Regents shall use the three-year
average associate, baccalaureate, master's, and professional
degrees awarded for the three-year period ending in the prior
year.

(d) Eligible associate degrees defined in division (D)(5)(a)
of this section and all bachelor's degrees earned by a student
that either had an expected family contribution less than 2190,
was determined to have been in need of remedial education, is
Native American, African American, or Hispanic, or is at least age
26 at the time of graduation, shall be defined as degrees earned
by an at-risk student and shall be weighted by the following:

(i) A campus-specific degree completion index, where the
index is calculated based on the number of at-risk students
enrolled during a two-year degree cohort beginning in fiscal year
2000 or 2001 and earning a degree in eight years or less; and

(ii) A statewide average at-risk completion weight determined
by calculating the difference between the percentage of
traditional students who earned a degree and the percentage of
at-risk students who earned a degree during the same time period.

(6) Each campus's state share of instruction base formula
earnings shall be determined as follows:

(a) For each campus in each fiscal year, the instructional
costs shall be determined by multiplying the amounts listed above
in divisions (B) and (C) of this section by (i) average
subsidy-eligible FTEs for the two-year period ending in the prior

year for all models except Doctoral I and Doctoral II; and (ii) 146960
average subsidy-eligible FTEs for the five-year period ending in 146961
the prior year for all models except Doctoral I and Doctoral II. 146962

(b) The Chancellor of the Board of Regents shall compute the 146963
two calculations listed in division (D)(6)(a) of this section and 146964
use the greater amount as each campus's instructional costs. 146965

(c) The Chancellor of the Board of Regents shall compute a 146966
uniform state share of instructional costs for each sector. 146967

(i) For the state-supported community colleges, state 146968
community colleges, and technical colleges, the Chancellor of the 146969
Board of Regents shall compute the uniform state share of 146970
instructional costs by dividing the sector level appropriation 146971
total as determined by the Chancellor in division (A)(1) of 146972
Section 371.20.60 of this act and adjusted pursuant to divisions 146973
(B) and (C) of Section 371.20.60 of this act, less the student 146974
college success allocation as described in division (D)(1) of this 146975
section, by the sum of all eligible campuses' instructional costs 146976
as calculated in division (D)(6)(b) of this section. 146977

(ii) For the state-supported university branch campuses, the 146978
Chancellor of the Board of Regents shall compute the uniform state 146979
share of instructional costs by dividing the sector level 146980
appropriation, as determined by the Chancellor in division (A)(2) 146981
of Section 371.20.60 of this act and adjusted pursuant to division 146982
(B) of Section 371.20.60 of this act by the sum of all campuses' 146983
instructional costs as calculated in division (D)(6)(b) of this 146984
section. 146985

(iii) For the state-supported university main campuses, the 146986
Chancellor of the Board of Regents shall compute the uniform state 146987
share of instructional costs by dividing the sector level 146988
appropriation, as determined by the Chancellor in division (A)(3) 146989
of Section 371.20.60 of this act and adjusted pursuant to division 146990

(B) of Section 371.20.60 of this act, less the doctoral set-aside, 146991
less the medical I set-aside, less the medical II set-aside, and 146992
less the degree attainment funding as calculated in divisions 146993
(D)(2) to (5) of this section, by the sum of all campuses' 146994
instructional costs as calculated in division (D)(6)(b) of this 146995
section. 146996

(d) The formula entitlement for each sector's campuses shall 146997
be determined by multiplying the uniform state share of 146998
instructional costs calculated in division (D)(6)(c) of this 146999
section by the campus's instructional cost determined in division 147000
(D)(6)(b) of this section. 147001

(7) In addition to the student success allocation, doctoral 147002
set-aside, medical I set-aside, medical II set-aside, and the 147003
degree attainment allocation determined in divisions (D)(1) to (5) 147004
of this section and the formula entitlement determined in division 147005
(D)(6) of this section, an allocation based on facility-based 147006
plant operations and maintenance (POM) subsidy shall be made. For 147007
each eligible campus, the amount of the POM allocation in each 147008
fiscal year shall be distributed based on what each campus 147009
received in the fiscal year 2009 POM allocation. 147010

Any POM allocations required by this division shall be funded 147011
by proportionately reducing formula entitlement earnings, 147012
including the POM allocations, for all campuses in that sector. 147013

(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING 147014

(a) In addition to and after the adjustments noted above, in 147015
fiscal year 2012, no campus shall receive a state share of 147016
instruction allocation that is less than the lesser of the 147017
following two amounts, net of funding for the medical II 147018
set-aside: 147019

(i) The prior year's state share of instruction amount 147020
reduced by 3 per cent, or 147021

(ii) The prior year's state share of instruction amount 147022
reduced by a percentage equal to the percentage change from the 147023
prior year in the campus's sector's state share of instruction 147024
funding minus three percentage points. Funds shall be made 147025
available to support this allocation by proportionately reducing 147026
formula entitlement earnings from those campuses, within each 147027
sector, that are not receiving stability funding. 147028

(b) In fiscal year 2013, in addition to and after the 147029
adjustments noted above, no campus shall receive a state share of 147030
instruction allocation that is less than the lesser of the 147031
following two amounts, net of funding for the medical II 147032
set-aside: 147033

(i) The prior year's state share of instruction amount 147034
reduced by 4 per cent, or 147035

(ii) The prior year's state share of instruction amount 147036
reduced by a percentage equal to the percentage change from the 147037
prior year in the campus's sector's state share of instruction 147038
funding minus four percentage points. Funds shall be made 147039
available to support this allocation by proportionately reducing 147040
formula entitlement earnings from those campuses, within each 147041
sector, that are not receiving stability funding. 147042

(c) For main campus universities that operate a medical 147043
school, in fiscal year 2012 no campus shall receive an allocation 147044
for the medical II set-aside that is less than the lesser of the 147045
following amounts: 147046

(i) The prior year's allocation for the medical II set-aside 147047
reduced by 2 per cent, or 147048

(ii) The prior year's allocation for the medical II set-aside 147049
reduced by a percentage equal to the percentage change from the 147050
prior year in the total medical II set-aside minus two percentage 147051
points. Funds shall be made available to support this allocation 147052

by proportionately reducing formula entitlement earnings from 147053
public medical schools, within each sector, that are not receiving 147054
stability funding. 147055

(d) In fiscal year 2013, no main campus university that 147056
operates a medical school shall receive an allocation for the 147057
medical II set-aside that is less than 97 per cent of the prior 147058
year's allocation for the medical II set-aside. Funds shall be 147059
made available to support this allocation by proportionately 147060
reducing formula entitlement earnings from public medical schools, 147061
within each sector, that are not receiving stability funding. 147062

(9) CAPITAL COMPONENT DEDUCTION 147063

After all other adjustments have been made, state share of 147064
instruction earnings shall be reduced for each campus by the 147065
amount, if any, by which debt service charged in Am. H.B. 748 of 147066
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 147067
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 147068
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 147069
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 147070
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 147071
562 of the 127th General Assembly for that campus exceeds that 147072
campus's capital component earnings. The sum of the amounts 147073
deducted shall be transferred to appropriation item 235552, 147074
Capital Component, in each fiscal year. 147075

(E) EXCEPTIONAL CIRCUMSTANCES 147076

Adjustments may be made to the state share of instruction 147077
payments and other subsidies distributed by the Chancellor of the 147078
Board of Regents to state-assisted colleges and universities for 147079
exceptional circumstances. No adjustments for exceptional 147080
circumstances may be made without the recommendation of the 147081
Chancellor and the approval of the Controlling Board. 147082

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 147083

INSTRUCTION	147084
The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor of the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year.	147085 147086 147087 147088 147089 147090
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.	147091 147092 147093 147094 147095
(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	147096
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.	147097 147098 147099 147100 147101 147102 147103 147104 147105 147106 147107
Section 371.20.60. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2012 AND 2013	147108 147109
(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."	147110 147111 147112
(1) Of the foregoing appropriation item 235501, State Share	147113

of Instruction, \$400,039,672 in fiscal year 2012 and \$403,657,477 147114
in fiscal year 2013 shall be distributed to state-supported 147115
community colleges, state community colleges, and technical 147116
colleges. 147117

(2) Of the foregoing appropriation item 235501, State Share 147118
of Instruction, \$115,139,824 in fiscal year 2012 and \$116,181,104 147119
in fiscal year 2013 shall be distributed to state-supported 147120
university branch campuses. 147121

(3) Of the foregoing appropriation item 235501, State Share 147122
of Instruction, \$1,220,350,535 in fiscal year 2012 and 147123
\$1,231,386,916 in fiscal year 2013 shall be distributed to 147124
state-supported university main campuses. 147125

(B) Of the amounts earmarked in division (A) of this section, 147126
\$60,996,059 in each fiscal year shall be distributed to eligible 147127
colleges and universities based on each campus's share of the 147128
appropriation item 235418, Access Challenge, in fiscal year 2009. 147129

(C) Of the amount earmarked in division (A)(1) of this 147130
section, \$10,323,056 in each fiscal year shall be distributed 147131
among state-supported community colleges, state community 147132
colleges, and technical colleges in an amount equal to the amount 147133
each institution received in fiscal year 2009 from the 147134
supplemental tuition subsidy earmarked under Section 375.30.25 of 147135
H.B. 119 of the 127th General Assembly. 147136

(D) The state share of instruction payments to the 147137
institutions shall be in substantially equal monthly amounts 147138
during the fiscal year, unless otherwise determined by the 147139
Director of Budget and Management pursuant to section 126.09 of 147140
the Revised Code. Payments during the last six months of the 147141
fiscal year shall be distributed after approval of the Controlling 147142
Board upon the request of the Chancellor of the Board of Regents. 147143

Section 371.20.65. TRANSFER OF INSTRUCTIONAL SUBSIDIES 147144
BETWEEN UNIVERSITIES 147145

Notwithstanding any provision of law to the contrary, in 147146
consultation with the Chancellor of the Board of Regents, a 147147
state-supported university may request to transfer state share of 147148
instruction subsidy allocations of the foregoing appropriation 147149
item 235501, State Share of Instruction, between a university main 147150
campus and any university branch campus for which the university 147151
main campus is affiliated to best accomplish institutional goals 147152
and objectives. At the request of the Chancellor of the Board of 147153
Regents, the Director of Budget and Management may transfer the 147154
requested amounts of state share of instruction appropriation 147155
allocations between affiliated university branch campuses and 147156
university main campuses. 147157

Section 371.20.70. RESTRICTION ON FEE INCREASES 147158

The boards of trustees of state-assisted institutions of 147159
higher education shall restrain increases in in-state 147160
undergraduate instructional and general fees. Each state 147161
university, university branch, and the Northeast Ohio Medical 147162
University shall not increase its in-state undergraduate 147163
instructional and general fees more than 3.5 per cent over what 147164
the institution charged for the preceding academic year. 147165

Each community college, state community college, and 147166
technical college shall not increase its in-state undergraduate 147167
instructional and general fees by more than \$200 more than the 147168
institution charged for the preceding academic year. 147169

These limitations shall not apply to increases required to 147170
comply with institutional covenants related to their obligations 147171
or to meet unfunded legal mandates or legally binding obligations 147172
incurred or commitments made prior to the effective date of this 147173

section with respect to which the institution had identified such 147174
fee increases as the source of funds. Any increase required by 147175
such covenants and any such mandates, obligations, or commitments 147176
shall be reported by the Chancellor of the Board of Regents to the 147177
Controlling Board. These limitations may also be modified by the 147178
Chancellor of the Board of Regents, with the approval of the 147179
Controlling Board, to respond to exceptional circumstances as 147180
identified by the Chancellor of the Board of Regents. 147181

Section 371.20.80. HIGHER EDUCATION - BOARD OF TRUSTEES 147182

(A) Funds appropriated for instructional subsidies at 147183
colleges and universities may be used to provide such branch or 147184
other off-campus undergraduate courses of study and such master's 147185
degree courses of study as may be approved by the Chancellor of 147186
the Board of Regents. 147187

(B) In providing instructional and other services to 147188
students, boards of trustees of state-assisted institutions of 147189
higher education shall supplement state subsidies with income from 147190
charges to students. Except as otherwise provided in this act, 147191
each board shall establish the fees to be charged to all students, 147192
including an instructional fee for educational and associated 147193
operational support of the institution and a general fee for 147194
noninstructional services, including locally financed student 147195
services facilities used for the benefit of enrolled students. The 147196
instructional fee and the general fee shall encompass all charges 147197
for services assessed uniformly to all enrolled students. Each 147198
board may also establish special purpose fees, service charges, 147199
and fines as required; such special purpose fees and service 147200
charges shall be for services or benefits furnished individual 147201
students or specific categories of students and shall not be 147202
applied uniformly to all enrolled students. A tuition surcharge 147203
shall be paid by all students who are not residents of Ohio. 147204

The board of trustees of a state-assisted institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state-assisted institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state-assisted institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of the Board of Regents.

(D) The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the

exclusive prerogative of boards of trustees. Any delegation of 147237
authority by a board of trustees in other areas of responsibility 147238
shall be accompanied by appropriate standards of guidance 147239
concerning expected objectives in the exercise of such delegated 147240
authority and shall be accompanied by periodic review of the 147241
exercise of this delegated authority to the end that the public 147242
interest, in contrast to any institutional or special interest, 147243
shall be served. 147244

Section 371.20.90. STUDENT SUPPORT SERVICES 147245

The foregoing appropriation item 235502, Student Support 147246
Services, shall be distributed by the Chancellor of the Board of 147247
Regents to Ohio's state-assisted colleges and universities that 147248
incur disproportionate costs in the provision of support services 147249
to disabled students. 147250

Section 371.30.10. WAR ORPHANS SCHOLARSHIPS 147251

The foregoing appropriation item 235504, War Orphans 147252
Scholarships, shall be used to reimburse state-assisted 147253
institutions of higher education for waivers of instructional fees 147254
and general fees provided by them, to provide grants to 147255
institutions that have received a certificate of authorization 147256
from the Chancellor of the Board of Regents under Chapter 1713. of 147257
the Revised Code, in accordance with the provisions of section 147258
5910.04 of the Revised Code, and to fund additional scholarship 147259
benefits provided by section 5910.032 of the Revised Code. 147260

An amount equal to the unexpended, unencumbered portion of 147261
the foregoing appropriation item 235504, War Orphans Scholarships, 147262
at the end of fiscal year 2012 is hereby reappropriated to the 147263
Board of Regents for the same purpose for fiscal year 2013. 147264

Section 371.30.20. OHIOLINK 147265

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of the Board of Regents to support OhioLINK, a consortium organized under division (U) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources and the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 371.30.30. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used by the director of the Air Force Institute to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 371.30.40. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of the Board of Regents to support the operation of the Ohio Supercomputer Center, a consortium organized under division (U) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support the Ohio

Supercomputer Center's Computational Science Initiative, which 147296
includes its industrial outreach program, Blue Collar Computing, 147297
and its School of Computational Science. These collaborations 147298
between the Ohio Supercomputer Center and Ohio's colleges and 147299
universities shall be aimed at making Ohio a leader in using 147300
computer modeling to promote economic development. 147301

Section 371.30.50. COOPERATIVE EXTENSION SERVICE 147302

The foregoing appropriation item 235511, Cooperative 147303
Extension Service, shall be disbursed through the Chancellor of 147304
the Board of Regents to The Ohio State University in monthly 147305
payments, unless otherwise determined by the Director of Budget 147306
and Management under section 126.09 of the Revised Code. 147307

Section 371.30.60. CENTRAL STATE SUPPLEMENT 147308

The Chancellor of the Board of Regents shall, in consultation 147309
with Central State University, develop a plan whereby the 147310
foregoing appropriation item 235514, Central State Supplement, 147311
shall be used in a manner consistent with the goals of increasing 147312
enrollment, improving course completion, and increasing the number 147313
of degrees conferred. The Chancellor shall submit a summary of the 147314
plan to the Speaker of the House of Representatives, the President 147315
of the Senate, and the Governor by December 31, 2011. 147316

The foregoing appropriation item 235514, Central State 147317
Supplement, shall be disbursed by the Chancellor of the Board of 147318
Regents to Central State University. The first two disbursements 147319
in fiscal year 2012 shall be made on a quarterly basis. Beginning 147320
January 1, 2012, the funds shall be disbursed to Central State 147321
University in accordance with the plan developed by the Chancellor 147322
under this section. 147323

The Chancellor shall monitor the implementation of the plan 147324
and the use of funds. Central State University shall provide any 147325

information requested by the Chancellor related to the 147326
implementation of the plan. If the Chancellor determines that 147327
Central State University's use of supplemental funds is not in 147328
accordance with the plan or if the plan is not having the desired 147329
effect, the Chancellor may notify Central State University that 147330
the plan is suspended. Upon receiving such notice, Central State 147331
University shall avoid all unnecessary expenditures under the 147332
plan. The Chancellor shall notify the Controlling Board of the 147333
suspension of the plan and within sixty days prepare a new plan 147334
for the use of any remaining funds. 147335

Section 371.30.70. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 147336
MEDICINE 147337

The foregoing appropriation item 235515, Case Western Reserve 147338
University School of Medicine, shall be disbursed to Case Western 147339
Reserve University through the Chancellor of the Board of Regents 147340
in accordance with agreements entered into under section 3333.10 147341
of the Revised Code, provided that the state support per full-time 147342
medical student shall not exceed that provided to full-time 147343
medical students at state universities. 147344

Section 371.30.80. FAMILY PRACTICE 147345

The Chancellor of the Ohio Board of Regents shall develop 147346
plans consistent with existing criteria and guidelines as may be 147347
required for the distribution of appropriation item 235519, Family 147348
Practice. 147349

Section 371.30.90. SHAWNEE STATE SUPPLEMENT 147350

The Chancellor of the Board of Regents shall, in consultation 147351
with Shawnee State University, develop a plan whereby the 147352
foregoing appropriation item 235520, Shawnee State Supplement, 147353
shall be used in a manner consistent with the goals of improving 147354

course completion, increasing the number of degrees conferred, and 147355
furthering the university's mission of service to the Appalachian 147356
region. The Chancellor shall submit a summary of the plan to the 147357
Speaker of the House of Representatives, the President of the 147358
Senate, and the Governor by December 31, 2011. 147359

The foregoing appropriation item 235520, Shawnee State 147360
Supplement, shall be disbursed by the Chancellor of the Board of 147361
Regents to Shawnee State University. The first two disbursements 147362
in fiscal year 2012 shall be made on a quarterly basis. Beginning 147363
January 1, 2012, the funds shall be disbursed to Shawnee State 147364
University in accordance with the plan developed by the Chancellor 147365
under this section. 147366

The Chancellor shall monitor the implementation of the plan 147367
and the use of funds. Shawnee State University shall provide any 147368
information requested by the Chancellor related to the 147369
implementation of the plan. If the Chancellor determines that 147370
Shawnee State University's use of supplemental funds is not in 147371
accordance with the plan or if the plan is not having the desired 147372
effect, the Chancellor may notify Shawnee State University that 147373
the plan is suspended. Upon receiving such notice, Shawnee State 147374
University shall avoid all unnecessary expenditures under the 147375
plan. The Chancellor shall notify the Controlling Board of the 147376
suspension of the plan and within sixty days prepare a new plan 147377
for the use of any remaining funds. 147378

Section 371.40.10. POLICE AND FIRE PROTECTION 147379

The foregoing appropriation item 235524, Police and Fire 147380
Protection, shall be used for police and fire services in the 147381
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 147382
Portsmouth, Xenia Township (Greene County), Rootstown Township, 147383
and the City of Nelsonville that may be used to assist these local 147384
governments in providing police and fire protection for the 147385

central campus of the state-affiliated university located therein. 147386

Section 371.40.20. GERIATRIC MEDICINE 147387

The Chancellor of the Board of Regents shall develop plans 147388
consistent with existing criteria and guidelines as may be 147389
required for the distribution of appropriation item 235525, 147390
Geriatric Medicine. 147391

Section 371.40.30. PRIMARY CARE RESIDENCIES 147392

The Chancellor of the Board of Regents shall develop plans 147393
consistent with existing criteria and guidelines as may be 147394
required for the distribution of appropriation item 235526, 147395
Primary Care Residencies. 147396

The foregoing appropriation item 235526, Primary Care 147397
Residencies, shall be distributed in each fiscal year of the 147398
biennium, based on whether or not the institution has submitted 147399
and gained approval for a plan. If the institution does not have 147400
an approved plan, it shall receive five per cent less funding per 147401
student than it would have received from its annual allocation. 147402
The remaining funding shall be distributed among those 147403
institutions that meet or exceed their targets. 147404

Section 371.40.40. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 147405
CENTER 147406

The foregoing appropriation item 235535, Ohio Agricultural 147407
Research and Development Center, shall be disbursed through the 147408
Chancellor of the Board of Regents to The Ohio State University in 147409
monthly payments, unless otherwise determined by the Director of 147410
Budget and Management under section 126.09 of the Revised Code. 147411
The Ohio Agricultural Research and Development Center shall not be 147412
required to remit payment to The Ohio State University during the 147413
biennium ending June 30, 2013, for cost reallocation assessments. 147414

The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center. 147415
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The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment. 147417
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Section 371.40.50. STATE UNIVERSITY CLINICAL TEACHING 147427

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of the Board of Regents. 147428
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Section 371.40.60. CAPITAL COMPONENT 147435

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated 147436
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campus debt service attributable to new qualifying capital 147445
projects from the campus's formula-determined capital component 147446
allocation. Moneys distributed from this appropriation item shall 147447
be restricted to capital-related purposes. 147448

Any campus for which the estimated campus debt service 147449
attributable to qualifying capital projects is greater than the 147450
campus's formula-determined capital component allocation shall 147451
have the difference subtracted from its State Share of Instruction 147452
allocation in each fiscal year. Appropriation equal to the sum of 147453
all such amounts except that of the Ohio Agricultural Research and 147454
Development Center shall be transferred from appropriation item 147455
235501, State Share of Instruction, to appropriation item 235552, 147456
Capital Component. Appropriation equal to any estimated Ohio 147457
Agricultural Research and Development Center debt service 147458
attributable to qualifying capital projects that is greater than 147459
the Center's formula-determined capital component allocation shall 147460
be transferred from appropriation item 235535, Ohio Agricultural 147461
Research and Development Center, to appropriation item 235552, 147462
Capital Component. 147463

Section 371.40.70. LIBRARY DEPOSITORIES 147464

The foregoing appropriation item, 235555, Library 147465
Depositories, shall be distributed to the state's five regional 147466
depository libraries for the cost-effective storage of and access 147467
to lesser-used materials in university library collections. The 147468
depositories shall be administrated by the Chancellor of the Board 147469
of Regents, or by OhioLINK at the discretion of the Chancellor. 147470

Section 371.40.80. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 147471

The foregoing appropriation item 235556, Ohio Academic 147472
Resources Network, shall be used by the Chancellor of the Board of 147473
Regents to support the operations of the Ohio Academic Resources 147474

Network, a consortium organized under division (U) of section 147475
3333.04 of the Revised Code, which shall include support for 147476
Ohio's colleges and universities in maintaining and enhancing 147477
network connections, using new network technologies to improve 147478
research, education, and economic development programs, and 147479
sharing information technology services. To the extent network 147480
capacity is available, OARnet shall support allocating bandwidth 147481
to eligible programs directly supporting Ohio's economic 147482
development. 147483

Section 371.40.90. LONG-TERM CARE RESEARCH 147484

The foregoing appropriation item 235558, Long-term Care 147485
Research, shall be disbursed to Miami University for long-term 147486
care research. 147487

Section 371.50.10. OHIO COLLEGE OPPORTUNITY GRANT 147488

(A) Except as provided in division (C) of this section: 147489

Of the foregoing appropriation item 235563, Ohio College 147490
Opportunity Grant, \$37,000,000 in each fiscal year shall be used 147491
by the Chancellor of the Board of Regents to award need-based 147492
financial aid to students enrolled in eligible four-year public 147493
institutions of higher education, excluding early college high 147494
school and post-secondary enrollment option participants. 147495

Of the foregoing appropriation item 235563, Ohio College 147496
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 147497
by the Chancellor of the Board of Regents to award need-based 147498
financial aid to students enrolled in eligible four-year private 147499
nonprofit institutions of higher education, excluding early 147500
college high school and post-secondary enrollment option 147501
participants. 147502

The remainder of the foregoing appropriation item 235563, 147503
Ohio College Opportunity Grant, shall be used by the Chancellor of 147504

the Board of Regents to award needs-based financial aid to 147505
students enrolled in eligible private for-profit career colleges 147506
and schools. 147507

An amount equal to the unexpended, unencumbered portion of 147508
the foregoing appropriation item 235563, Ohio College Opportunity 147509
Grant, at the end of fiscal year 2012 is hereby reappropriated to 147510
the Board of Regents for the same purpose for fiscal year 2013. 147511

(B)(1) As used in this section: 147512

(a) "Eligible institution" means any institution described in 147513
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 147514
Code. 147515

(b) The three "sectors" of institutions of higher education 147516
consist of the following: 147517

(i) State colleges and universities, community colleges, 147518
state community colleges, university branches, and technical 147519
colleges; 147520

(ii) Eligible private nonprofit institutions of higher 147521
education; 147522

(iii) Eligible private for-profit career colleges and 147523
schools. 147524

(2) If the Chancellor determines that the amounts 147525
appropriated for support of the Ohio College Opportunity Grant 147526
program are inadequate to provide grants to all eligible students 147527
as calculated under division (D) of section 3333.122 of the 147528
Revised Code, the Chancellor may create a distribution formula for 147529
fiscal year 2012 and fiscal year 2013 based on the formula used in 147530
fiscal year 2011, or may follow methods established in division 147531
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 147532
Chancellor shall notify the Controlling Board of the distribution 147533
method. Any formula calculated under this division shall be 147534

complete and established to coincide with the start of the 147535
2011-2012 academic year. 147536

(C) Prior to determining the amount of funds available to 147537
award under this section and section 3333.122 of the Revised Code, 147538
the Chancellor shall use the foregoing appropriation item 235563, 147539
Ohio College Opportunity Grant, to pay for renewals or partial 147540
renewals of scholarships students receive under the Ohio Academic 147541
Scholarship Program under sections 3333.21 and 3333.22 of the 147542
Revised Code. In paying for scholarships under this division, the 147543
Chancellor shall deduct funds from the allocations made under 147544
division (A) of this section. Deductions shall be proportionate to 147545
the amounts allocated to each sector from the total amounts 147546
appropriated for each sector under the foregoing appropriation 147547
item 235563, Ohio College Opportunity Grant, and the foregoing 147548
appropriation item 235667, Ohio College Opportunity Grant - 147549
Proprietary. 147550

In each fiscal year, the Chancellor shall not distribute or 147551
obligate or commit to be distributed an amount greater than what 147552
is appropriated under the foregoing appropriation item 235563, 147553
Ohio College Opportunity Grant. 147554

(D) The Chancellor shall establish, and post on the Ohio 147555
Board of Regents' web site, award tables based on any formulas 147556
created under division (B) of this section. The Chancellor shall 147557
notify students and institutions of any reductions in awards under 147558
this section. 147559

On or before August 31, 2011, the Chancellor of the Board of 147560
Regents shall submit award tables to the Controlling Board for the 147561
2011-2012 academic year and allocations of Ohio College 147562
Opportunity Grant awards not already specified in section 3333.122 147563
of the Revised Code. 147564

(E) Notwithstanding section 3333.122 of the Revised Code, no 147565

student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

Section 371.50.20. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 147571

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 147576

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program, at the direction of the Adjutant General. 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). Upon the request of the Adjutant General, the Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund, at the direction of the Adjutant General.

In each fiscal year, the Adjutant General, in consultation with the Chancellor of the Board of Regents and the Director of Budget and Management, shall determine if the amounts appropriated in appropriation item 235599, National Guard Scholarship Program, are adequate to provide scholarships equal to one hundred per cent of tuition charges to all eligible applicants attending a state institution of higher education.

Notwithstanding divisions (C) and (D)(1)(a) of section 5919.34 of the Revised Code, if amounts appropriated are determined to be inadequate in any fiscal year, the Adjutant General shall accommodate available funds by proportionally reducing the amount of each scholarship awarded to a student attending a state institution of higher education. The Adjutant General shall then notify each state institution of higher education of the percentage that scholarship amounts were reduced. Each state institution of higher education shall then provide a matching award to each scholarship recipient in an amount equal to the amount that recipient's scholarship was reduced.

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 SERVICE

The foregoing appropriation item 235909, Higher Education General Obligation Debt Service, shall be used to pay all debt

service and related financing costs at the times they are required 147626
to be made during the period from July 1, 2011, through June 30, 147627
2013, for obligations issued under sections 151.01 and 151.04 of 147628
the Revised Code. 147629

Section 371.50.60. SALES AND SERVICES 147630

The Chancellor of the Board of Regents is authorized to 147631
charge and accept payment for the provision of goods and services. 147632
Such charges shall be reasonably related to the cost of producing 147633
the goods and services. Except as otherwise provided by law, no 147634
charges may be levied for goods or services that are produced as 147635
part of the routine responsibilities or duties of the Chancellor. 147636
All revenues received by the Chancellor of the Board of Regents 147637
shall be deposited into Fund 4560, and may be used by the 147638
Chancellor of the Board of Regents to pay for the costs of 147639
producing the goods and services. 147640

Section 371.50.63. OHIO COLLEGE OPPORTUNITY GRANT - 147641
PROPRIETARY 147642

The foregoing appropriation item 235667, Ohio College 147643
Opportunity Grant - Proprietary, shall be used by the Chancellor 147644
of the Board of Regents to award needs-based financial aid to 147645
students enrolled in eligible private for-profit career colleges 147646
and schools, pursuant to section 3333.122 of the Revised Code and 147647
section 371.50.10 of this act. 147648

An amount equal to the unexpended, unencumbered portion of 147649
the foregoing appropriation item 235667, Ohio College Opportunity 147650
Grant - Proprietary, at the end of fiscal year 2012 is hereby 147651
reappropriated to the Board of Regents for the same purpose for 147652
fiscal year 2013. 147653

In each fiscal year, the Chancellor shall not distribute or 147654
obligate or commit to be distributed an amount greater than what 147655

is appropriated under the foregoing appropriation item 235667, 147656
Ohio College Opportunity Grant - Proprietary. 147657

Section 371.50.65. AIR FORCE INSTITUTE OF TECHNOLOGY - 147658
DEFENSE/AEROSPACE GRADUATE STUDIES INSTITUTE 147659

The foregoing appropriation item 235668, Air Force Institute 147660
of Technology - Defense/Aerospace Graduate Studies Institute, 147661
shall be used by the Defense/Aerospace Graduate Studies Institute 147662
to strengthen regional job training, equip Ohio's workforce with 147663
needed skills, and strengthen the research and educational 147664
linkages among Department of Defense facilities in Ohio, 147665
institutions of higher education in Ohio, and available industry 147666
jobs in Ohio. These funds shall be matched by private industry 147667
partners or the Department of Defense in the aggregate amount of 147668
\$2,500,000 over the FY 2012 - FY 2013 biennium. 147669

Section 371.50.70. HIGHER EDUCATIONAL FACILITY COMMISSION 147670
ADMINISTRATION 147671

The foregoing appropriation item 235602, Higher Educational 147672
Facility Commission Administration, shall be used by the 147673
Chancellor of the Board of Regents for operating expenses related 147674
to the Chancellor of the Board of Regents' support of the 147675
activities of the Ohio Higher Educational Facility Commission. 147676
Upon the request of the Chancellor, the Director of Budget and 147677
Management shall transfer up to \$29,100 cash in fiscal year 2012 147678
and up to \$29,100 cash in fiscal year 2013 from the HEFC Operating 147679
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 147680
4E80). 147681

Section 371.50.80. NURSING LOAN PROGRAM 147682

The foregoing appropriation item 235606, Nursing Loan 147683
Program, shall be used to administer the nurse education 147684

assistance program. Up to \$167,580 in each fiscal year may be used 147685
for operating expenses associated with the program. Any additional 147686
funds needed for the administration of the program are subject to 147687
Controlling Board approval. 147688

Section 371.50.90. VETERANS PREFERENCES 147689

The Chancellor of the Board of Regents shall work with the 147690
Department of Veterans Services to develop specific veterans 147691
preference guidelines for higher education institutions. These 147692
guidelines shall ensure that the institutions' hiring practices 147693
are in accordance with the intent of Ohio's veterans preference 147694
laws. 147695

Section 371.60.10. STATE NEED-BASED FINANCIAL AID 147696
RECONCILIATION 147697

By the first day of August in each fiscal year, or as soon as 147698
possible thereafter, the Chancellor of the Board of Regents shall 147699
certify to the Director of Budget and Management the amount 147700
necessary to pay any outstanding prior year obligations to higher 147701
education institutions for the state's need-based financial aid 147702
programs. The amounts certified are hereby appropriated to 147703
appropriation item 235618, State Need-based Financial Aid 147704
Reconciliation, from revenues received in the State Need-based 147705
Financial Aid Reconciliation Fund (Fund 5Y50). 147706

Section 371.60.20. (A) As used in this section: 147707

(1) "Board of trustees" includes the managing authority of a 147708
university branch district. 147709

(2) "State institution of higher education" has the same 147710
meaning as in section 3345.011 of the Revised Code. 147711

(B) The board of trustees of any state institution of higher 147712
education, notwithstanding any rule of the institution to the 147713

contrary, may adopt a policy providing for mandatory furloughs of 147714
employees, including faculty, to achieve spending reductions 147715
necessitated by institutional budget deficits. 147716

Section 371.60.40. EFFICIENCY ADVISORY COMMITTEE 147717

The Chancellor of the Board of Regents shall establish an 147718
efficiency advisory committee for the purpose of generating 147719
optimal efficiency plans for campuses, identifying shared services 147720
opportunities, and sharing best practices. The efficiency advisory 147721
committee shall also attempt to reduce the cost of textbooks and 147722
other education resource materials. The committee shall meet at 147723
the call of the Chancellor or the Chancellor's designee, but at 147724
least quarterly. Each state institution of higher education shall 147725
designate an employee to serve as its efficiency officer 147726
responsible for the evaluation and improvement of operational 147727
efficiencies on campus. Each efficiency officer shall serve on the 147728
efficiency advisory committee. 147729

Section 371.60.50. TEXTBOOK AFFORDABILITY 147730

Each state institution of higher education shall submit to 147731
the Chancellor of the Board of Regents by December 31, 2011, a 147732
plan to reduce the cost to students of textbooks and other 147733
education resource materials. 147734

Section 371.60.60. TUITION TRUST AUTHORITY APPROPRIATION LINE 147735
ITEM TRANSFER 147736

On July 1, 2011, or as soon as possible thereafter, the 147737
Director of Budget and Management, upon request by the Chancellor 147738
of the Board of Regents, shall cancel any existing encumbrances 147739
against appropriation item 095602, Variable Savings Plans, and 147740
re-establish them against appropriation item 235663, Variable 147741
Savings Plans. The re-established encumbrance amounts are hereby 147742

appropriated. 147743

On July 1, 2011, or as soon as possible thereafter, the 147744
Director of Budget and Management, upon request by the Chancellor 147745
of the Board of Regents, shall cancel any existing encumbrances 147746
against appropriation item 095601, Guaranteed Savings Plan, and 147747
re-establish them against appropriation item 235664, Guaranteed 147748
Savings Plan. The re-established encumbrance amounts are hereby 147749
appropriated. 147750

Section 371.60.70. (A) Notwithstanding anything to the 147751
contrary in sections 3333.81 to 3333.88 of the Revised Code, the 147752
distance learning clearinghouse required to be established under 147753
those sections shall be located at the Ohio Resource Center for 147754
Mathematics, Science, and Reading administered by the College of 147755
Education and Human Ecology at The Ohio State University. The 147756
College shall provide access to its online repository of 147757
educational content to offer courses from multiple providers at 147758
competitive prices for Ohio students in grades kindergarten to 147759
twelve. 147760

(B) The College shall review the content of each course 147761
offered to assess the course's alignment with the academic 147762
standards adopted under division (A) of section 3301.079 of the 147763
Revised Code and shall publish its determination about the degree 147764
of alignment. 147765

(C) The College shall indicate, for each course offered, the 147766
academic credit that a student may reasonably expect to earn upon 147767
successful completion of the course. However, in accordance with 147768
section 3333.85 of the Revised Code, the school district or school 147769
in which the student is enrolled retains full authority to 147770
determine the credit awarded to the student. 147771

(D) As prescribed by section 3333.84 of the Revised Code, the 147772
fee charged for a course shall be set by the course provider. The 147773

College may retain a percentage of the fee to offset the cost of 147774
maintaining the course repository. 147775

(E) The College may establish policies to protect the 147776
proprietary interest in or intellectual property of the 147777
educational content and courses that are housed in the course 147778
repository. The College may require end users to agree to the 147779
terms of any such policies prior to accessing the repository. 147780

Section 371.60.80. (A) The Ohio Digital Learning Task Force 147781
is hereby established to develop a strategy for the expansion of 147782
digital learning that enables students to customize their 147783
education, produces cost savings, and meets the needs of Ohio's 147784
economy. The Task Force shall consist of the following members: 147785

(1) The Chancellor of the Ohio Board of Regents or the 147786
Chancellor's designee; 147787

(2) The Superintendent of Public Instruction or the 147788
Superintendent's designee; 147789

(3) The Director of the Governor's Office of 21st Century 147790
Education or the Director's designee; 147791

(4) Up to six members appointed by the Governor, who shall be 147792
representatives of school districts or community schools, 147793
established under Chapter 3314. of the Revised Code, that are 147794
high-performing of their type and have demonstrated the ability to 147795
incorporate technology into the classroom successfully; 147796

(5) A member appointed by the President of the Senate; 147797

(6) A member appointed by the Speaker of the House of 147798
Representatives. 147799

(B) Members of the Task Force shall be appointed not later 147800
than sixty days after the effective date of this section. 147801
Vacancies on the Task Force shall be filled in the same manner as 147802
the original appointments. Members shall serve without 147803

compensation. 147804

(C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of the chairperson. 147805
147806
147807

(D) The Task Force shall do all of the following: 147808

(1) Request information from textbook publishers about the development of digital textbooks and other new digital content distribution methods for use by primary, secondary, and post-secondary schools and institutions and examine that information; 147809
147810
147811
147812
147813

(2) Examine potential cost savings and efficiency of utilizing digital textbooks and other new digital content distribution methods in primary, secondary, and post-secondary schools and institutions; 147814
147815
147816
147817

(3) Examine potential academic benefits of utilizing digital textbooks and other new digital content distribution methods, 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; 147818
147819
147820
147821
147822
147823

(4) Examine digital content pilot programs and initiatives currently operating at primary, secondary, and post-secondary schools and institutions in Ohio, including, but not limited to, those financed in part with federal funds; 147824
147825
147826
147827

(5) Examine any state-level initiatives to provide or facilitate use of digital content in primary, secondary, and post-secondary schools and institutions in Ohio. 147828
147829
147830

(E) The Task Force shall make recommendations regarding all of the following: 147831
147832

(1) The creation of high quality digital content and 147833

instruction in grades kindergarten to twelve for free access by	147834
public and nonpublic schools and students receiving home	147835
instruction;	147836
(2) High quality professional development for teachers and	147837
principals providing online instruction or blended learning	147838
programs;	147839
(3) Funding strategies that create incentives for high	147840
performance, innovation, and options in course providers and	147841
delivery;	147842
(4) Student assessment and accountability;	147843
(5) Infrastructure to support digital learning;	147844
(6) Mobile learning and mobile learning applications;	147845
(7) The clearinghouse established under section 3333.82 of	147846
the Revised Code;	147847
(8) Ways to align the resources and digital learning	147848
initiatives of state agencies and offices;	147849
(9) Methods for removing redundancy and inefficiency in, and	147850
for providing coordination, of all digital learning programs,	147851
including the provision of free online instruction to public and	147852
nonpublic schools on a statewide basis;	147853
(10) Methods of addressing future changes in technology and	147854
learning.	147855
(E) Not later than March 1, 2012, the Task Force shall issue	147856
a report of its findings and recommendations to the Governor, the	147857
President of the Senate, and the Speaker of the House of	147858
Representatives. Upon issuance of its report, the Task Force shall	147859
cease to exist.	147860
Section 371.60.90. Not later than six months after the	147861
effective date of this section, the Chancellor of the Ohio Board	147862

of Regents shall do both of the following: 147863

(A) Take steps to facilitate full implementation of any 147864
digital textbook and digital content pilot programs currently 147865
planned at any state institutions of higher education in Ohio; 147866

(B) Take steps to ensure that those pilot programs examine 147867
the potential cost savings and efficiencies of digital content and 147868
the potential academic benefits, including, but not limited to, 147869
the ability to individualize content to specific student learning 147870
styles, accessibility for individuals with disabilities, and the 147871
integration of formative and other online assessments. 147872

Section 371.70.10. On July 1, 2011, or as soon as possible 147873
thereafter, the Chancellor of the Board of Regents shall pay to 147874
The Ohio State University an amount equal to the cash balance in 147875
the OSU Highway/Transportation Research Fund (Fund 6490). The 147876
amount of the payment is hereby appropriated from Fund 6490. Upon 147877
completion of the payment, Fund 6490 is hereby abolished and the 147878
Chancellor of the Board of Regents shall cancel any existing 147879
encumbrances against appropriation item 235607, The Ohio State 147880
University Highway/Transportation Research. 147881

Section 373.10. DRC DEPARTMENT OF REHABILITATION AND 147882
CORRECTION 147883
General Revenue Fund 147884
GRF 501321 Institutional \$ 909,547,156 \$ 866,592,589 147885
Operations
GRF 501403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 147886
GRF 501405 Halfway House \$ 43,637,069 \$ 43,622,104 147887
GRF 501406 Lease Rental Payments \$ 42,863,100 \$ 104,301,500 147888
GRF 501407 Community \$ 25,859,382 \$ 25,839,390 147889
Nonresidential
Programs

GRF	501408	Community Misdemeanor Programs	\$	14,906,800	\$	14,906,800	147890
GRF	501501	Community Residential Programs - CBCF	\$	62,692,785	\$	62,477,785	147891
GRF	502321	Mental Health Services	\$	58,525,816	\$	51,778,513	147892
GRF	503321	Parole and Community Operations	\$	68,197,272	\$	63,783,848	147893
GRF	504321	Administrative Operations	\$	21,996,504	\$	20,085,474	147894
GRF	505321	Institution Medical Services	\$	209,231,014	\$	195,241,961	147895
GRF	506321	Institution Education Services	\$	20,237,576	\$	18,086,492	147896
GRF	507321	Institution Recovery Services	\$	5,786,109	\$	5,375,737	147897
TOTAL GRF General Revenue Fund			\$	1,492,079,838	\$	1,480,691,448	147898
General Services Fund Group							147899
1480	501602	Services and Agricultural	\$	3,579,250	\$	3,584,263	147900
2000	501607	Ohio Penal Industries	\$	38,000,000	\$	38,000,000	147901
4830	501605	Property Receipts	\$	182,723	\$	182,086	147902
4B00	501601	Sewer Treatment Services	\$	2,145,630	\$	2,157,682	147903
4D40	501603	Prisoner Programs	\$	14,900,000	\$	14,900,000	147904
4L40	501604	Transitional Control	\$	1,168,843	\$	1,213,120	147905
4S50	501608	Education Services	\$	2,376,041	\$	2,359,775	147906
5710	501606	Training Academy Receipts	\$	125,000	\$	125,000	147907
5930	501618	Laboratory Services	\$	6,665,137	\$	6,664,729	147908
5AF0	501609	State and Non-Federal Awards	\$	1,440,000	\$	1,440,000	147909
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	147910

5L60 501611	Information	\$	600,000	\$	600,000	147911
	Technology Services					
TOTAL GSF	General Services Fund	\$	73,182,624	\$	73,226,655	147912
Group						
Federal Special Revenue Fund Group						147913
3230 501619	Federal Grants	\$	9,013,558	\$	9,180,703	147914
TOTAL FED	Federal Special Revenue					147915
Fund Group		\$	9,013,558	\$	9,180,703	147916
TOTAL ALL BUDGET FUND GROUPS		\$	1,574,276,020	\$	1,563,098,806	147917
	TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL					147918
	SENTENCING REFORMS					147919
	For the purposes of implementing criminal sentencing reforms,					147920
	and notwithstanding any other provision of law to the contrary,					147921
	the Director of Budget and Management, at the request of the					147922
	Director of Rehabilitation and Correction, may transfer up to					147923
	\$14,000,000 in appropriations, in each of fiscal years 2012 and					147924
	2013, from appropriation item 501321, Institutional Operations, to					147925
	any combination of appropriation items 501405, Halfway House;					147926
	501407, Community Residential Programs; 501408, Community					147927
	Misdemeanor Programs; and 501501, Community Residential Programs -					147928
	CBCF.					147929
	OHIO BUILDING AUTHORITY LEASE PAYMENTS					147930
	The foregoing appropriation item 501406, Lease Rental					147931
	Payments, shall be used to meet all payments at the times they are					147932
	required to be made during the period from July 1, 2011, through					147933
	June 30, 2013, by the Department of Rehabilitation and Correction					147934
	to the Ohio Building Authority under the primary leases and					147935
	agreements for those buildings made under Chapter 152. of the					147936
	Revised Code. These appropriations are the source of funds pledged					147937
	for bond service charges or obligations issued pursuant to Chapter					147938
	152. of the Revised Code.					147939

OSU MEDICAL CHARGES					147940
Notwithstanding section 341.192 of the Revised Code, at the					147941
request of the Department of Rehabilitation and Correction, The					147942
Ohio State University Medical Center, including the James Cancer					147943
Hospital and Solove Research Institute and the Richard M. Ross					147944
Heart Hospital, shall provide necessary care to persons who are					147945
confined in state adult correctional facilities. The provision of					147946
necessary care shall be billed to the Department at a rate not to					147947
exceed the authorized reimbursement rate for the same service					147948
established by the Department of Job and Family Services under the					147949
Medical Assistance Program.					147950
Section 375.10. RSC REHABILITATION SERVICES COMMISSION					147951
General Revenue Fund					147952
GRF 415402 Independent Living	\$	252,000	\$	252,000	147953
Council					
GRF 415406 Assistive Technology	\$	26,618	\$	26,618	147954
GRF 415431 Office for People	\$	126,567	\$	126,567	147955
with Brain Injury					
GRF 415506 Services for People	\$	12,777,884	\$	12,777,884	147956
with Disabilities					
GRF 415508 Services for the Deaf	\$	28,000	\$	28,000	147957
TOTAL GRF General Revenue Fund	\$	13,211,069	\$	13,211,069	147958
General Services Fund Group					147959
4670 415609 Business Enterprise	\$	1,308,431	\$	1,303,090	147960
Operating Expenses					
TOTAL GSF General Services					147961
Fund Group	\$	1,308,431	\$	1,303,090	147962
Federal Special Revenue Fund Group					147963
3170 415620 Disability	\$	97,579,095	\$	97,579,095	147964
Determination					

3790	415616	Federal - Vocational Rehabilitation	\$	103,160,426	\$	103,150,102	147965
3L10	415601	Social Security Personal Care Assistance	\$	3,370,000	\$	3,370,000	147966
3L10	415605	Social Security Community Centers for the Deaf	\$	772,000	\$	772,000	147967
3L10	415608	Social Security Special Programs/Assistance	\$	1,521,406	\$	1,520,184	147968
3L40	415612	Federal Independent Living Centers or Services	\$	652,222	\$	652,222	147969
3L40	415615	Federal - Supported Employment	\$	929,755	\$	929,755	147970
3L40	415617	Independent Living/Vocational Rehabilitation Programs	\$	2,137,338	\$	2,137,338	147971
TOTAL FED Federal Special							147972
Revenue Fund Group			\$	210,122,242	\$	210,110,696	147973
State Special Revenue Fund Group							147974
4680	415618	Third Party Funding	\$	10,802,589	\$	10,802,589	147975
4L10	415619	Services for Rehabilitation	\$	3,700,000	\$	3,700,000	147976
4W50	415606	Program Management Expenses	\$	11,636,730	\$	11,587,201	147977
TOTAL SSR State Special							147978
Revenue Fund Group			\$	26,139,319	\$	26,089,790	147979
TOTAL ALL BUDGET FUND GROUPS			\$	250,781,061	\$	250,714,645	147980
INDEPENDENT LIVING COUNCIL							147981

The foregoing appropriation item 415402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

ASSISTIVE TECHNOLOGY

The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

OFFICE FOR PEOPLE WITH BRAIN INJURY

The foregoing appropriation item 415431, Office for People with Brain Injury, shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

Of the foregoing appropriation item 415431, Office for People with Brain Injury, \$44,067 in each fiscal year shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

VOCATIONAL REHABILITATION SERVICES

The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

At the request of the Chancellor of the Board of Regents, the 148012
Director of Budget and Management may transfer any unexpended, 148013
unencumbered appropriation in fiscal year 2012 or fiscal year 2013 148014
from appropriation item 235502, Student Support Services, to 148015
appropriation item 415506, Services for People with Disabilities. 148016
Any appropriation so transferred shall be used by the Ohio 148017
Rehabilitation Services Commission to obtain additional federal 148018
matching funds to serve disabled students. 148019

SERVICES FOR THE DEAF 148020

The foregoing appropriation item 415508, Services for the 148021
Deaf, shall be used to provide grants to community centers for the 148022
deaf. 148023

FEDERAL - VOCATIONAL REHABILITATION 148024

Of the foregoing appropriation item 415616, Federal - 148025
Vocational Rehabilitation, \$250,000 in each fiscal year shall be 148026
provided to the Ohio Association of Rehabilitation Facilities to 148027
monitor provider accreditation compliance. 148028

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 148029

The foregoing appropriation item 415617, Independent 148030
Living/Vocational Rehabilitation Programs, shall be used to 148031
support vocational rehabilitation programs. 148032

SOCIAL SECURITY REIMBURSEMENT FUNDS 148033

Reimbursement funds received from the Social Security 148034
Administration, United States Department of Health and Human 148035
Services, for the costs of providing services and training to 148036
return disability recipients to gainful employment shall be 148037
expended from the Social Security Reimbursement Fund (Fund 3L10), 148038
to the extent funds are available, as follows: 148039

(A) Appropriation item 415601, Social Security Personal Care 148040
Assistance, to provide personal care services in accordance with 148041

section 3304.41 of the Revised Code;				148042
(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and				148043 148044 148045 148046
(C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item shall also be used to pay a portion of indirect costs of the Personal Care Assistance Program and the Independent Living Programs as mandated by federal OMB Circular A-87.				148047 148048 148049 148050 148051 148052 148053 148054
PROGRAM MANAGEMENT EXPENSES				148055
The foregoing appropriation item 415606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.				148056 148057 148058 148059 148060
Section 377.10. RCB RESPIRATORY CARE BOARD				148061
General Services Fund Group				148062
4K90 872609 Operating Expenses	\$	528,624	\$	523,013 148063
TOTAL GSF General Services Fund Group	\$	528,624	\$	523,013 148065
TOTAL ALL BUDGET FUND GROUPS	\$	528,624	\$	523,013 148066
Section 379.10. RDF REVENUE DISTRIBUTION FUNDS				148068
Volunteer Firefighters' Dependents Fund				148069
7085 800985 Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000 148070

TOTAL 085 Volunteer Firefighters'				148071
Dependents Fund	\$	300,000	\$ 300,000	148072
Agency Fund Group				148073
4P80 001698 Cash Management	\$	3,100,000	\$ 3,100,000	148074
Improvement Fund				
5JG0 110633 Gross Casino Revenue	\$	5,778,617	\$ 138,882,294	148075
County Fund				
5JH0 110634 Gross Casino Revenue	\$	3,852,412	\$ 92,588,196	148076
County Student Fund				
5JJ0 110636 Gross Casino Revenue	\$	566,531	\$ 13,615,911	148077
Host City Fund				
5JK0 875610 Ohio State Racing	\$	339,919	\$ 8,169,547	148078
Commission Fund				
5JL0 038629 Problem Casino	\$	226,612	\$ 5,446,364	148079
Gambling and				
Addictions Fund				
5JN0 055654 Ohio Law Enforcement	\$	226,612	\$ 5,446,364	148080
Training Fund				
6080 001699 Investment Earnings	\$	50,000,000	\$ 150,000,000	148081
7062 110962 Resort Area Excise	\$	1,000,000	\$ 1,000,000	148082
Tax				
7063 110963 Permissive Tax	\$	1,904,500,000	\$ 1,980,700,000	148083
Distribution				
7067 110967 School District	\$	317,000,000	\$ 330,000,000	148084
Income Tax				
TOTAL AGY Agency Fund Group	\$	2,286,590,703	\$ 2,728,948,676	148085
Holding Account Redistribution				148086
R045 110617 International Fuel	\$	40,000,000	\$ 40,000,000	148087
Tax Distribution				
TOTAL 090 Holding Account				148088
Redistribution Fund				
Revenue Distribution Fund Group	\$	40,000,000	\$ 40,000,000	148089
7049 038900 Indigent Drivers	\$	2,200,000	\$ 2,200,000	148090

		Alcohol Treatment					
7050	762900	International	\$	30,000,000	\$	30,000,000	148091
		Registration Plan					
		Distribution					
7051	762901	Auto Registration	\$	539,000,000	\$	539,000,000	148092
		Distribution					
7054	110954	Local Government	\$	16,000,000	\$	11,000,000	148093
		Property Tax					
		Replacement - Utility					
7060	110960	Gasoline Excise Tax	\$	393,000,000	\$	395,000,000	148094
		Fund					
7065	110965	Public Library Fund	\$	354,000,000	\$	345,000,000	148095
7066	800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	148096
		Permits					
7068	110968	State and Local	\$	193,000,000	\$	196,000,000	148097
		Government Highway					
		Distribution					
7069	110969	Local Government Fund	\$	577,000,000	\$	391,000,000	148098
7081	110981	Local Government	\$	291,000,000	\$	181,000,000	148099
		Property Tax					
		Replacement-Business					
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000	148100
7083	700900	Ohio Fairs Fund	\$	1,400,000	\$	1,400,000	148101
TOTAL RDF Revenue Distribution							148102
Fund Group			\$	2,410,800,000	\$	2,105,800,000	148103
TOTAL ALL BUDGET FUND GROUPS			\$	4,737,690,703	\$	4,875,048,676	148104

ADDITIONAL APPROPRIATIONS

148105

Appropriation items in this section shall be used for the 148106
purpose of administering and distributing the designated revenue 148107
distribution funds according to the Revised Code. If it is 148108
determined that additional appropriations are necessary for this 148109
purpose, such amounts are hereby appropriated. 148110

GENERAL REVENUE FUND TRANSFERS				148111
Notwithstanding any provision of law to the contrary, in				148112
fiscal year 2012 and fiscal year 2013, the Director of Budget and				148113
Management may transfer from the General Revenue Fund to the Local				148114
Government Tangible Property Tax Replacement Fund (Fund 7081) in				148115
the Revenue Distribution Fund Group, those amounts necessary to				148116
reimburse local taxing units under section 5751.22 of the Revised				148117
Code. Also, in fiscal year 2012 and fiscal year 2013, the Director				148118
of Budget and Management may make temporary transfers from the				148119
General Revenue Fund to ensure sufficient balances in the Local				148120
Government Tangible Property Tax Replacement Fund (Fund 7081) and				148121
to replenish the General Revenue Fund for such transfers.				148122
Section 381.10. SAN BOARD OF SANITARIAN REGISTRATION				148123
General Services Fund Group				148124
4K90 893609 Operating Expenses	\$	141,839	\$ 126,850	148125
TOTAL GSF General Services				148126
Fund Group	\$	141,839	\$ 126,850	148127
TOTAL ALL BUDGET FUND GROUPS	\$	141,839	\$ 126,850	148128
Section 383.10. OSB OHIO STATE SCHOOL FOR THE BLIND				148130
General Revenue Fund				148131
GRF 226100 Personal Services	\$	6,593,546	\$ 6,593,546	148132
GRF 226200 Maintenance	\$	619,528	\$ 619,528	148133
GRF 226300 Equipment	\$	65,505	\$ 65,505	148134
TOTAL GRF General Revenue Fund	\$	7,278,579	\$ 7,278,579	148135
General Services Fund Group				148136
4H80 226602 Education Reform	\$	60,086	\$ 60,086	148137
Grants				
TOTAL GSF General Services				148138
Fund Group	\$	60,086	\$ 60,086	148139
Federal Special Revenue Fund Group				148140

3100	226626	Coordinating Unit	\$	2,527,104	\$	2,527,104	148141
3DT0	226621	Ohio Transition Collaborative	\$	1,800,000	\$	1,800,000	148142
3P50	226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000	148143
TOTAL FED Federal Special Revenue Fund Group							148144
State Special Revenue Fund Group							148146
4M50	226601	Work Study and Technology Investment	\$	698,521	\$	698,521	148147
TOTAL SSR State Special Revenue Fund Group							148148
TOTAL ALL BUDGET FUND GROUPS							148150
 Section 385.10. OSD OHIO SCHOOL FOR THE DEAF							148152
General Revenue Fund							148153
GRF	221100	Personal Services	\$	7,842,339	\$	7,842,339	148154
GRF	221200	Maintenance	\$	814,532	\$	814,532	148155
GRF	221300	Equipment	\$	70,786	\$	70,786	148156
TOTAL GRF General Revenue Fund							148157
General Services Fund Group							148158
4M10	221602	Education Reform Grants	\$	74,903	\$	74,903	148159
TOTAL GSF General Services Fund Group							148160
Federal Special Revenue Fund Group							148162
3110	221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	148163
3R00	221684	Medicaid Professional Services Reimbursement	\$	35,000	\$	35,000	148164
3Y10	221686	Early Childhood Grant	\$	300,000	\$	300,000	148165

TOTAL FED Federal Special				148166
Revenue Fund Group	\$	2,795,135	\$ 2,795,135	148167
State Special Revenue Fund Group				148168
4M00 221601 Educational Program	\$	190,000	\$ 190,000	148169
Expenses				
5H60 221609 Even Start Fees and	\$	126,750	\$ 126,750	148170
Gifts				
TOTAL SSR State Special Revenue				148171
Fund Group	\$	316,750	\$ 316,750	148172
TOTAL ALL BUDGET FUND GROUPS	\$	11,914,445	\$ 11,914,445	148173
Section 387.10. SFC SCHOOL FACILITIES COMMISSION				148175
General Revenue Fund				148176
GRF 230908 Common Schools	\$	150,604,900	\$ 341,919,400	148177
General Obligation				
Debt Service				
TOTAL GRF General Revenue Fund	\$	150,604,900	\$ 341,919,400	148178
State Special Revenue Fund Group				148179
5E30 230644 Operating Expenses	\$	8,950,000	\$ 8,550,000	148180
TOTAL SSR State Special Revenue				148181
Fund Group	\$	8,950,000	\$ 8,550,000	148182
TOTAL ALL BUDGET FUND GROUPS	\$	159,554,900	\$ 350,469,400	148183
Section 387.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT				148185
SERVICE				148186
The foregoing appropriation item 230908, Common Schools				148187
General Obligation Debt Service, shall be used to pay all debt				148188
service and related financing costs at the times they are required				148189
to be made during the period from July 1, 2011, through June 30,				148190
2013, for obligations issued under sections 151.01 and 151.03 of				148191
the Revised Code.				148192
OPERATING EXPENSES				148193

The foregoing appropriation item 230644, Operating Expenses, 148194
shall be used by the Ohio School Facilities Commission to carry 148195
out its responsibilities under this section and Chapter 3318. of 148196
the Revised Code. 148197

In both fiscal years 2012 and 2013, the Executive Director of 148198
the Ohio School Facilities Commission shall certify on a quarterly 148199
basis to the Director of Budget and Management the amount of cash 148200
from interest earnings to be transferred from the School Building 148201
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 148202
7021), and the Educational Facilities Trust Fund (Fund N087) to 148203
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 148204
transferred from the School Building Assistance Fund (Fund 7032) 148205
may not exceed investment earnings credited to the fund, less any 148206
amount required to be paid for federal arbitrage rebate purposes. 148207

If the Executive Director of the Ohio School Facilities 148208
Commission determines that transferring cash from interest 148209
earnings is insufficient to support operations and carry out its 148210
responsibilities under this section and Chapter 3318. of the 148211
Revised Code, the Commission may, with the approval of the 148212
Controlling Board, transfer cash not generated from interest from 148213
the Public School Building Fund (Fund 7021) and the Educational 148214
Trust Fund (Fund N087) to the Ohio School Facilities Commission 148215
Fund (Fund 5E30). 148216

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 148217

At the request of the Executive Director of the Ohio School 148218
Facilities Commission, the Director of Budget and Management may 148219
cancel encumbrances for school district projects from a previous 148220
biennium if the district has not raised its local share of project 148221
costs within thirteen months of receiving Controlling Board 148222
approval under section 3318.05 or 3318.41 of the Revised Code. The 148223
Executive Director of the Ohio School Facilities Commission shall 148224
certify the amounts of the canceled encumbrances to the Director 148225

of Budget and Management on a quarterly basis. The amounts of the 148226
canceled encumbrances are hereby appropriated. 148227

Section 387.30. AMENDMENT TO PROJECT AGREEMENT FOR 148228
MAINTENANCE LEVY 148229

The Ohio School Facilities Commission shall amend the project 148230
agreement between the Commission and a school district that is 148231
participating in the Accelerated Urban School Building Assistance 148232
Program on the effective date of this section, if the Commission 148233
determines that it is necessary to do so in order to comply with 148234
division (B)(3)(c) of section 3318.38 of the Revised Code. 148235

Section 387.40. CANTON CITY SCHOOL DISTRICT PROJECT 148236

(A) The Ohio School Facilities Commission may commit up to 148237
thirty-five million dollars to the Canton City School District for 148238
construction of a facility described in this section, in lieu of a 148239
high school that would otherwise be authorized under Chapter 3318. 148240
of the Revised Code. The Commission shall not commit funds under 148241
this section unless all of the following conditions are met: 148242

(1) The District has entered into a cooperative agreement 148243
with a state-assisted technical college; 148244

(2) The District has received an irrevocable commitment of 148245
additional funding from nonpublic sources; and 148246

(3) The facility is intended to serve both secondary and 148247
postsecondary instructional purposes. 148248

(B) The Commission shall enter into an agreement with the 148249
District for the construction of the facility authorized under 148250
this section that is separate from and in addition to the 148251
agreement required for the District's participation in the 148252
Classroom Facilities Assistance Program under section 3318.08 of 148253
the Revised Code. Notwithstanding that section and sections 148254

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 the Revised Code in order to keep aggregate state capital spending within approved limits and may take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

Section 387.60. Notwithstanding division (B) of section 148285
3318.40 of the Revised Code, the Ohio School Facilities Commission 148286
may provide assistance to at least one joint vocational school 148287
district each fiscal year for the acquisition of classroom 148288
facilities in accordance with sections 3318.40 to 3318.45 of the 148289
Revised Code. 148290

Section 387.70. (A) As used in this section, "equity list" 148291
means the school district percentile rankings calculated under 148292
section 3318.011 of the Revised Code. 148293

(B) Not later than thirty days after the effective date of 148294
this section, the Department of Education shall create an 148295
alternate equity list for fiscal year 2011, for use in funding 148296
projects for fiscal year 2012, by recalculating each school 148297
district's percentile ranking under section 3318.011 of the 148298
Revised Code and shall certify the alternate equity list to the 148299
Ohio School Facilities Commission. For this purpose, the 148300
Department shall recalculate each school district's percentile 148301
ranking using the district's "average taxable value" as that term 148302
is defined in the version of section 3318.011 of the Revised Code, 148303
as it results from the amendments to that section enacted by this 148304
act. 148305

(C) The Commission shall use the alternate equity list 148306
certified under division (B) of this section to determine the 148307
priority for assistance under sections 3318.01 to 3318.20 of the 148308
Revised Code for fiscal year 2012 for each school district that 148309
has not previously been offered funding under those sections. 148310
However, no district that already has been offered assistance 148311
under those sections for fiscal year 2011 prior to the 148312
Commission's receipt of the alternate equity list shall be denied 148313
the opportunity for assistance under those sections for that 148314
fiscal year. 148315

(D) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, for each school district that receives the Commission's conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code for fiscal year 2012, the district's portion of the basic project cost shall be the lesser of the following:

(1) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the alternate equity list certified under division (B) of this section;

(2) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the original equity list for fiscal year 2011.

Section 389.10. SOS SECRETARY OF STATE

General Revenue Fund					148330	
GRF 050321	Operating Expenses	\$	2,144,030	\$	2,144,030	148331
GRF 050407	Pollworkers Training	\$	234,196	\$	234,196	148332
TOTAL GRF	General Revenue Fund	\$	2,378,226	\$	2,378,226	148333
General Services Fund Group					148334	
4120 050609	Notary Commission	\$	475,000	\$	475,000	148335
4130 050601	Information Systems	\$	49,000	\$	49,000	148336
4140 050602	Citizen Education	\$	25,000	\$	25,000	148337
	Fund					
4S80 050610	Board of Voting	\$	7,200	\$	7,200	148338
	Machine Examiners					
5FG0 050620	BOE Reimbursement and	\$	100,000	\$	100,000	148339
	Education					
TOTAL General Services	Fund Group	\$	656,200	\$	656,200	148340
Federal Special Revenue	Fund Group					148341
3AH0 050614	Election	\$	800,000	\$	800,000	148342

	Reform/Health and					
	Human Services					
3AS0 050616	Help America Vote Act	\$	3,000,000	\$	3,000,000	148343
	(HAVA)					
TOTAL FED	Federal Special Revenue					148344
Fund Group		\$	3,800,000	\$	3,800,000	148345
	State Special Revenue Fund Group					148346
5990 050603	Business Services	\$	14,385,400	\$	14,385,400	148347
	Operating Expenses					
TOTAL SSR	State Special Revenue					148348
Fund Group		\$	14,385,400	\$	14,385,400	148349
	Holding Account Redistribution Fund Group					148350
R001 050605	Uniform Commercial	\$	30,000	\$	30,000	148351
	Code Refunds					
R002 050606	Corporate/Business	\$	85,000	\$	85,000	148352
	Filing Refunds					
TOTAL 090	Holding Account					148353
Redistribution	Fund Group	\$	115,000	\$	115,000	148354
TOTAL ALL BUDGET FUND GROUPS		\$	21,334,826	\$	21,334,826	148355
	POLLWORKER TRAINING					148356
	The foregoing appropriation item 050407, Pollworkers					148357
	Training, shall be used to reimburse county boards of elections					148358
	for pollworker training pursuant to section 3501.27 of the Revised					148359
	Code. At the end of fiscal year 2012, an amount equal to the					148360
	unexpended, unencumbered portion of appropriation item 050407,					148361
	Pollworkers Training, is hereby reappropriated in fiscal year 2013					148362
	for the same purpose.					148363
	BOARD OF VOTING MACHINE EXAMINERS					148364
	The foregoing appropriation item 050610, Board of Voting					148365
	Machine Examiners, shall be used to pay for the services and					148366
	expenses of the members of the Board of Voting Machine Examiners,					148367

and for other expenses that are authorized to be paid from the 148368
Board of Voting Machine Examiners Fund, which is created in 148369
section 3506.05 of the Revised Code. Moneys not used shall be 148370
returned to the person or entity submitting equipment for 148371
examination. If it is determined that additional appropriations 148372
are necessary, such amounts are hereby appropriated. 148373

HAVA FUNDS 148374

An amount equal to the unexpended, unencumbered portion of 148375
appropriation item 050616, Help America Vote Act (HAVA) Voting 148376
Machines, at the end of fiscal year 2012 is reappropriated for the 148377
same purpose in fiscal year 2013. 148378

An amount equal to the unexpended, unencumbered portion of 148379
appropriation item 050614, Election Reform/Health and Human 148380
Services, at the end of fiscal year 2012 is reappropriated for the 148381
same purpose in fiscal year 2013. 148382

The Director of Budget and Management shall credit the 148383
ongoing interest earnings from the Election Reform/Health and 148384
Human Services Fund (Fund 3AH0), the Help America Vote Act (HAVA) 148385
Voting Machines Fund (Fund 3AS0), and the Election Data Collection 148386
Grant Fund (Fund 3AC0) to the respective funds and distribute 148387
these earnings in accordance with the terms of the grant under 148388
which the money is received. 148389

HOLDING ACCOUNT REDISTRIBUTION GROUP 148390

The foregoing appropriation items 050605, Uniform Commercial 148391
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 148392
be used to hold revenues until they are directed to the 148393
appropriate accounts or until they are refunded. If it is 148394
determined that additional appropriations are necessary, such 148395
amounts are hereby appropriated. 148396

ABOLITION OF THE TECHNOLOGY IMPROVEMENTS FUND 148397

On July 1, 2011, or as soon as possible thereafter, the 148398
 Director of Budget and Management shall transfer the cash balance 148399
 in the Technology Improvements Fund (Fund 5N90) to the Business 148400
 Services Operating Expenses Fund (Fund 5990). The Director shall 148401
 cancel any existing encumbrances against appropriation item 148402
 050607, Technology Improvements, and re-establish them against 148403
 appropriation item 050603, Business Services Operating Expenses. 148404
 The re-established encumbered amounts are hereby appropriated. 148405
 Upon completion of the transfer, Fund 5N90 is abolished. 148406

Section 391.10. SEN THE OHIO SENATE 148407

General Revenue Fund 148408

GRF 020321	Operating Expenses	\$	10,911,095	\$	10,911,095	148409
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TOTAL GRF	General Revenue Fund	\$	10,911,095	\$	10,911,095	148410
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General Services Fund Group 148411

1020 020602	Senate Reimbursement	\$	852,001	\$	852,001	148412
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4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	148413
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TOTAL GSF	General Services					148414
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Fund Group		\$	886,498	\$	886,498	148415
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TOTAL ALL BUDGET FUND GROUPS		\$	11,797,593	\$	11,797,593	148416
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OPERATING EXPENSES 148417

On July 1, 2011, or as soon as possible thereafter, the Clerk 148418
 of the Senate may certify to the Director of Budget and Management 148419
 the amount of the unexpended, unencumbered balance of the 148420
 foregoing appropriation item 020321, Operating Expenses, at the 148421
 end of fiscal year 2011 to be reappropriated to fiscal year 2012. 148422
 The amount certified is hereby reappropriated to the same 148423
 appropriation item for fiscal year 2012. 148424

On July 1, 2012, or as soon as possible thereafter, the Clerk 148425
 of the Senate may certify to the Director of Budget and Management 148426
 the amount of the unexpended, unencumbered balance of the 148427

foregoing appropriation item 020321, Operating Expenses, at the 148428
end of fiscal year 2012 to be reappropriated to fiscal year 2013. 148429
The amount certified is hereby reappropriated to the same 148430
appropriation item for fiscal year 2013. 148431

Section 393.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 148432

General Revenue Fund 148433

GRF 866321 CSV Operations \$ 129,998 \$ 126,664 148434

TOTAL GRF General Revenue Fund \$ 129,998 \$ 126,664 148435

General Services Fund 148436

5GN0 866605 Serve Ohio Support \$ 67,500 \$ 67,500 148437

TOTAL GSF General Services Fund \$ 67,500 \$ 67,500 148438

Federal Special Revenue Fund Group 148439

3R70 866617 AmeriCorps Programs \$ 8,279,290 \$ 8,272,110 148440

TOTAL FED Federal Special Revenue 148441

Fund Group \$ 8,279,290 \$ 8,272,110 148442

State Special Revenue Fund Group 148443

6240 866604 Volunteer Contracts \$ 49,130 \$ 47,870 148444

and Services

TOTAL SSR State Special Revenue 148445

Fund Group \$ 49,130 \$ 47,870 148446

TOTAL ALL BUDGET FUND GROUPS \$ 8,525,918 \$ 8,514,144 148447

Section 395.10. CSF COMMISSIONERS OF THE SINKING FUND 148449

Debt Service Fund Group 148450

7070155905 Third Frontier \$ 29,323,300 \$ 63,640,300 148451

Research and

Development Bond

Retirement Fund

7072155902 Highway Capital \$ 143,176,000 \$ 150,789,300 148452

Improvement Bond

	Retirement Fund				
7073155903	Natural Resources Bond	\$	5,375,300	\$	25,209,100 148453
	Retirement Fund				
7074155904	Conservation Projects	\$	24,556,800	\$	29,297,300 148454
	Bond Retirement Fund				
7076155906	Coal Research and	\$	7,861,100	\$	5,577,700 148455
	Development Bond				
	Retirement Fund				
7077155907	State Capital	\$	113,306,600	\$	215,571,100 148456
	Improvement Bond				
	Retirement Fund				
7078155908	Common Schools Bond	\$	150,604,900	\$	341,919,400 148457
	Retirement Fund				
7079155909	Higher Education Bond	\$	108,262,500	\$	201,555,000 148458
	Retirement Fund				
7080155901	Persian Gulf,	\$	5,497,700	\$	10,112,100 148459
	Afghanistan, and Iraq				
	Conflicts Bond				
	Retirement Fund				
7090155912	Job Ready Site	\$	9,859,200	\$	15,680,500 148460
	Development Bond				
	Retirement Fund				
TOTAL DSF Debt Service Fund Group		\$	597,823,400	\$	1,059,351,800 148461
TOTAL ALL BUDGET FUND GROUPS		\$	597,823,400	\$	1,059,351,800 148462
	ADDITIONAL APPROPRIATIONS				148463
	Appropriation items in this section are for the purpose of				148464
	paying debt service and financing costs on bonds or notes of the				148465
	state issued under the Ohio Constitution and acts of the General				148466
	Assembly. If it is determined that additional amounts are				148467
	necessary for this purpose, such amounts are hereby appropriated.				148468
	Section 397.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				148469
	DEVELOPMENT FOUNDATION				148470

Tobacco Master Settlement Agreement Fund Group				148471
5M90 945601 Operating Expenses	\$	436,500	\$ 426,800	148472
TOTAL TMF Tobacco Master Settlement Agreement Fund Group	\$	436,500	\$ 426,800	148473
TOTAL ALL BUDGET FUND GROUPS	\$	436,500	\$ 426,800	148474

Section 399.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY 148476
148477

General Services Fund Group				148478
4K90 886609 Operating Expenses	\$	477,490	\$ 472,260	148479
TOTAL GSF General Services Fund Group	\$	477,490	\$ 472,260	148481
TOTAL ALL BUDGET FUND GROUPS	\$	477,490	\$ 472,260	148482

Section 401.10. BTA BOARD OF TAX APPEALS 148484

General Revenue Fund				148485
GRF 116321 Operating Expenses	\$	1,600,000	\$ 1,700,000	148486
TOTAL GRF General Revenue Fund	\$	1,600,000	\$ 1,700,000	148487
TOTAL ALL BUDGET FUND GROUPS	\$	1,600,000	\$ 1,700,000	148488

Section 403.10. TAX DEPARTMENT OF TAXATION 148490

General Revenue Fund				148491
GRF 110321 Operating Expenses	\$	73,500,000	\$ 73,550,000	148492
GRF 110404 Tobacco Settlement Enforcement	\$	200,000	\$ 200,000	148493
GRF 110412 Child Support Administration	\$	15,804	\$ 15,804	148494
GRF 110901 Property Tax Allocation - Taxation	\$	610,900,000	\$ 616,000,000	148495
TOTAL GRF General Revenue Fund	\$	684,615,804	\$ 689,765,804	148496
General Services Fund Group				148497
2280 110628 Tax Reform System	\$	13,638,008	\$ 13,642,176	148498

		Implementation				
4330	110602	Tape File Account	\$	197,802	\$	197,878 148499
5AP0	110632	Discovery Project	\$	2,445,799	\$	2,445,657 148500
5BW0	110630	Tax Amnesty Promotion and Administration	\$	2,500,000	\$	0 148501
5CZ0	110631	Vendor's License Application	\$	250,000	\$	250,000 148502
5N50	110605	Municipal Income Tax Administration	\$	339,798	\$	339,975 148503
5N60	110618	Kilowatt Hour Tax Administration	\$	150,000	\$	150,000 148504
5V80	110623	Property Tax Administration	\$	12,195,733	\$	12,099,303 148505
5W40	110625	Centralized Tax Filing and Payment	\$	200,000	\$	200,000 148506
5W70	110627	Exempt Facility Administration	\$	50,000	\$	50,000 148507
TOTAL GSF General Services						148508
Fund Group			\$	31,967,140	\$	29,374,989 148509
State Special Revenue Fund Group						148510
4350	110607	Local Tax Administration	\$	19,028,339	\$	19,225,941 148511
4360	110608	Motor Vehicle Audit	\$	1,474,081	\$	1,474,353 148512
4370	110606	Litter/Natural Resource Tax Administration	\$	20,000	\$	20,000 148513
4380	110609	School District Income Tax	\$	5,859,041	\$	5,860,650 148514
4C60	110616	International Registration Plan	\$	689,296	\$	689,308 148515
4R60	110610	Tire Tax Administration	\$	245,462	\$	246,660 148516
5V70	110622	Motor Fuel Tax	\$	5,384,254	\$	5,086,236 148517

		Administration				
6390	110614	Cigarette Tax	\$	1,384,217	\$	1,384,314 148518
		Enforcement				
6420	110613	Ohio Political Party	\$	500,000	\$	500,000 148519
		Distributions				
6880	110615	Local Excise Tax	\$	782,630	\$	782,843 148520
		Administration				
TOTAL SSR State Special Revenue						148521
Fund Group			\$	35,367,320	\$	35,270,305 148522
Agency Fund Group						148523
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 148524
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 148525
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000 148526
Holding Account Redistribution Fund Group						148527
R010	110611	Tax Distributions	\$	50,000	\$	50,000 148528
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 148529
		Tax Receipts				
TOTAL 090 Holding Account						148530
Redistribution Fund Group			\$	100,000	\$	100,000 148531
TOTAL ALL BUDGET FUND GROUPS			\$	2,319,850,264	\$	2,322,311,098 148532
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK						148533
The foregoing appropriation item 110901, Property Tax						148534
Allocation - Taxation, is hereby appropriated to pay for the						148535
state's costs incurred due to the Homestead Exemption, the						148536
Manufactured Home Property Tax Rollback, and the Property Tax						148537
Rollback. The Tax Commissioner shall distribute these funds						148538
directly to the appropriate local taxing districts, except for						148539
school districts, notwithstanding the provisions in sections						148540
321.24 and 323.156 of the Revised Code, which provide for payment						148541
of the Homestead Exemption, the Manufactured Home Property Tax						148542
Rollback, and Property Tax Rollback by the Tax Commissioner to the						148543
appropriate county treasurer and the subsequent redistribution of						148544

these funds to the appropriate local taxing districts by the county auditor. 148545
148546

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code. 148547
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Any sums, in addition to the amounts specifically appropriated in appropriation item 110901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated. 148553
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TAX AMNESTY PROMOTION AND ADMINISTRATION 148559

The foregoing appropriation item 110630, Tax Amnesty Promotion and Administration, shall be used to pay expenses incurred to promote and administer the tax amnesty program to be conducted from May 1, 2012, through June 15, 2012, by the Department of Taxation pursuant to Section 757.40 of this act. 148560
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MUNICIPAL INCOME TAX 148565

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. 148566
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TAX REFUNDS 148571

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary 148572
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148574

for this purpose, such amounts are hereby appropriated.	148575
INTERNATIONAL REGISTRATION PLAN AUDIT	148576
The foregoing appropriation item 110616, International Registration Plan, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.	148577 148578 148579 148580
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	148581
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	148582 148583 148584 148585 148586 148587 148588
CENTRALIZED TAX FILING AND PAYMENT FUND	148589
The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers of cash shall not exceed \$400,000 in the biennium.	148590 148591 148592 148593 148594 148595
TOBACCO SETTLEMENT ENFORCEMENT	148596
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	148597 148598 148599 148600
Section 403.20. FUND TRANSFERS TO TAX AMNESTY PROGRAM	148601
Notwithstanding any provision of law to the contrary, not later than thirty days following the effective date of this	148602 148603

section, the Director of Budget and Management shall transfer 148604
 \$2,500,000 from the General Revenue Fund to the Tax Amnesty 148605
 Promotion and Administration Fund (5BW0), which is hereby created 148606
 in the state treasury. The funds shall be used by the Department 148607
 of Taxation to pay expenses incurred in promoting and 148608
 administering the tax amnesty program that is to be conducted from 148609
 May 1, 2012, through June 15, 2012, pursuant to section 757.40 of 148610
 this act. 148611

Section 405.10. DOT DEPARTMENT OF TRANSPORTATION 148612

General Revenue Fund 148613

GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 148614
 - State

GRF 776465 Ohio Rail Development \$ 2,000,000 \$ 2,000,000 148615
 Commission

GRF 777471 Airport Improvements \$ 750,000 \$ 750,000 148616
 - State

TOTAL GRF General Revenue Fund \$ 10,050,000 \$ 10,050,000 148617

TOTAL ALL BUDGET FUND GROUPS \$ 10,050,000 \$ 10,050,000 148618

Section 407.10. TOS TREASURER OF STATE 148620

General Revenue Fund 148621

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 148622

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 148623
 Fund

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 148624

GRF 090524 Police and Fire \$ 7,900 \$ 7,900 148625
 Disability Pension

Fund

GRF 090534 Police and Fire Ad Hoc \$ 87,000 \$ 87,000 148626
 Cost of Living

GRF 090554 Police and Fire \$ 600,000 \$ 600,000 148627

	Survivor Benefits				
GRF 090575	Police and Fire Death	\$ 20,000,000	\$ 20,000,000	20,000,000	148628
	Benefits				
TOTAL GRF	General Revenue Fund	\$ 29,318,459	\$ 29,318,459	29,318,459	148629
	General Services Fund Group				148630
4E90 090603	Securities Lending	\$ 4,829,441	\$ 4,829,441	4,829,441	148631
	Income				
5770 090605	Investment Pool	\$ 550,000	\$ 550,000	550,000	148632
	Reimbursement				
5C50 090602	County Treasurer	\$ 170,057	\$ 170,057	170,057	148633
	Education				
6050 090609	Treasurer of State	\$ 135,000	\$ 135,000	135,000	148634
	Administrative Fund				
TOTAL GSF	General Services				148635
Fund Group		\$ 5,684,498	\$ 5,684,498	5,684,498	148636
	Agency Fund Group				148637
4250 090635	Tax Refunds	\$ 6,000,000	\$ 6,000,000	6,000,000	148638
TOTAL Agency	Fund Group	\$ 6,000,000	\$ 6,000,000	6,000,000	148639
TOTAL ALL BUDGET	FUND GROUPS	\$ 41,002,957	\$ 41,002,957	41,002,957	148640

Section 407.20. OFFICE OF THE SINKING FUND 148642

The foregoing appropriation item 090401, Office of the 148643
Sinking Fund, shall be used for costs incurred by or on behalf of 148644
the Commissioners of the Sinking Fund and the Ohio Public 148645
Facilities Commission with respect to State of Ohio general 148646
obligation bonds or notes, and the Treasurer of State with respect 148647
to State of Ohio general obligation and special obligation bonds 148648
or notes, including, but not limited to, printing, advertising, 148649
delivery, rating fees and the procurement of ratings, professional 148650
publications, membership in professional organizations, and other 148651
services referred to in division (D) of section 151.01 of the 148652
Revised Code. The General Revenue Fund shall be reimbursed for 148653

such costs relating to the issuance and administration of Highway 148654
Capital Improvement bonds or notes authorized under Ohio 148655
Constitution, Article VIII, Section 2m and Chapter 151. of the 148656
Revised Code. That reimbursement shall be made from appropriation 148657
item 155902, Highway Capital Improvement Bond Retirement Fund, by 148658
intrastate transfer voucher pursuant to a certification by the 148659
Office of the Sinking Fund of the actual amounts used. The amounts 148660
necessary to make such a reimbursement are hereby appropriated 148661
from the Highway Capital Improvement Bond Retirement Fund created 148662
in section 151.06 of the Revised Code. 148663

POLICE AND FIRE DEATH BENEFIT FUND 148664

The foregoing appropriation item 090575, Police and Fire 148665
Death Benefits, shall be disbursed quarterly by the Treasurer of 148666
State at the beginning of each quarter of each fiscal year to the 148667
Board of Trustees of the Ohio Police and Fire Pension Fund. The 148668
Treasurer of State shall certify such amounts quarterly to the 148669
Director of Budget and Management. By the twentieth day of June of 148670
each fiscal year, the Board of Trustees of the Ohio Police and 148671
Fire Pension Fund shall certify to the Treasurer of State the 148672
amount disbursed in the current fiscal year to make the payments 148673
required by section 742.63 of the Revised Code and shall return to 148674
the Treasurer of State moneys received from this appropriation 148675
item but not disbursed. 148676

TAX REFUNDS 148677

The foregoing appropriation item 090635, Tax Refunds, shall 148678
be used to pay refunds under section 5703.052 of the Revised Code. 148679
If the Director of Budget and Management determines that 148680
additional amounts are necessary for this purpose, such amounts 148681
are hereby appropriated. 148682

Section 409.10. VTO VETERANS' ORGANIZATIONS 148683

General Revenue Fund					148684
		VAP AMERICAN EX-PRISONERS OF WAR			148685
GRF	743501	State Support	\$ 28,910	\$ 28,910	148686
		VAN ARMY AND NAVY UNION, USA, INC.			148687
GRF	746501	State Support	\$ 63,539	\$ 63,539	148688
		VKW KOREAN WAR VETERANS			148689
GRF	747501	State Support	\$ 57,118	\$ 57,118	148690
		VJW JEWISH WAR VETERANS			148691
GRF	748501	State Support	\$ 34,321	\$ 34,321	148692
		VCW CATHOLIC WAR VETERANS			148693
GRF	749501	State Support	\$ 66,978	\$ 66,978	148694
		VPH MILITARY ORDER OF THE PURPLE HEART			148695
GRF	750501	State Support	\$ 65,116	\$ 65,116	148696
		VVV VIETNAM VETERANS OF AMERICA			148697
GRF	751501	State Support	\$ 214,776	\$ 214,776	148698
		VAL AMERICAN LEGION OF OHIO			148699
GRF	752501	State Support	\$ 349,189	\$ 349,189	148700
		VII AMVETS			148701
GRF	753501	State Support	\$ 332,547	\$ 332,547	148702
		VAV DISABLED AMERICAN VETERANS			148703
GRF	754501	State Support	\$ 249,836	\$ 249,836	148704
		VMC MARINE CORPS LEAGUE			148705
GRF	756501	State Support	\$ 133,947	\$ 133,947	148706
		V37 37TH DIVISION VETERANS' ASSOCIATION			148707
GRF	757501	State Support	\$ 6,868	\$ 6,868	148708
		VFW VETERANS OF FOREIGN WARS			148709
GRF	758501	State Support	\$ 284,841	\$ 284,841	148710
TOTAL GRF General Revenue Fund			\$ 1,887,986	\$ 1,887,986	148711
TOTAL ALL BUDGET FUND GROUPS			\$ 1,887,986	\$ 1,887,986	148712
		RELEASE OF FUNDS			148713
		The Director of Budget and Management may release the			148714
		foregoing appropriation items 743501, 746501, 747501, 748501,			148715

749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, 148716
and 758501, State Support. 148717

Section 411.10. DVS DEPARTMENT OF VETERANS SERVICES 148718

General Revenue Fund 148719

GRF 900321 Veterans' Homes \$ 27,369,946 \$ 27,369,946 148720

GRF 900402 Hall of Fame \$ 107,075 \$ 107,075 148721

GRF 900408 Department of Veterans Services \$ 1,901,823 \$ 1,901,823 148722

GRF 900901 Persian Gulf, Afghanistan, and Iraq Compensation Debt Service \$ 5,486,600 \$ 10,112,100 148723

TOTAL GRF General Revenue Fund \$ 34,865,444 \$ 39,490,944 148724

General Services Fund Group 148725

4840 900603 Veterans' Homes Services \$ 305,806 \$ 312,458 148726

TOTAL GSF General Services Fund \$ 305,806 \$ 312,458 148727

Group

Federal Special Revenue Fund Group 148728

3680 900614 Veterans Training \$ 769,500 \$ 754,377 148729

3740 900606 Troops to Teachers \$ 136,786 \$ 133,461 148730

3BX0 900609 Medicare Services \$ 2,500,000 \$ 2,490,169 148731

3L20 900601 Veterans' Homes Operations - Federal \$ 23,455,379 \$ 23,476,269 148732

TOTAL FED Federal Special Revenue 148733

Fund Group \$ 26,861,665 \$ 26,854,276 148734

State Special Revenue Fund Group 148735

4E20 900602 Veterans' Homes Operating \$ 10,117,680 \$ 10,319,078 148736

6040 900604 Veterans' Homes \$ 347,598 \$ 398,731 148737

Improvement			
TOTAL SSR State Special Revenue			148738
Fund Group	\$ 10,465,278	\$ 10,717,809	148739
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group			148740
7041 900615 Veteran Bonus Program	\$ 1,605,410	\$ 1,147,703	148741
- Administration			
7041 900641 Persian Gulf,	\$ 25,425,000	\$ 24,300,000	148742
Afghanistan, and Iraq Compensation			
TOTAL 041 Persian Gulf,			148743
Afghanistan, and Iraq			148744
Compensation Fund Group	\$ 27,030,410	\$ 25,447,703	148745
TOTAL ALL BUDGET FUND GROUPS	\$ 99,528,603	\$ 102,823,190	148746
PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL			148747
OBLIGATION DEBT SERVICE			148748
The foregoing appropriation item 900901, Persian Gulf,			148749
Afghanistan and Iraq Compensation Debt Service, shall be used to			148750
pay all debt service and related financing costs during the period			148751
from July 1, 2011, through June 30, 2013, on obligations issued			148752
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation			148753
purposes under sections 151.01 and 151.12 of the Revised Code.			148754
Section 413.10. DVM STATE VETERINARY MEDICAL BOARD			148755
General Services Fund Group			148756
4K90 888609 Operating Expenses	\$ 322,375	\$ 319,857	148757
5BV0 888602 Veterinary Student	\$ 30,000	\$ 30,000	148758
Loan Program			
TOTAL GSF General Services			148759
Fund Group	\$ 352,375	\$ 349,857	148760
TOTAL ALL BUDGET FUND GROUPS	\$ 352,375	\$ 349,857	148761
Section 415.10. DYS DEPARTMENT OF YOUTH SERVICES			148763

General Revenue Fund				148764
GRF	470401	RECLAIM Ohio	\$ 168,716,967 \$	162,362,228 148765
GRF	470412	Lease Rental Payments	\$ 10,221,800 \$	27,230,100 148766
GRF	470510	Youth Services	\$ 16,702,728 \$	16,702,728 148767
GRF	472321	Parole Operations	\$ 10,830,019 \$	10,583,118 148768
GRF	477321	Administrative	\$ 12,222,051 \$	11,855,389 148769
Operations				
TOTAL GRF	General Revenue Fund		\$ 218,693,565 \$	228,733,563 148770
General Services Fund Group				148771
1750	470613	Education	\$ 8,160,277 \$	8,151,056 148772
Reimbursement				
4790	470609	Employee Food Service	\$ 150,000 \$	150,000 148773
4A20	470602	Child Support	\$ 450,000 \$	400,000 148774
4G60	470605	General Operational	\$ 125,000 \$	125,000 148775
Funds				
5BN0	470629	E-Rate Program	\$ 535,000 \$	535,000 148776
TOTAL GSF	General Services			148777
Fund Group			\$ 9,420,277 \$	9,361,056 148778
Federal Special Revenue Fund Group				148779
3210	470601	Education	\$ 1,774,469 \$	1,517,840 148780
3210	470603	Juvenile Justice	\$ 300,000 \$	300,000 148781
Prevention				
3210	470606	Nutrition	\$ 1,747,432 \$	1,704,022 148782
3210	470610	Rehabilitation	\$ 36,000 \$	36,000 148783
Programs				
3210	470614	Title IV-E	\$ 6,000,000 \$	6,000,000 148784
Reimbursements				
3BY0	470635	Federal Juvenile	\$ 56,471 \$	2,000 148785
Programs FFY 07				
3BZ0	470636	Federal Juvenile	\$ 82,000 \$	1,618 148786
Programs FFY 08				
3CP0	470638	Federal Juvenile	\$ 500,000 \$	300,730 148787

		Programs FFY 09					
3CR0	470639	Federal Juvenile	\$	800,000	\$	479,900	148788
		Programs FFY 10					
3FB0	470641	Federal Juvenile	\$	135,000	\$	600,000	148789
		Programs FFY 11					
3FC0	470642	Federal Juvenile	\$	0	\$	135,000	148790
		Programs FFY 12					
3V50	470604	Juvenile	\$	2,010,000	\$	2,000,000	148791
		Justice/Delinquency					
		Prevention					
TOTAL FED		Federal Special Revenue					148792
Fund Group			\$	13,441,372	\$	13,077,110	148793
State Special Revenue		Fund Group					148794
1470	470612	Vocational Education	\$	762,126	\$	758,210	148795
TOTAL SSR		State Special Revenue					148796
Fund Group			\$	762,126	\$	758,210	148797
TOTAL ALL BUDGET FUND GROUPS			\$	242,317,340	\$	251,929,939	148798

COMMUNITY PROGRAMS 148799

Of the foregoing appropriation item 470401, RECLAIM Ohio, an 148800
amount equal to forty-five per cent of the unexpended, 148801
unencumbered balance used for the purpose of funding juvenile 148802
correctional facilities, at the end of each fiscal year, is hereby 148803
reappropriated to the next fiscal year, and shall be used for the 148804
purpose of expanding Targeted RECLAIM, the Behavioral Health 148805
Juvenile Justice Initiative, and other evidence-based community 148806
programs. 148807

OHIO BUILDING AUTHORITY LEASE PAYMENTS 148808

The foregoing appropriation item 470412, Lease Rental 148809
Payments, shall be used to meet all payments at the times they are 148810
required to be made for the period from July 1, 2011, through June 148811
30, 2013, by the Department of Youth Services to the Ohio Building 148812
Authority under the leases and agreements for facilities made 148813

under Chapter 152. of the Revised Code. This appropriation is the	148814
source of funds pledged for bond service charges on related	148815
obligations issued pursuant to Chapter 152. of the Revised Code.	148816
EDUCATION REIMBURSEMENT	148817
The foregoing appropriation item 470613, Education	148818
Reimbursement, shall be used to fund the operating expenses of	148819
providing educational services to youth supervised by the	148820
Department of Youth Services. Operating expenses include, but are	148821
not limited to, teachers' salaries, maintenance costs, and	148822
educational equipment. This appropriation item may be used for	148823
capital expenses related to the education program.	148824
EMPLOYEE FOOD SERVICE AND EQUIPMENT	148825
Notwithstanding section 125.14 of the Revised Code, the	148826
foregoing appropriation item 470609, Employee Food Service, may be	148827
used to purchase any food operational items with funds received	148828
into the fund from reimbursements for state surplus property.	148829
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	148830
In collaboration with the county family and children first	148831
council, the juvenile court of that county that receives	148832
allocations from one or both of the foregoing appropriation items	148833
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer	148834
portions of those allocations to a flexible funding pool as	148835
authorized by the section of this act titled "FAMILY AND CHILDREN	148836
FIRST FLEXIBLE FUNDING POOL."	148837
Section 501.10. All items set forth in this section are	148838
hereby appropriated for fiscal year 2012 out of any moneys in the	148839
state treasury to the credit of the Administrative Building Fund	148840
(Fund 7026) that are not otherwise appropriated.	148841
CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD	148842
C87416 Statehouse Boiler Replacement \$ 900,000	148843

Total Capitol Square Review and Advisory Board	\$	900,000	148844
TOTAL Administrative Building Fund	\$	900,000	148845

Section 501.20. All items set forth in this section are 148847
hereby appropriated for fiscal year 2012 out of any moneys in the 148848
state treasury to the credit of the Parks and Recreation 148849
Improvement Fund (Fund 7035) that are not otherwise appropriated. 148850

DNR DEPARTMENT OF NATURAL RESOURCES 148851

C725S3 Caesar Creek Marina	\$	4,000,000	148852
Total Department of Natural Resources	\$	4,000,000	148853
TOTAL Parks and Recreation Improvement Fund	\$	4,000,000	148854

Section 503.10. PERSONAL SERVICE EXPENSES 148856

Unless otherwise prohibited by law, any appropriation from 148857
which personal service expenses are paid shall bear the employer's 148858
share of public employees' retirement, workers' compensation, 148859
disabled workers' relief, and insurance programs; and the costs of 148860
centralized financial services, centralized payroll processing, 148861
and related reports and services; centralized human resources 148862
services, including affirmative action and equal employment 148863
opportunity programs; the Office of Collective Bargaining; the 148864
Employee Assistance Program; centralized information technology 148865
management services; administering the enterprise resource 148866
planning system; and administering the state employee merit system 148867
as required by section 124.07 of the Revised Code. These costs 148868
shall be determined in conformity with the appropriate sections of 148869
law and paid in accordance with procedures specified by the Office 148870
of Budget and Management. Expenditures from appropriation item 148871
070601, Public Audit Expense - Intra-State, may be exempted from 148872
the requirements of this section. 148873

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 148874
AGAINST THE STATE 148875

Except as otherwise provided in this section, an 148876
appropriation in this act or any other act may be used for the 148877
purpose of satisfying judgments, settlements, or administrative 148878
awards ordered or approved by the Court of Claims or by any other 148879
court of competent jurisdiction in connection with civil actions 148880
against the state. This authorization does not apply to 148881
appropriations to be applied to or used for payment of guarantees 148882
by or on behalf of the state, or for payments under lease 148883
agreements relating to, or debt service on, bonds, notes, or other 148884
obligations of the state. Notwithstanding any other statute to the 148885
contrary, this authorization includes appropriations from funds 148886
into which proceeds of direct obligations of the state are 148887
deposited only to the extent that the judgment, settlement, or 148888
administrative award is for, or represents, capital costs for 148889
which the appropriation may otherwise be used and is consistent 148890
with the purpose for which any related obligations were issued or 148891
entered into. Nothing contained in this section is intended to 148892
subject the state to suit in any forum in which it is not 148893
otherwise subject to suit, and is not intended to waive or 148894
compromise any defense or right available to the state in any suit 148895
against it. 148896

Section 503.30. CAPITAL PROJECT SETTLEMENTS 148897

This section specifies an additional and supplemental 148898
procedure to provide for payments of judgments and settlements if 148899
the Director of Budget and Management determines, pursuant to 148900
division (C)(4) of section 2743.19 of the Revised Code, that 148901
sufficient unencumbered moneys do not exist in the fund to support 148902
a particular appropriation to pay the amount of a final judgment 148903
rendered against the state or a state agency, including the 148904
settlement of a claim approved by a court, in an action upon and 148905
arising out of a contractual obligation for the construction or 148906
improvement of a capital facility if the costs under the contract 148907

were payable in whole or in part from a state capital projects 148908
appropriation. In such a case, the Director may either proceed 148909
pursuant to division (C)(4) of section 2743.19 of the Revised Code 148910
or apply to the Controlling Board to increase an appropriation or 148911
create an appropriation out of any unencumbered moneys in the 148912
state treasury to the credit of the capital projects fund from 148913
which the initial state appropriation was made. The amount of an 148914
increase in appropriation or new appropriation approved by the 148915
Controlling Board is hereby appropriated from the applicable 148916
capital projects fund and made available for the payment of the 148917
judgment or settlement. 148918

If the Director does not make the application authorized by 148919
this section or the Controlling Board disapproves the application, 148920
and the Director does not make application under division (C)(4) 148921
of section 2743.19 of the Revised Code, the Director shall for the 148922
purpose of making that payment make a request to the General 148923
Assembly as provided for in division (C)(5) of that section. 148924

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 148925

In order to provide funds for the reissuance of voided 148926
warrants under section 126.37 of the Revised Code, there is hereby 148927
appropriated, out of moneys in the state treasury from the fund 148928
credited as provided in section 126.37 of the Revised Code, that 148929
amount sufficient to pay such warrants when approved by the Office 148930
of Budget and Management. 148931

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 148932
BALANCES OF OPERATING APPROPRIATIONS 148933

(A) An unexpended balance of an operating appropriation or 148934
reappropriation that a state agency lawfully encumbered prior to 148935
the close of a fiscal year is hereby reappropriated on the first 148936
day of July of the following fiscal year from the fund from which 148937

it was originally appropriated or reappropriated for the following 148938
period and shall remain available only for the purpose of 148939
discharging the encumbrance: 148940

(1) For an encumbrance for personal services, maintenance, 148941
equipment, or items for resale, other than an encumbrance for an 148942
item of special order manufacture not available on term contract 148943
or in the open market or for reclamation of land or oil and gas 148944
wells, for a period of not more than five months from the end of 148945
the fiscal year; 148946

(2) For an encumbrance for an item of special order 148947
manufacture not available on term contract or in the open market, 148948
for a period of not more than five months from the end of the 148949
fiscal year or, with the written approval of the Director of 148950
Budget and Management, for a period of not more than twelve months 148951
from the end of the fiscal year; 148952

(3) For an encumbrance for reclamation of land or oil and gas 148953
wells, for a period ending when the encumbered appropriation is 148954
expended or for a period of two years, whichever is less; 148955

(4) For an encumbrance for any other expense, for such period 148956
as the Director approves, provided such period does not exceed two 148957
years. 148958

(B) Any operating appropriations for which unexpended 148959
balances are reappropriated beyond a five-month period from the 148960
end of the fiscal year by division (A)(2) of this section shall be 148961
reported to the Controlling Board by the Director of Budget and 148962
Management by the thirty-first day of December of each year. The 148963
report on each such item shall include the item, the cost of the 148964
item, and the name of the vendor. The report shall be updated on a 148965
quarterly basis for encumbrances remaining open. 148966

(C) Upon the expiration of the reappropriation period set out 148967
in division (A) of this section, a reappropriation made by this 148968

section lapses, and the Director of Budget and Management shall 148969
cancel the encumbrance of the unexpended reappropriation not later 148970
than the end of the weekend following the expiration of the 148971
reappropriation period. 148972

(D) Notwithstanding division (C) of this section, with the 148973
approval of the Director of Budget and Management, an unexpended 148974
balance of an encumbrance that was reappropriated on the first day 148975
of July by this section for a period specified in division (A)(3) 148976
or (4) of this section and that remains encumbered at the close of 148977
the fiscal biennium is hereby reappropriated on the first day of 148978
July of the following fiscal biennium from the fund from which it 148979
was originally appropriated or reappropriated for the applicable 148980
period specified in division (A)(3) or (4) of this section and 148981
shall remain available only for the purpose of discharging the 148982
encumbrance. 148983

(E) The Director of Budget and Management may correct 148984
accounting errors committed by the staff of the Office of Budget 148985
and Management, such as re-establishing encumbrances or 148986
appropriations cancelled in error, during the cancellation of 148987
operating encumbrances in November and of nonoperating 148988
encumbrances in December. 148989

(F) If the Controlling Board approved a purchase, that 148990
approval remains in effect so long as the appropriation used to 148991
make that purchase remains encumbered. 148992

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 148993
RE-ESTABLISHMENT OF ENCUMBRANCES 148994

Any cash transferred by the Director of Budget and Management 148995
under section 126.15 of the Revised Code is hereby appropriated. 148996
Any amounts necessary to re-establish appropriations or 148997
encumbrances under section 126.15 of the Revised Code are hereby 148998
appropriated. 148999

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES	149000
There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.	149001 149002 149003 149004 149005
Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD	149006 149007
Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2013.	149008 149009 149010 149011 149012
Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE	149013 149014
If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.	149015 149016 149017 149018
Section 503.93. PENSION SHIFT REPLACEMENT	149019
The Director of Budget and Management may authorize additional expenditures from various General Revenue Fund and non-General Revenue Fund appropriation items in order to fully fund the employer's share of public retirement system contributions for state employees who are paid directly by warrant of the Director of Budget and Management. Any additional expenditures authorized by the Director of Budget and Management under this paragraph are hereby appropriated.	149020 149021 149022 149023 149024 149025 149026 149027

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 149028

Unless the agency and nuclear electric utility mutually agree 149029
to a higher amount by contract, the maximum amounts that may be 149030
assessed against nuclear electric utilities under division (B)(2) 149031
of section 4937.05 of the Revised Code and deposited into the 149032
specified funds are as follows: 149033

<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	149034 149035
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 930,525	\$ 930,576	149036
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 279,838	\$ 279,966	149037
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,415,945	\$ 1,415,945	149038

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 149039
149040

Notwithstanding any provision of law to the contrary, the 149041
Director of Budget and Management, through June 30, 2013, may 149042
transfer interest earned by any state fund to the General Revenue 149043
Fund. This section does not apply to funds whose source of revenue 149044
is restricted or protected by the Ohio Constitution, federal tax 149045
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 149046
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 149047

Section 512.30. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 149048
149049

Notwithstanding any provision of law to the contrary, during 149050
fiscal years 2012 and 2013, the Director of Budget and Management 149051

may transfer up to \$60,000,000 in cash from non-General Revenue 149052
Funds that are not constitutionally restricted to the General 149053
Revenue Fund in order to ensure that available General Revenue 149054
Fund receipts and balances are sufficient to support General 149055
Revenue Fund appropriations in each fiscal year. The Director 149056
shall not make transfers from any non-General Revenue Fund if more 149057
than thirty per cent of the total fund value consists of cash from 149058
donations. 149059

Section 512.40. FISCAL YEAR 2011 GENERAL REVENUE FUND ENDING 149060
BALANCE 149061

Notwithstanding divisions (B) and (C) of section 131.44 of 149062
the Revised Code, the Director of Budget and Management shall 149063
determine the surplus General Revenue Fund revenue that existed on 149064
June 30, 2011, in excess of the amount required under division 149065
(A)(3) of section 131.44 of the Revised Code, and transfer from 149066
the General Revenue Fund, to the extent of the amount so 149067
determined, the following: 149068

(A) To the Disaster Services Fund (Fund 5E20), a cash amount 149069
up to \$25,000,000; 149070

(B) To the Controlling Board Emergency Purposes Fund (Fund 149071
5KM0), a cash amount of up to \$20,000,000. 149072

Section 512.60. NATURAL RESOURCES PUBLICATIONS 149073

On July 1, 2011, or as soon as possible thereafter, the 149074
Director of Budget and Management, at the request of the Director 149075
of Natural Resources, shall transfer the remaining cash balance in 149076
the Natural Resources Publications and Promotional Materials Fund 149077
(Fund 5080) to the Departmental Projects Fund (Fund 1550) and the 149078
Geological Mapping Fund (Fund 5110) in such amounts as determined 149079
by the Director of Budget and Management after consultation with 149080
the Director of Natural Resources. The Director of Budget and 149081

Management shall cancel all existing encumbrances against 149082
appropriation item 725684, Natural Resources Publications, and 149083
reestablish them against appropriation item 725601, Departmental 149084
Projects, and appropriation item 725646, Ohio Geological Mapping. 149085
Upon completion of the transfer, the Natural Resources 149086
Publications and Promotional Materials Fund is hereby abolished. 149087
Beginning July 1, 2011, all moneys from the sale of books, 149088
bulletins, maps, or other publications and promotional materials 149089
shall be credited to the Departmental Projects Fund (Fund 1550) or 149090
the Geological Mapping Fund (Fund 5110) as determined by the 149091
Director of Natural Resources. 149092

Section 512.70. On July 1, 2011, or as soon as possible 149093
thereafter, the Director of Budget and Management shall transfer 149094
the cash balance in the Penalty Enforcement Fund (Fund 5K70) to 149095
the Labor Operating Fund (Fund 5560). The Director shall cancel 149096
any existing encumbrances against appropriation item 800621, 149097
Penalty Enforcement, and re-establish them against appropriation 149098
item 800615, Industrial Compliance. The re-established encumbrance 149099
amounts are hereby appropriated. Upon completion of the transfer, 149100
Fund 5K70 is abolished. 149101

Section 512.80. ABOLISHMENT OF PASSPORT FUND 149102

On July 1, 2011, or as soon as possible thereafter, the 149103
Director of Budget and Management shall transfer the cash balance 149104
in the PASSPORT Fund (Fund 4U90) to the Nursing Home Franchise 149105
Permit Fee Fund (Fund 5R20). Upon completion of the transfer, Fund 149106
4U90 is abolished. The Director shall cancel any existing 149107
encumbrances against appropriation item 490602, PASSPORT Fund, and 149108
reestablish them against appropriation item 600613, Nursing 149109
Facility Bed Assessments. The reestablished encumbrance amounts 149110
are hereby appropriated. 149111

Section 512.90. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 149112

There is established in the Highway Operating Fund (Fund 149113
7002) in the Department of Transportation a Diesel Emissions 149114
Reduction Grant Program. The Director of Environmental Protection 149115
shall administer the program and shall solicit, evaluate, score, 149116
and select projects submitted by public and private entities that 149117
are eligible for the federal Congestion Mitigation and Air Quality 149118
(CMAQ) Program. The Director of Transportation shall process 149119
Federal Highway Administration-approved projects as recommended by 149120
the Director of Environmental Protection. 149121

In addition to the allowable expenditures set forth in 149122
section 122.861 of the Revised Code, Diesel Emissions Reduction 149123
Grant Program funds also may be used to fund projects involving 149124
the purchase or use of hybrid and alternative fuel vehicles that 149125
are allowed under guidance developed by the Federal Highway 149126
Administration for the CMAQ Program. 149127

Public entities eligible to receive funds under section 149128
122.861 of the Revised Code and CMAQ shall be reimbursed from the 149129
Department of Transportation's Diesel Emissions Reduction Grant 149130
Program. 149131

Private entities eligible to receive funds under section 149132
122.861 of the Revised Code and CMAQ shall be reimbursed through 149133
transfers of cash from the Department of Transportation's Diesel 149134
Emissions Reduction Grant Program to the Diesel Emissions 149135
Reduction Fund (Fund 3FH0), which is hereby created and to be used 149136
by the Environmental Protection Agency. 149137

Appropriation item 715693, Diesel Emissions Reduction Grants, 149138
is established with an appropriation of \$10,000,000 in FY 2012 and 149139
\$10,000,000 in FY 2013. Total expenditures between both the 149140
Environmental Protection Agency and the Department of 149141
Transportation shall not exceed the amounts appropriated in this 149142

section. 149143

On or before June 30, 2012, any unencumbered balance of the 149144
foregoing appropriation item 715693, Diesel Emissions Reduction 149145
Grants, for fiscal year 2012 is appropriated for the same purposes 149146
in fiscal year 2013. 149147

Any cash transfers or allocations under this section 149148
represent CMAQ program moneys within the Department of 149149
Transportation for use by the Diesel Emissions Reduction Grant 149150
Program by the Environmental Protection Agency. These allocations 149151
shall not reduce the amount of such moneys designated for 149152
metropolitan planning organizations. 149153

The Director of Environmental Protection, in consultation 149154
with the Directors of Development and Transportation, shall 149155
develop guidance for the distribution of funds and for the 149156
administration of the Diesel Emissions Reduction Grant Program. 149157
The guidance shall include a method of prioritization for 149158
projects, acceptable technologies, and procedures for awarding 149159
grants. 149160

Section 515.20. (A) On the effective date of the amendment of 149161
the statutes creating the Division of Oil and Gas Resources 149162
Management in the Department of Natural Resources by this act, the 149163
functions, assets, and liabilities of the Division of Mineral 149164
Resources Management in the Department of Natural Resources with 149165
respect to oil and gas are transferred to the Division of Oil and 149166
Gas Resources Management. The Division of Oil and Gas Resources 149167
Management is successor to, assumes the obligations and authority 149168
of, and otherwise continues the Division of Mineral Resources 149169
Management with respect to oil and gas. No right, privilege, or 149170
remedy, and no duty, liability, or obligation, accrued under the 149171
Division of Mineral Resources Management with respect to oil and 149172
gas is impaired or lost by reason of the transfer and shall be 149173

recognized, administered, performed, or enforced by the Division 149174
of Oil and Gas Resources Management. 149175

(B) Business commenced but not completed by the Division of 149176
Mineral Resources Management or by the Chief of the Division of 149177
Mineral Resources Management with respect to oil and gas shall be 149178
completed by the Division of Oil and Gas Resources Management or 149179
the Chief of the Division of Oil and Gas Resources Management in 149180
the same manner, and with the same effect, as if completed by the 149181
Division of Mineral Resources Management or by the Chief of the 149182
Division of Mineral Resources Management. 149183

(C) All of the Division of Mineral Resources Management's 149184
rules, orders, and determinations with respect to oil and gas 149185
continue in effect as rules, orders, and determinations of the 149186
Division of Oil and Gas Resources Management until modified or 149187
rescinded by the Division of Oil and Gas Resources Management. If 149188
necessary to ensure the integrity of the numbering of the 149189
Administrative Code, the Director of the Legislative Service 149190
Commission shall renumber the Division of Mineral Resources 149191
Management's rules with respect to oil and gas to reflect their 149192
transfer to the Division of Oil and Gas Resources Management. 149193

(D) The Director of Budget and Management shall determine the 149194
amount of unexpended balances in the appropriation accounts that 149195
pertain to the Division of Mineral Resources Management with 149196
respect to oil and gas and shall recommend to the Controlling 149197
Board their transfer to the appropriation accounts that pertain to 149198
the Division of Oil and Gas Resources Management. The Chief of the 149199
Division of Mineral Resources Management shall provide full and 149200
timely information to the Controlling Board to facilitate the 149201
transfer. 149202

(E) Whenever the Division of Mineral Resources Management or 149203
the Chief of the Division of Mineral Resources Management is 149204

referred to in a statute, contract, or other instrument with 149205
respect to oil and gas, the reference is deemed to refer to the 149206
Division of Oil and Gas Resources Management or to the Chief of 149207
the Division of Oil and Gas Resources Management, whichever is 149208
appropriate in context. 149209

(F) No pending action or proceeding being prosecuted or 149210
defended in court or before an agency with respect to oil and gas 149211
by the Division of Mineral Resources Management or the Chief of 149212
the Division of Mineral Resources Management is affected by the 149213
transfer and shall be prosecuted or defended in the name of the 149214
Division of Oil and Gas Resources Management or the Chief of the 149215
Division of Oil and Gas Resources Management, whichever is 149216
appropriate. Upon application to the court or agency, the Division 149217
of Oil and Gas Resources Management or the Chief of the Division 149218
of Oil and Gas Resources Management shall be substituted as a 149219
party. 149220

Section 515.23. On the effective date of the amendments to 149221
section 1517.03 of the Revised Code by this act, the terms of 149222
office of members appointed to the Ohio Natural Areas Council 149223
under section 1517.03 of the Revised Code prior to its amendment 149224
by this act are terminated. 149225

Section 515.30. (A) On the effective date of the amendment of 149226
the statutes governing the Ohio Coal Development Office by this 149227
act, the Ohio Coal Development Office and all of its functions, 149228
together with its assets and liabilities, are transferred from 149229
within the Ohio Air Quality Development Authority to within the 149230
Department of Development. The Ohio Coal Development Office in the 149231
Department of Development assumes the obligations of and otherwise 149232
constitutes the continuation of the Ohio Coal Development Office 149233
in the Ohio Air Quality Development Authority. 149234

(B) Any business commenced but not completed by the Ohio Coal Development Office in the Ohio Air Quality Development Authority or the Director of that office on the effective date of the amendment of the statutes governing that Office by this act shall be completed by the Ohio Coal Development Office in the Department of Development or the Director of that Office in the same manner, and with the same effect, as if completed by the Ohio Coal Development Office in the Ohio Air Quality Development Authority or the Director of that Office. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired by reason of the transfer required by this section and shall be administered by the Ohio Coal Development Office in the Department of Development.

(C) All of the rules, orders, and determinations of the Ohio Coal Development Office in the Ohio Air Quality Development Authority or of the Ohio Air Quality Development Authority in relation to that Office continue in effect as rules, orders, and determinations of the Ohio Coal Development Office in the Department of Development until modified or rescinded by that Office or by the Department of Development in relation to that Office. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber rules of the Ohio Air Quality Development Authority in relation to the Ohio Coal Development Office in the Ohio Air Quality Development Authority to reflect the transfer to the Department of Development.

(D) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all of the employees of the Ohio Coal Development Office in the Ohio Air Quality Development Authority are transferred to the Ohio Coal Development Office in the Department of Development and retain their positions and all the benefits accruing thereto.

(E) Whenever the Ohio Coal Development Office in the Ohio Air Quality Development Office or the Authority in relation to that Office is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Ohio Coal Development Office in the Department of Development or the Director of Development in relation to that Office, whichever is appropriate in context.

(F) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Ohio Coal Development Office by this act is not affected by the transfer of that Office and shall be prosecuted or defended in the name of the Department of Development or the Ohio Coal Development Office in that Department. In all such actions and proceedings, the Department of Development or the Ohio Coal Development Office in that Department, upon application to the court, shall be substituted as a party.

Section 515.40. (A) On the effective date of this section, the building and facility operations and management functions of the Ohio Building Authority (OBA) under Chapter 152. of the Revised Code, and the related functions, assets, and liabilities, including, but not limited to, funds, accounts, records, regardless of form or medium, leases, agreements, and contracts of the OBA are transferred to the Department of Administrative Services. Notwithstanding Chapters 123., 124., 125., 126., and 153. of the Revised Code, the Department is thereupon and thereafter successor to, assumes the powers and obligations of, and otherwise constitutes the continuation of the building and facilities operations and management functions of the OBA as provided in the applicable sections of Chapter 152. of the Revised Code or in any agreements relating to building and facility operation and management functions to which the Ohio Building Authority is a party, including the invoicing and collection of

rent from local government tenants in state office buildings. All 149299
statutory references to OBA with regard to building and facility 149300
operations and management functions are deemed to be references to 149301
the Department of Administrative Services. 149302

(B) Any business relating to its building and facility 149303
operations and management functions commenced but not completed by 149304
the OBA by the date of transfer shall be completed by the 149305
Department of Administrative Services, in the same manner, and 149306
with the same effect, as if completed by the OBA. No validation, 149307
cure, right, privilege, remedy, obligation, or liability is lost 149308
or impaired by reason of the transfer and shall be administered by 149309
the Department of Administrative Services. All of the OBA's rules, 149310
orders, and determinations related to building and facility 149311
operations and management functions continue in effect as rules, 149312
orders, and determinations of the Department of Administrative 149313
Services, until modified or rescinded by the Department of 149314
Administrative Services. If necessary to ensure the integrity of 149315
the Administrative Code rule numbering system, the Director of the 149316
Legislative Service Commission shall renumber the OBA's rules 149317
related to the OBA's building and facility operations and 149318
management functions to reflect their transfer to the Department 149319
of Administrative Services. 149320

(C) Employees of the OBA designated as building and facility 149321
operations and management staff may be transferred to the 149322
Department of Administrative Services as the Department determines 149323
to be necessary for successful implementation of this section, to 149324
the extent possible, with no loss of service credit. 149325

(D) No judicial or administrative action or proceeding to 149326
which the OBA is a party that is pending on the effective date of 149327
this section or such later date as may be established by an 149328
authorized officer of the OBA and the Director of Administrative 149329

Services, and related to its building and facility operations and 149330
management functions, is affected by the transfer of functions. 149331
Any such action or proceeding shall be prosecuted or defended in 149332
the name of the Director of Administrative Services. On 149333
application to the court or agency, the Director of Administrative 149334
Services shall be substituted for the OBA or an authorized officer 149335
of the OBA as a party to the action or proceeding. 149336

(E) On and after the effective date of this section, 149337
notwithstanding any provision of the law to the contrary, if 149338
requested by the Director of Administrative Services, the Director 149339
of Budget and Management shall make the budget changes made 149340
necessary by the transfer, if any, including administrative 149341
reorganization, program transfers, the creation of new funds, and 149342
the consolidation of funds as authorized by this section. The 149343
Director of Budget and Management may, if necessary, establish 149344
encumbrances or parts of encumbrances as needed in fiscal year 149345
2012 in the appropriate fund and appropriation item for the same 149346
purpose and for payment to the same vendor. The established 149347
encumbrances plus any additional amounts determined to be 149348
necessary for the Department of Administrative Services to perform 149349
the building and facility operation and management functions of 149350
the Ohio Building Authority are hereby appropriated. 149351

(F) Not later than thirty days after the transfer of the 149352
building and facility operation and management functions of the 149353
Ohio Building Authority to the Department of Administrative 149354
Services, an authorized officer of the Ohio Building Authority 149355
shall certify to the Director of Administrative Services the 149356
unexpended balance and location of any funds and accounts 149357
designated for building and facility operation and management 149358
functions and custody of such funds and accounts shall be 149359
transferred to the Department of Administrative Services. 149360

(G) Notwithstanding any other provisions of this section, the 149361

Ohio Building Authority may, subsequent to the effective date of 149362
this section, meet for the purpose of better accomplishing the 149363
transfer of the building and facility operation and management 149364
functions described in this section. At any such meeting, the Ohio 149365
Building Authority may take necessary or appropriate actions to 149366
effect an orderly transition relating to the transfer of such 149367
functions. 149368

(H) Not later than August 1, 2011, employees of the Ohio 149369
Building Authority designated as building and facility operation 149370
and management staff shall be eligible to participate in group 149371
health plans offered to state employees pursuant to sections 149372
124.81 or 124.82 of the Revised Code. 149373

Section 515.50. (A) On the effective date of this section, 149374
the Construction Compliance Section of the Equal Employment 149375
Opportunity Office of the Department of Administrative Services 149376
and all of its functions, together with its assets and 149377
liabilities, are transferred from the Department of Administrative 149378
Services to the Department of Commerce. The Construction 149379
Compliance Section of the Department of Commerce assumes the 149380
obligations of and otherwise constitutes the continuation of the 149381
Construction Compliance Section of the Equal Employment 149382
Opportunity Office of the Department of Administrative Services. 149383

(B) Any business commenced, but not completed by the 149384
Construction Compliance Section of the Equal Employment 149385
Opportunity Office of the Department of Administrative Services or 149386
the Director of Administrative Services in relation to the Section 149387
shall be completed by the Construction Compliance Section of the 149388
Department of Commerce or the Director of Commerce in the same 149389
manner, and with the same effect, as if completed by the 149390
Construction Compliance Section of the Equal Employment 149391
Opportunity Office of the Department of Administrative Services or 149392

the Director of Administrative Services. Any validation, cure, 149393
right, privilege, remedy, obligation, or liability is not lost or 149394
impaired by reason of the transfer, and shall be administered by 149395
the Construction Compliance Section of the Department of Commerce. 149396

(C) All of the rules, orders, and determinations of the 149397
Construction Compliance Section of the Equal Employment 149398
Opportunity Office of the Department of Administrative Services or 149399
of the Department of Administrative Services in relation to the 149400
Construction Compliance Section continue in effect as rules, 149401
orders, and determinations of the Construction Compliance Section 149402
of the Department of Commerce until modified or rescinded by the 149403
Construction Compliance Section of the Department of Commerce. If 149404
necessary to ensure the integrity of the numbering of the 149405
Administrative Code, the Director of the Legislative Service 149406
Commission shall renumber rules of the Department of 149407
Administrative Services in relation to the Construction Compliance 149408
Section of the Equal Employment Opportunity Office of the 149409
Department of Administrative Services to reflect the transfer to 149410
the Department of Commerce. 149411

(D) Subject to the lay-off provisions of sections 124.321 to 149412
124.328 of the Revised Code, all of the employees of the 149413
Construction Compliance Section of the Equal Employment 149414
Opportunity Office of the Department of Administrative Services 149415
are transferred to the Construction Compliance Section of the 149416
Department of Commerce and retain their positions and all the 149417
benefits accruing thereto. 149418

(E) Whenever the Construction Compliance Section of the Equal 149419
Employment Opportunity Office of the Department of Administrative 149420
Services or the Department of Administrative Services in relation 149421
to the Section is referred to in any law, contract, or other 149422
document, the reference shall be deemed to refer to the 149423
Construction Compliance Section in the Department of Commerce or 149424

the Director of Commerce in relation to the Section, whichever is 149425
appropriate in context. 149426

(F) Any action or proceeding pending on the effective date of 149427
this section is not affected by the transfer of the Construction 149428
Compliance Section of the Equal Employment Opportunity Office of 149429
the Department of Administrative Services and shall be prosecuted 149430
or defended in the name of the Department of Commerce or the 149431
Construction Compliance Section of the Department of Commerce. In 149432
all such actions and proceedings, the Department of Commerce or 149433
the Construction Compliance Section of the Department of Commerce, 149434
upon application to the court or agency, shall be substituted as a 149435
party. 149436

Section 515.60. Effective July 1, 2011, the School Employees 149437
Health Care Board is abolished. All equipment, assets, and records 149438
of the Board are transferred to the Department of Administrative 149439
Services. The Department of Administrative Services shall 149440
designate the positions, if any, to be transferred to the 149441
Department of Administrative Services. 149442

The Department of Administrative Services and the Department 149443
of Education shall enter into an interagency agreement to transfer 149444
to the Department of Administrative Services any designated 149445
positions and all equipment, assets, and records of the Board by 149446
July 1, 2011, or as soon as possible thereafter. The interagency 149447
agreement may include provisions to transfer property and any 149448
other provisions necessary for the continued administration of 149449
Board activities under section 9.901 of the Revised Code. 149450

Any positions of the Board that the Department of 149451
Administrative Services designates for transfer, and any equipment 149452
assigned to those positions, are transferred to the Department of 149453
Administrative Services. Any employees of the Board in positions 149454
so transferred retain the rights specified in sections 124.321 to 149455

124.328 of the Revised Code, and any employee transferred to the 149456
Department of Administrative Services retains the employee's 149457
respective classification, but the Department of Administrative 149458
Services may reassign and reclassify the employee's position and 149459
compensation as the Department determines to be in the interest of 149460
office administration. 149461

Effective July 1, 2011, the Director of Budget and Management 149462
shall cancel any existing encumbrances against appropriation item 149463
200458, School Employees Health Care Board, and re-establish them 149464
against appropriation item 100403, Public Employees Health Care 149465
Program. The re-established encumbrance amounts are hereby 149466
appropriated. Any business commenced but not completed under 149467
appropriation item 200458, School Employees Health Care Board, by 149468
July 1, 2011, shall be completed under appropriation item 100403, 149469
Public Employees Health Care Program, in the same manner, and with 149470
the same effect, as if completed with regard to appropriation item 149471
200458, School Employees Health Care Board. All of the rules, 149472
orders, and determinations associated with the Board continue in 149473
effect as rules, orders, and determinations associated with the 149474
Department of Administrative Services until modified or rescinded 149475
by the Director of Administrative Services. If necessary to ensure 149476
the integrity of the Administrative Code rule numbering system, 149477
the Director of the Legislative Service Commission shall renumber 149478
the rules relating to the Board to reflect their transfer to the 149479
Department of Administrative Services. No validation, cure, right, 149480
privilege, remedy, obligation, or liability is lost or impaired by 149481
reason of the transfer and shall be administered with regard to 149482
appropriation item 100403, Public Employees Health Care Program. 149483
On and after July 1, 2011, if the School Employees Health Care 149484
Board is referred to in any statute, rule, contract, grant, or 149485
other document, the reference is deemed to refer to the Department 149486
of Administrative Services. 149487

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	149488
Certain appropriations are in this act for the purpose of	149489
paying debt service and financing costs on general obligation	149490
bonds or notes of the state issued pursuant to the Ohio	149491
Constitution and acts of the General Assembly. If it is determined	149492
that additional appropriations are necessary for this purpose,	149493
such amounts are hereby appropriated.	149494
Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF	149495
STATE	149496
Certain appropriations are in this act for the purpose of	149497
making lease rental payments pursuant to leases and agreements	149498
relating to bonds or notes issued by the Ohio Building Authority	149499
or the Treasurer of State, or previously by the Ohio Public	149500
Facilities Commission, pursuant to the Ohio Constitution and acts	149501
of the General Assembly. If it is determined that additional	149502
appropriations are necessary for this purpose, such amounts are	149503
hereby appropriated.	149504
Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM	149505
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS	149506
The Office of Budget and Management shall process payments	149507
from general obligation and lease rental payment appropriation	149508
items during the period from July 1, 2011, through June 30, 2013,	149509
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m,	149510
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and	149511
Chapters 151. and 154. of the Revised Code. Payments shall be made	149512
upon certification by the Treasurer of State of the dates and the	149513
amounts due on those dates.	149514
Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND	149515
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS	149516

The Office of Budget and Management shall process payments 149517
from lease rental payment appropriation items during the period 149518
from July 1, 2011, through June 30, 2013, pursuant to the lease 149519
agreements entered into relating to bonds or notes issued under 149520
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 149521
the Revised Code. Payments shall be made upon certification by the 149522
Ohio Building Authority of the dates and the amounts due on those 149523
dates. 149524

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 149525

There is hereby appropriated, from those funds designated by 149526
or pursuant to the applicable proceedings authorizing the issuance 149527
of state obligations, amounts computed at the time to represent 149528
the portion of investment income to be rebated or amounts in lieu 149529
of or in addition to any rebate amount to be paid to the federal 149530
government in order to maintain the exclusion from gross income 149531
for federal income tax purposes of interest on those state 149532
obligations under section 148(f) of the Internal Revenue Code. 149533

Rebate payments shall be approved and vouchered by the Office 149534
of Budget and Management. 149535

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 149536

Whenever the Director of Budget and Management determines 149537
that an appropriation made to a state agency from a fund of the 149538
state is insufficient to provide for the recovery of statewide 149539
indirect costs under section 126.12 of the Revised Code, the 149540
amount required for such purpose is hereby appropriated from the 149541
available receipts of such fund. 149542

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 149543
COST ALLOCATION PLAN 149544

The total transfers made from the General Revenue Fund by the 149545

Director of Budget and Management under this section shall not 149546
exceed the amounts transferred into the General Revenue Fund under 149547
section 126.12 of the Revised Code. 149548

The director of an agency may certify to the Director of 149549
Budget and Management the amount of expenses not allowed to be 149550
included in the Statewide Indirect Cost Allocation Plan under 149551
federal regulations, from any fund included in the Statewide 149552
Indirect Cost Allocation Plan, prepared as required by section 149553
126.12 of the Revised Code. 149554

Upon determining that no alternative source of funding is 149555
available to pay for such expenses, the Director of Budget and 149556
Management may transfer from the General Revenue Fund into the 149557
fund for which the certification is made, up to the amount of the 149558
certification. The director of the agency receiving such funds 149559
shall include, as part of the next budget submission prepared 149560
under section 126.02 of the Revised Code, a request for funding 149561
for such activities from an alternative source such that further 149562
federal disallowances would not be required. 149563

The director of an agency may certify to the Director of 149564
Budget and Management the amount of expenses paid in error from a 149565
fund included in the Statewide Indirect Cost Allocation Plan. The 149566
Director of Budget and Management may transfer cash from the fund 149567
from which the expenditure should have been made into the fund 149568
from which the expenses were erroneously paid, up to the amount of 149569
the certification. 149570

Section 521.30.10. OGRIP FUNDS TRANSFER TO THE GENERAL 149571
REVENUE FUND 149572

On July 1, 2011, or as soon as possible thereafter, the 149573
Director of Budget and Management may transfer cash in the amount 149574
of \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H60) to 149575
the General Revenue Fund. This amount represents residual funds 149576

from old federal grants for the state's OGRIP program that have 149577
been closed by the federal awarding agency. 149578

Section 521.30.20. TRANSFER OF FEDERAL FUNDS 149579

On July 1, 2011, or as soon as possible thereafter, the 149580
Director of Environmental Protection shall certify to the Director 149581
of Budget and Management the cash balance in the DOE Monitoring 149582
and Oversight Fund (Fund 3N40). The Director of Budget and 149583
Management shall transfer the certified amount from Fund 3N40 to 149584
the Federally Supported Response Fund (Fund 3F30). Upon completion 149585
of the transfer, Fund 3N40 is abolished. The Director shall cancel 149586
any existing encumbrances against appropriation item 715657, DOE 149587
Monitoring and Oversight, and re-establish them against 149588
appropriation item 715632, Federally Supported Response. The 149589
re-established encumbrance amounts are hereby appropriated. 149590

On July 1, 2011, or as soon as possible thereafter, the 149591
Director of Environmental Protection shall certify to the Director 149592
of Budget and Management the cash balance in the DOD Monitoring 149593
and Oversight Fund (Fund 3K40). The Director of Budget and 149594
Management shall transfer the certified amount from Fund 3K40 to 149595
the Federally Supported Response Fund (Fund 3F30). Upon completion 149596
of the transfer, Fund 3K40 is abolished. The Director shall cancel 149597
any existing encumbrances against appropriation item 715634, DOD 149598
Monitoring and Oversight, and re-establish them against 149599
appropriation item 715632, Federally Supported Response. The 149600
re-established encumbrance amounts are hereby appropriated. 149601

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 149602

Notwithstanding any provision of law to the contrary, on or 149603
before the first day of September of each fiscal year, the 149604
Director of Budget and Management, in order to reduce the payment 149605
of adjustments to the federal government, as determined by the 149606

plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 149610

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 521.60. FISCAL STABILIZATION AND RECOVERY 149617

To ensure the level of accountability and transparency required by federal law, the Director of Budget and Management may issue guidelines to any agency applying for federal money made available to this state for fiscal stabilization and recovery purposes, and may prescribe the process by which agencies are to comply with any reporting requirements established by the federal government.

Section 521.70. OVERSIGHT OF FEDERAL STIMULUS FUNDS 149625

(A) The Office of Internal Auditing within the Office of Budget and Management shall, in connection with its duties under sections 126.45 to 126.48 of the Revised Code, monitor and measure the effectiveness of funds allocated to the state as part of the federal American Recovery and Reinvestment Act of 2009. As such, the Office of Internal Auditing shall review how funds allocated to each state agency are spent. For purposes of this section, "state agency" has the same meaning as in division (A) of section 126.45 of the Revised Code.

In addition to the reports required under section 126.47 of

the Revised Code, the Office of Internal Auditing shall submit a 149636
report of its findings to the President of the Senate, Minority 149637
Leader of the Senate, Speaker of the House of Representatives, 149638
Minority Leader of the House of Representatives, and the Chairs of 149639
the committees in the Senate and House of Representatives handling 149640
finance and appropriations. The report shall be submitted every 149641
six months at the following intervals: 149642

(1) For the six-month period ending December 31, 2011, not 149643
later than February 1, 2012; 149644

(2) For the six-month period ending June 30, 2012, not later 149645
than August 1, 2012; 149646

(3) For the six-month period ending December 31, 2012, not 149647
later than February 1, 2013; 149648

(4) For the six-month period ending June 30, 2013, not later 149649
than August 1, 2013. 149650

(B) When, as part of its compliance with the federal American 149651
Recovery and Reinvestment Act of 2009 requirements to monitor and 149652
measure the effectiveness of funds for which the state of Ohio is 149653
the prime recipient, and for which reporting authority has not 149654
been delegated to a sub-recipient, the Office of Budget and 149655
Management submits quarterly reports to the federal government, 149656
the Office of Budget and Management shall also submit those 149657
reports to the President of the Senate, Minority Leader of the 149658
Senate, Speaker of the House of Representatives, Minority Leader 149659
of the House of Representatives, and Chairs and ranking members of 149660
the committees in the Senate and House of Representatives handling 149661
finance and appropriations. The Office of Budget and Management 149662
shall continue to submit quarterly reports to the legislature for 149663
the duration of the period in which the state of Ohio is required 149664
to make reports to the federal government concerning Ohio's use of 149665
the federal American Recovery and Reinvestment Act of 2009 funds. 149666

Section 521.80. FEDERAL FUNDS FOR HISTORIC PRESERVATION LOAN	149667
GUARANTEE	149668
(A) As used in this section:	149669
(1) "Approved historic rehabilitation project" means a	149670
rehabilitation of a historic building that the Director of	149671
Development has approved for a rehabilitation tax credit under	149672
section 149.311 of the Revised Code.	149673
(2) "Federal funds" means federal money available to states	149674
under the American Recovery and Reinvestment Act of 2009 or any	149675
other source of federal money available to the states, that may	149676
lawfully be used for the purposes of this section.	149677
(3) "Owner" and "qualified rehabilitation expenditures" have	149678
the same meanings as in section 149.311 of the Revised Code.	149679
(B) There is hereby created in the state treasury the Ohio	149680
Historic Preservation Tax Credit Fund. The fund shall consist of	149681
money obtained by the Director of Development under division (C)	149682
of this section. Money in the fund shall be used to secure and pay	149683
guarantees of loans for approved historic rehabilitation projects	149684
as provided in this section.	149685
(C) The Director of Development may undertake to secure	149686
\$75,000,000 of federal funds for crediting to the Ohio Historic	149687
Preservation Tax Credit Fund. If the Director secures such funds,	149688
the Director, for the purpose of creating new jobs or preserving	149689
existing jobs and employment opportunities and improving the	149690
economic welfare of the people of this state, shall enter into	149691
loan guarantee contracts under section 166.06 of the Revised Code	149692
in connection with approved historic rehabilitation projects,	149693
except that the guarantees shall be secured solely by and be	149694
payable solely from the Ohio Historic Preservation Tax Credit	149695
Fund. Money deposited into the Ohio Historic Preservation Tax	149696

Credit Fund shall be prioritized by providing loan guarantees for approved historic rehabilitation projects from the first funding round of the Ohio Historic Preservation Tax Credit Program before being used to provide loan guarantees for approved historic rehabilitation projects approved in subsequent funding rounds. The amount of a loan guarantee provided under this section shall not exceed the amount of the credit to be awarded for the approved historic rehabilitation project. References to the loan guarantee fund in divisions (C) and (F) of section 166.06 of the Revised Code shall be construed as references to the Ohio Historic Preservation Tax Credit Fund for the purposes of loan guarantees authorized by this section, except that no transfer shall be made to the Ohio Historic Preservation Tax Credit Fund from the facilities establishment fund as may otherwise be required by that section.

(D) Nothing in this section is a determination by the General Assembly that federal funds are currently available for the purposes of this section. Rather, this section evidences a determination by the General Assembly that public purposes will be advanced by the use of current or future federal funds for the purposes of this section.

Section 605.10. That Section 5 of Am. Sub. H.B. 1 of the 129th General Assembly be amended to read as follows:

Sec. 5. The Director of Development, in consultation with the Director of Budget and Management, shall find within the Department of Development's total unexpended and unencumbered fiscal year 2011 General Revenue Fund appropriation an amount not to exceed \$1,000,000 in order to establish and operate the JobsOhio corporation established in Chapter 187. of the Revised Code. The Director of Development shall identify appropriation items within the General Revenue Fund that are to be reduced for

this purpose, and any reduction in appropriations to these items 149728
pursuant to this section shall not collectively exceed \$1,000,000. 149729
The amounts identified by the Director are hereby appropriated in 149730
General Revenue Fund appropriation item 195527, JobsOhio, for 149731
transition and start-up costs of the JobsOhio corporation, 149732
including, but not limited to, the costs of the incorporation and 149733
formation of the corporation. Nothing in this section shall be 149734
construed as increasing or decreasing the Department of 149735
Development's total fiscal year 2011 General Revenue Fund 149736
appropriation. Any unexpended and unencumbered balance in 149737
appropriation item 195527, JobsOhio, remaining at the end of 149738
fiscal year 2011 is hereby reappropriated for fiscal year 2012. 149739

The Department of Development shall prepare and, not later 149740
than six months after the effective date of this section, submit 149741
to the Controlling Board a report detailing the use of the funds 149742
appropriated under this section. The Department of Development 149743
shall submit to the Controlling Board a report not later than 149744
every six months thereafter detailing the use of the funds 149745
appropriated under this section, until those funds have all been 149746
used. 149747

Section 605.11. That existing Section 5 of Am. Sub. H.B. 1 of 149748
the 129th General Assembly is hereby repealed. 149749

Section 610.10. That Section 205.10 of Am. Sub. H.B. 114 of 149750
the 129th General Assembly be amended to read as follows: 149751

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 149752

State Highway Safety Fund Group 149753

4W40 762321	Operating Expense -	\$	80,003,146	\$	82,403,240	149754
	BMV					
4W40 762410	Registrations	\$	28,945,176	\$	29,813,532	149755

		Supplement				
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000 149756
		Contributions				
7036	761321	Operating Expense -	\$	7,124,366	\$	7,338,097 149757
		Information and				
		Education				
7036	761401	Lease Rental Payments	\$	9,978,300	\$	2,315,700 149758
7036	764033	Minor Capital	\$	1,250,000	\$	1,250,000 149759
		Projects				
7036	764321	Operating Expense -	\$	260,744,934	\$	258,365,903 149760
		Highway Patrol				
7036	764605	Motor Carrier	\$	2,860,000	\$	2,860,000 149761
		Enforcement Expenses				
8300	761603	Salvage and Exchange	\$	19,469	\$	20,053 149762
		- Administration				
8310	761610	Information and	\$	422,084	\$	434,746 149763
		Education - Federal				
8310	764610	Patrol - Federal	\$	2,209,936	\$	2,276,234 149764
8310	764659	Transportation	\$	5,519,333	\$	5,684,913 149765
		Enforcement - Federal				
8310	765610	EMS - Federal	\$	532,007	\$	532,007 149766
8310	769610	Food Stamp	\$	1,546,319	\$	1,546,319 149767
		Trafficking				
		Enforcement - Federal				
8310	769631	Homeland Security -	\$	2,184,000	\$	2,184,000 149768
		Federal				
8320	761612	Traffic Safety -	\$	16,577,565	\$	16,577,565 149769
		Federal				
8350	762616	Financial	\$	5,457,240	\$	5,549,068 149770
		Responsibility				
		Compliance				
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 149771
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000 149772

83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	149773
83F0	764657	Law Enforcement Automated Data System	\$	9,053,266	\$	9,053,266	149774
83G0	764633	OMVI Enforcement/Education	\$	623,230	\$	641,927	149775
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	149776
83M0	765624	Operating Expense - Trauma and EMS	\$	2,632,106	\$	2,711,069	149777
83N0	761611	Elementary School Seat Belt Program	\$	305,600	\$	305,600	149778
83P0	765637	EMS Grants	\$	4,106,621	\$	4,229,819	149779
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	149780
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	149781
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354	149782
8400	764617	Security and Investigations	\$	6,432,686	\$	6,432,686	149783
8400	764626	State Fairgrounds Police Force	\$	849,883	\$	849,883	149784
8400	769632	Homeland Security - Operating	\$	737,791	\$	737,791	149785
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	149786
8460	761625	Motorcycle Safety Education	\$	3,185,013	\$	3,280,563	149787
8490	762627	Automated Title Processing Board	\$	17,316,755	\$	14,335,513	149788
TOTAL	HSF State Highway Safety Fund Group		\$	490,110,733	\$	481,261,100	149789
	General Services Fund Group						149790

4P60	768601	Justice Program Services	\$	998,104	\$	1,028,047	149791
4S30	766661	Hilltop Utility Reimbursement	\$	540,800	\$	540,800	149792
5ET0	768625	Drug Law Enforcement	\$	3,780,000	\$	3,893,400	149793
5Y10	764695	Highway Patrol Continuing Professional Training	\$	170,000	\$	170,000	149794
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	149795
TOTAL GSF Group		General Services Fund	\$	5,503,904	\$	5,647,247	149796
Federal Special Revenue Fund Group							149797
3290	763645	Federal Mitigation Program	\$	10,110,332	\$	10,413,642	149798
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	149799
3390	763647	Emergency Management Assistance and Training	\$	75,664,821	\$	77,934,765	149800
3CB0	768691	Federal Justice Grants - FFY06	\$	200,000	\$	50,000	149801
3CC0	768609	Justice Assistance Grants - FFY07	\$	583,222	\$	310,000	149802
3CD0	768610	Justice Assistance Grants - FFY08	\$	310,000	\$	150,000	149803
3CE0	768611	Justice Assistance Grants - FFY09	\$	865,000	\$	1,200,000	149804
3CV0	768697	Justice Assistance Grants Supplement - FFY08	\$	2,000	\$	0	149805
3DE0	768612	Federal Stimulus -	\$	1,015,000	\$	1,015,000	149806

		Justice Assistance Grants					
3DH0	768613	Federal Stimulus -	\$	150,000	\$	150,000	149807
		Justice Programs					
3DU0	762628	BMV Grants	\$	1,525,000	\$	1,580,000	149808
3EU0	768614	Justice Assistance Grants - FFY10	\$	650,000	\$	920,000	149809
3L50	768604	Justice Program	\$	11,400,000	\$	11,400,000	149810
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	149811
TOTAL FED	Federal Special Revenue		\$	130,214,683	\$	132,862,715	149812
	Fund Group						
	State Special Revenue Fund Group						149813
4V30	763662	EMA Service and Reimbursement	\$	4,368,369	\$	4,499,420	149814
5390	762614	Motor Vehicle Dealers Board	\$	180,000	\$	185,400	149815
5B90	766632	Private Investigator and Security Guard Provider	\$	1,562,637	\$	1,562,637	149816
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	149817
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	149818
5CM0	767691	Federal Investigative Seizure	\$	300,000	\$	300,000	149819
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	149820
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	149821
5FL0	769634	Investigations	\$	899,300	\$	899,300	149822
6220	767615	Investigative Contraband and	\$	375,000	\$	375,000	149823

		Forfeiture				
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945
		Safety				149824
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438
		Planning				149825
8500	767628	Investigative Unit	\$	90,000	\$	92,700
		Salvage				149826
TOTAL SSR State Special Revenue			\$	14,018,073	\$	14,157,224
Fund Group						149827
Liquor Control Fund Group						149828
7043	767321	Liquor Enforcement -	\$	11,897,178	\$	11,897,178
		Operating		<u>11,000,000</u>		<u>11,000,000</u>
TOTAL LCF Liquor Control Fund Group			\$	11,897,178	\$	11,897,178
				<u>11,000,000</u>		<u>11,000,000</u>
Agency Fund Group						149831
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000
TOTAL AGY Agency Fund Group			\$	1,500,000	\$	1,500,000
Holding Account Redistribution Fund Group						149834
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000
		Vehicle Receipts				149835
R052	762623	Security Deposits	\$	350,000	\$	350,000
TOTAL 090 Holding Account			\$	2,235,000	\$	2,235,000
Redistribution Fund Group						149837
TOTAL ALL BUDGET FUND GROUPS			\$	655,479,571	\$	649,560,464
				<u>654,582,393</u>		<u>648,663,286</u>

MOTOR VEHICLE REGISTRATION 149839

The Registrar of Motor Vehicles may deposit revenues to meet 149840
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 149841
4W40) established in section 4501.25 of the Revised Code, obtained 149842
under sections 4503.02 and 4504.02 of the Revised Code, less all 149843
other available cash. Revenue deposited pursuant to this paragraph 149844
shall support, in part, appropriations for operating expenses and 149845

defray the cost of manufacturing and distributing license plates 149846
and license plate stickers and enforcing the law relative to the 149847
operation and registration of motor vehicles. Notwithstanding 149848
section 4501.03 of the Revised Code, the revenues shall be paid 149849
into Fund 4W40 before any revenues obtained pursuant to sections 149850
4503.02 and 4504.02 of the Revised Code are paid into any other 149851
fund. The deposit of revenues to meet the aforementioned cash 149852
needs shall be in approximately equal amounts on a monthly basis 149853
or as otherwise determined by the Director of Budget and 149854
Management pursuant to a plan submitted by the Registrar of Motor 149855
Vehicles. 149856

CAPITAL PROJECTS 149857

The Registrar of Motor Vehicles may transfer cash from the 149858
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 149859
Highway Safety Fund (Fund 7036) to meet its obligations for 149860
capital projects CIR-047, Department of Public Safety Office 149861
Building and CIR-049, Warehouse Facility. 149862

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 149863

The foregoing appropriation item 761401, Lease Rental 149864
Payments, shall be used for payments to the Ohio Building 149865
Authority for the period July 1, 2011, to June 30, 2013, under the 149866
primary leases and agreements for public safety related buildings 149867
financed by obligations issued under Chapter 152. of the Revised 149868
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 149869
Building Authority may, with approval of the Director of Budget 149870
and Management, lease capital facilities to the Department of 149871
Public Safety. 149872

HILLTOP TRANSFER 149873

The Director of Public Safety shall determine, per an 149874
agreement with the Director of Transportation, the share of each 149875
debt service payment made out of appropriation item 761401, Lease 149876

Rental Payments, that relates to the Department of 149877
Transportation's portion of the Hilltop Building Project, and 149878
shall certify to the Director of Budget and Management the amounts 149879
of this share. The Director of Budget and Management shall 149880
transfer the amounts of such shares from the Highway Operating 149881
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 149882

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND 149883

On July 1, 2011, or as soon as possible thereafter, the 149884
Director of Budget and Management shall transfer the unexpended 149885
and unencumbered cash balance in the Seat Belt Education Fund 149886
(Fund 8440) to the Trauma and Emergency Medical Services Fund 149887
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 149888
abolished. The Director shall cancel any existing encumbrances 149889
against appropriation item 761613, Seat Belt Education Program, 149890
and reestablish them against appropriation item 765624, Operating 149891
Expense - Trauma and EMS. The reestablished encumbrance amounts 149892
are hereby appropriated. 149893

CASH TRANSFERS BETWEEN FUNDS 149894

Notwithstanding any provision of law to the contrary, the 149895
Director of Budget and Management, upon the written request of the 149896
Director of Public Safety, may approve the transfer of cash 149897
between the following six funds: the Trauma and Emergency Medical 149898
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 149899
the Investigations Fund (Fund 5FL0), the Emergency Management 149900
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 149901
Program Services Fund (Fund 4P60), and the State Bureau of Motor 149902
Vehicles Fund (Fund 4W40). 149903

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 149904

Notwithstanding any provision of law to the contrary, the 149905
Director of Budget and Management, upon the written request of the 149906
Director of Public Safety, may approve the transfer of cash from 149907

the Continuing Professional Training Fund (Fund 5Y10), the State 149908
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 149909
and the Highway Safety Salvage and Exchange Highway Patrol Fund 149910
(Fund 8410) to the Security, Investigations, and Policing Fund 149911
(Fund 8400). 149912

CASH TRANSFERS OF SEAT BELT FINE REVENUES 149913

Notwithstanding any provision of law to the contrary, the 149914
Controlling Board, upon request of the Director of Public Safety, 149915
may approve the transfer of cash between the following four funds 149916
that receive fine revenues from enforcement of the mandatory seat 149917
belt law: the Trauma and Emergency Medical Services Fund (Fund 149918
83M0), the Elementary School Program Fund (Fund 83N0), and the 149919
Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 149920

STATE DISASTER RELIEF 149921

The State Disaster Relief Fund (Fund 5330) may accept 149922
transfers of cash and appropriations from Controlling Board 149923
appropriation items for Ohio Emergency Management Agency disaster 149924
response costs and disaster program management costs, and may also 149925
be used for the following purposes: 149926

(A) To accept transfers of cash and appropriations from 149927
Controlling Board appropriation items for Ohio Emergency 149928
Management Agency public assistance and mitigation program match 149929
costs to reimburse eligible local governments and private 149930
nonprofit organizations for costs related to disasters; 149931

(B) To accept and transfer cash to reimburse the costs 149932
associated with Emergency Management Assistance Compact (EMAC) 149933
deployments; 149934

(C) To accept disaster related reimbursement from federal, 149935
state, and local governments. The Director of Budget and 149936
Management may transfer cash from reimbursements received by this 149937
fund to other funds of the state from which transfers were 149938

originally approved by the Controlling Board. 149939

(D) To accept transfers of cash and appropriations from 149940
Controlling Board appropriation items to fund the State Disaster 149941
Relief Program, for disasters that have been declared by the 149942
Governor, and the State Individual Assistance Program for 149943
disasters that have been declared by the Governor and the federal 149944
Small Business Administration. The Ohio Emergency Management 149945
Agency shall publish and make available application packets 149946
outlining procedures for the State Disaster Relief Program and the 149947
State Individual Assistance Program. 149948

JUSTICE ASSISTANCE GRANT FUND 149949

The federal payments made to the state for the Byrne Justice 149950
Assistance Grants Program under Title II of Division A of the 149951
American Recovery and Reinvestment Act of 2009 shall be deposited 149952
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 149953
which is hereby created in the state treasury. All investment 149954
earnings of the fund shall be credited to the fund. 149955

FEDERAL STIMULUS - JUSTICE PROGRAMS 149956

The federal payments made to the state for the Violence 149957
Against Women Formula Grant under Title II of Division A of the 149958
American Recovery and Reinvestment Act of 2009 shall be deposited 149959
to the credit of the Federal Stimulus - Justice Programs Fund 149960
(Fund 3DH0). 149961

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 149962
AGENCY SERVICE AND REIMBURSEMENT FUND 149963

On July 1 of each fiscal year, or as soon as possible 149964
thereafter, the Director of Budget and Management shall transfer 149965
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 149966
the Emergency Management Agency Service and Reimbursement Fund 149967
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 149968
Search and Rescue Unit and other urban search and rescue programs 149969

around the state.	149970
FAMILY VIOLENCE PREVENTION FUND	149971
Notwithstanding any provision of law to the contrary, in each	149972
of fiscal years 2012 and 2013, the first \$750,000 received to the	149973
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be	149974
appropriated to appropriation item 768689, Family Violence Shelter	149975
Programs, and the next \$400,000 received to the credit of Fund	149976
5BK0 in each of those fiscal years shall be appropriated to	149977
appropriation item 768687, Criminal Justice Services - Operating.	149978
Any moneys received to the credit of Fund 5BK0 in excess of the	149979
aforementioned appropriated amounts in each fiscal year shall,	149980
upon the approval of the Controlling Board, be used to provide	149981
grants to family violence shelters in Ohio.	149982
SARA TITLE III HAZMAT PLANNING	149983
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	149984
entitled to receive grant funds from the Emergency Response	149985
Commission to implement the Emergency Management Agency's	149986
responsibilities under Chapter 3750. of the Revised Code.	149987
COLLECTIVE BARGAINING INCREASES	149988
Notwithstanding division (D) of section 127.14 and division	149989
(B) of section 131.35 of the Revised Code, except for the General	149990
Revenue Fund, the Controlling Board may, upon the request of	149991
either the Director of Budget and Management, or the Department of	149992
Public Safety with the approval of the Director of Budget and	149993
Management, increase appropriations for any fund, as necessary for	149994
the Department of Public Safety, to assist in paying the costs of	149995
increases in employee compensation that have occurred pursuant to	149996
collective bargaining agreements under Chapter 4117. of the	149997
Revised Code and, for exempt employees, under section 124.152 of	149998
the Revised Code.	149999
CASH BALANCE FUND REVIEW	150000

Not later than the first day of April in each fiscal year of 150001
the biennium, the Director of Budget and Management shall review 150002
the cash balances for each fund, except the State Highway Safety 150003
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 150004
4W40), in the State Highway Safety Fund Group, and shall recommend 150005
to the Controlling Board an amount to be transferred to the credit 150006
of Fund 7036 or Fund 4W40, as appropriate. 150007

Section 610.11. That existing Section 205.10 of Am. Sub. H.B. 150008
114 of the 129th General Assembly is hereby repealed. 150009

Section 610.20. That Section 211 of Sub. H.B. 123 of the 150010
129th General Assembly be amended to read as follows: 150011

Sec. 211. WCC WORKERS' COMPENSATION COUNCIL 150012
5FV0 321600 Remuneration Expenses \$ 471,200 \$ 471,200 150013
TOTAL 5FV0 Workers' Compensation \$ 471,200 \$ 471,200 150014
Council Remuneration Fund
TOTAL ALL BUDGET FUND GROUPS \$ 471,200 \$ 471,200 150015

~~WORKERS' COMPENSATION COUNCIL~~ 150016

~~The foregoing appropriation item 321600, Remuneration 150017
Expenses, shall be used to pay the payroll and fringe benefit 150018
costs for employees of the Workers' Compensation Council. 150019~~

Upon the effective date of this section, or as soon as 150020
possible thereafter, the Workers' Compensation Council shall wind 150021
up its affairs. All of the records of the Council shall be 150022
transferred to the Legislative Service Commission, and all of its 150023
other assets and liabilities shall be transferred to the Bureau of 150024
Workers' Compensation. The Bureau of Workers' Compensation is 150025
thereupon and thereafter successor to, and assumes the obligations 150026
of, the Council. 150027

Any business commenced, but not completed by the Council or 150028

the Director of the Council on the effective date of this section 150029
shall be completed by the Administrator of Workers' Compensation 150030
in the same manner, and with the same effect, as if completed by 150031
the Council or the Director of the Council. No validation, cure, 150032
right, privilege, remedy, obligation, or liability is lost or 150033
impaired by reason of the transfer required by this section and 150034
shall be administered by the Administrator. 150035

All employees of the Council cease to hold their positions of 150036
employment on the effective date of this section, or as soon as 150037
possible thereafter. 150038

Once the Workers' Compensation Council is abolished, the 150039
Director of Budget and Management shall transfer the unexpended 150040
and unencumbered cash balance in the Workers' Compensation Council 150041
Remuneration Fund (Fund 5FV0) to the State Insurance Fund (Fund 150042
7023). Upon completion of the transfer, the Workers' Compensation 150043
Council Remuneration Fund is abolished. The Director shall cancel 150044
any existing encumbrances against appropriation item 321600, 150045
Remuneration Expenses, and reestablish them against appropriation 150046
item 855409, Administrative Expenses. The amounts of the 150047
reestablished encumbrances are hereby appropriated. 150048

Once the Workers' Compensation Council is abolished, the 150049
Treasurer of State shall transfer the unexpended and unencumbered 150050
cash balance in the Workers' Compensation Council Fund to the 150051
State Insurance Fund. Upon completion of the transfer, the fund is 150052
abolished. 150053

Wherever the Director or the Council is referred to in any 150054
law, contract, or other document, the reference shall be deemed to 150055
refer to the Administrator or the Bureau of Workers' Compensation, 150056
whichever is appropriate. 150057

No action or proceeding pending on the effective date of this 150058
section is affected by the transfer, and shall be prosecuted or 150059

defended in the name of the Administrator or the Bureau. In all 150060
such actions and proceedings, the Administrator or the Bureau, 150061
upon application to the court, shall be substituted as a party. 150062

Section 610.21. That existing Section 211 of Sub. H.B. 123 of 150063
the 129th General Assembly is hereby repealed. 150064

Section 610.30. That Section 5 of Am. Sub. S.B. 2 of the 150065
129th General Assembly be amended to read as follows: 150066

Sec. 5. The enactment by this act of sections 107.51 to 150067
107.55 and 121.81 to 121.83 of the Revised Code ~~first~~ and the 150068
amendment by this act of section 119.032 of the Revised Code 150069
applies to a proposed rule, the original ~~and any revised~~ version 150070
of which is filed with the Joint Committee on Agency Rule Review 150071
on or after January 1, 2012, and to any rule that is ~~scheduled for~~ 150072
subjected to review under section 119.032 of the Revised Code on 150073
or after January 1, 2012. ~~If rule making proceedings are commenced~~ 150074
~~and completed before January 1, 2012, sections~~ The enactment of 150075
sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code 150076
and the amendment by this act of section 119.032 of the Revised 150077
Code do not apply to the proceedings, and section 121.24 of the 150078
Revised Code ~~applies to the proceedings instead. If rule making~~ 150079
~~proceedings are commenced but not completed before January 1,~~ 150080
~~2012, section 121.24 of the Revised Code applies to the original~~ 150081
~~version of the proposed rule if it is filed with the Joint~~ 150082
~~Committee before that date, and sections 107.51 to 107.55 and~~ 150083
~~121.81 to 121.83 of the Revised Code apply to any revised version~~ 150084
~~of the a proposed rule that is filed pending on or after that date~~ 150085
January 1, 2012. 150086

~~Section~~ Notwithstanding its repeal by this act, section 150087
121.24 ~~and sections 107.51 to 107.55 and 121.81 to 121.83~~ of the 150088
Revised Code ~~do not~~ continues to apply to a proposed rule that is 150089

~~deemed the original version of a proposed rule by the carry over~~ 150090
~~provisions in division (I)(2) of section 119.03 of the Revised~~ 150091
~~Code. Whether section 121.24 or sections 107.51 to 107.55 and~~ 150092
~~121.81 to 121.83 of the Revised Code applied to such a proposed~~ 150093
~~rule before its carry over, the results of that application are~~ 150094
~~carried over with the proposed rule pending on January 1, 2012,~~ 150095
~~until the rule-making proceedings are completed.~~ 150096

Section 610.31. That existing Section 5 of Am. Sub. S.B. 2 of 150097
the 129th General Assembly is hereby repealed. 150098

Section 620.10. That Section 125.10 of Am. Sub. H.B. 1 of the 150099
128th General Assembly be amended to read as follows: 150100

Sec. 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43, 150101
5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised 150102
Code are hereby repealed, effective October 1, ~~2011~~ 2013. 150103

Section 620.11. That existing Section 125.10 of Am. Sub. H.B. 150104
1 of the 128th General Assembly is hereby repealed. 150105

Section 620.12. The seventh paragraph of Section 812.20 of 150106
Am. Sub. H.B. 1 of the 128th General Assembly, which refers to the 150107
taking effect of a repeal of sections 5112.40 to 5112.48 of the 150108
Revised Code, is repealed. 150109

Section 620.13. The intent of Sections 620.10 to 620.12 of 150110
this act is to further delay the repeal of sections 5112.40, 150111
5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 150112
5112.48 of the Revised Code from October 1, 2011, until October 1, 150113
2013. 150114

Section 620.20. That Section 753.60 of Am. Sub. H.B. 1 of the 150115
128th General Assembly be amended to read as follows: 150116

Sec. 753.60. (A) The Governor is authorized to execute a 150117
Governor's Deed in the name of the state conveying to the Dayton 150118
Public School District/Dayton Board of Education, ("grantee"), and 150119
its successors and assigns, all of the state's right, title, and 150120
interest in the following described real estate: 150121

STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres 150122

Situated in Section 26, Township 2, Range 7 of the Miami 150123
River Survey, the City of Dayton, the County of Montgomery, the 150124
State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods 150125
tract conveyed to the State of Ohio as recorded in Deed Book U-2, 150126
Page 40, and being a 22.5673 acre portion of a 24.36 acre tract of 150127
land conveyed to the Trustees of the Southern Ohio Lunatic Asylum 150128
as recorded in Deed Book N-3, Page 233, being an 4.6813 acre 150129
portion of a 21.25 acre tract of land conveyed to the State of 150130
Ohio as recorded in Deed Book 169, Page 583, and being an 8.6742 150131
acre portion of a 33.5 acre tract as conveyed to the State of Ohio 150132
as recorded in Deed Book 169, Page 585, being an 7.2010 acre 150133
portion of a 10.544 acre tract of land as conveyed to the State of 150134
Ohio as recorded in Deed Book 138, Page 125 and being a portion of 150135
City of Dayton Lot Number 61376 and all of Lot Number 61377 of the 150136
revised and consecutive numbers of lots on the plat of the City of 150137
Dayton and more particularly bounded and described as follows: 150138

Beginning at a capped 5/8" Iron Pin found stamped "Woolpert" 150139
at the Southeast corner of a 2.881 acre tract being Parcel 2 of 150140
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, 150141
said point also being the northeast corner of an 8.338 acre tract 150142
of land conveyed to the Barry K. Humphries as recorded in 150143
Microfiche 01-0590A04 and the TRUE POINT OF BEGINNING; 150144

Thence with the east line of said 2.881 acre tract being 150145
Parcel 2 and the West line of a 24.36 acre tract of land conveyed 150146
to the Trustees of the Southern Ohio Lunatic Asylum as recorded in 150147

Deed Book N-3, Page 233, North 00°32' 15" East a distance of 150148
459.39 feet to a RR Spike set in the centerline of Wayne Avenue, 150149
passing a 5/8 inch iron pin set at the northeast corner of said 150150
2.881 acre tract and the south right of way of Wayne Avenue at 150151
429.39 feet; 150152

Thence with the centerline of Wayne Ave and the north lines 150153
of said 24.36 acre tract and said 21.25 acre tract, South 150154
89°18'28" East a distance of 790.80 feet to a RR spike set at the 150155
northwest comer of a 1.056 acre tract of land conveyed to the City 150156
of Dayton as recorded in M.F. No. 90-424 E09; 150157

Thence with the west line of said 1.056 acre tract and the 150158
east line of said 21.25 acre tract, South 01°17'05" West a 150159
distance of 230.89 feet to a 5/8 inch iron pin stamped "Riancho", 150160
passing a 5/8 inch iron set at the south right of way of Wayne 150161
Avenue at 30.00 feet; 150162

Thence with the south line of said 1.056 acre tract and the 150163
south line of a 1.056 acre tract of land conveyed to the City of 150164
Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East a 150165
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8 150166
inch iron pin found stamped "Riancho" at 200.00 feet; 150167

Thence with the east line of said 1.056 acre tract and the 150168
west line of said 33.5 acre tract as conveyed to the State of Ohio 150169
as recorded in Deed Book 169 Page 585, North 1°17'05" East a 150170
distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron 150171
pin set at the south right of way of Wayne Avenue at 199.79 feet; 150172

Thence with the centerline of Wayne Avenue and the north line 150173
of said 33.5 acre tract, South 89°18'28" East a distance of 270.78 150174
feet to a RR spike set at the Intersection of the centerlines of 150175
Watervliet Avenue and Wayne Avenue; 150176

Thence with the centerline of Watervliet Avenue and with the 150177
northerly line of said 33.5 acre tract, South 55°21'16" East a 150178

distance of 231.10 feet to a RR spike set; 150179

Thence with the east line of said 33.5 acre tract and the 150180
west line of a 13.00 acre tract conveyed to the Board of Education 150181
of the Dayton City School District as recorded in Deed Book 1522, 150182
Page 341, South 00°48' 28" West a distance of 709.51 feet to a 5/8 150183
inch iron pin set; 150184

Thence with a new division line, North 89°11'12" West, a 150185
distance of 468.08 feet to a 5/8 inch iron pin set, in the west 150186
line of said 33.5 acre tract and the east line of said 21.25 acre 150187
tract, to a 5/8 inch iron pin set; 150188

Thence with the west line of said 33.5 acre tract and the 150189
east line of said 21.25 acre tract, North 01°07'55" East a 150190
distance of 141.74 feet to a 5/8 inch iron pin set; 150191

Thence with a new division line, North 89°15'53" West, 150192
passing the west line of said 21.25 acre tract and the east line 150193
of said 24.36 acre tract conveyed to The Trustees of the Southern 150194
Ohio Lunatic Asylum as recorded in Deed Book N~3, Page 233 at a 150195
distance of 425.35 feet, for a total distance of 507.35 feet to a 150196
5/8 inch iron pin set; 150197

Thence with a new division line South 01°07'00" West passing 150198
the south line of 24.36 acre tract conveyed to The Trustees of the 150199
Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 150200
233 and the north line of said 10.544 acre tract at a distance of 150201
627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch 150202
iron pin set in the south line of said 10.544 acre tract; 150203

Thence with the south line of said 10.544 acre tract and the 150204
north line a 20.3 acre tract conveyed to the State of Ohio 150205
Department of Public Works for the use of the Department of Public 150206
Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page 150207
247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch 150208
iron pin set in the east line of a 11.579 acre tract of land 150209

conveyed to the Hospice of Dayton as recorded in Microfiche 150210
94-0448C08; 150211

Thence with the east line of said 11.579 acre tract of land, 150212
the east line of said 8.338 acre tract as conveyed to Barry K. 150213
Humphries as recorded in M.F. number 01-0590 A04, the west line of 150214
said 10.544 acre tract, and the west line of said 2.36 acre tract, 150215
North 03°24 '08" West a distance of 956.68 feet to a 5/8 inch iron 150216
pin set; 150217

Thence with an easterly line of said 8.338 acre tract, the 150218
westerly line of said 24.36 acre tract, and the north line of said 150219
2.36 acre tract, North 49°49'38" East a distance of 275.99 feet to 150220
a capped 5/8 inch Iron Pin found stamped "LJB"; 150221

Thence with the east line of said 8.338 acre tract and the 150222
west line of a 24.36 acre tract, North 00°32'15" East a distance 150223
of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and 150224
the TRUE POINT OF BEGINNING, containing 45.3599 acres more or 150225
less. Subject to all easements, agreements and right of ways of 150226
record. 150227

The basis of bearings for this description is the easterly 150228
line of Parcel 2, South 00°32'15 West, as recorded in the 150229
Wilmington Woods Plat as recorded in Plat Book 134, Page 3A; 150230

All iron pins set in the above boundary description are 5/8" 150231
(O.D.) 30" long with a plastic cap stamped "LJB" 150232

(B)(1) Consideration for conveyance of the real estate 150233
described in division (A) of this section is the transfer to the 150234
state at no cost of 8.9874 acres adjacent to the remaining Twin 150235
Valley Behavioral Healthcare/Dayton Campus, subject to the 150236
following conditions: 150237

(a) Within one hundred eighty days after conveyance of the 150238
real estate described in division (A) of this section, grantee at 150239
its own cost shall complete construction of a new western 150240

extension off of Mapleview Avenue to provide a new entrance 150241
roadway to the remaining Twin Valley Behavioral Healthcare/Dayton 150242
Campus and provide an easement to the state for full utilization 150243
of the roadway for the benefit of the remaining Twin Valley 150244
Behavioral Healthcare/Dayton Campus until the property described 150245
in division (B)(1) of this section is transferred to the state. 150246

(b) Within three hundred forty days after the occupancy of 150247
the New Belmont High School, grantee shall demolish and 150248
environmentally restore the 8.9874 acres being transferred to the 150249
state. 150250

(2) In lieu of the transfer of the 8.9874 acres, if the 150251
Director of Mental Health determines that the grantee has 150252
insufficiently performed its construction, demolition, and 150253
environmental restoration obligations specified in division (B)(1) 150254
of this section, the grantee, as consideration, shall pay a 150255
purchase price of \$1,175,000.00 to the state, which is the 150256
appraised value of the 45.3599 acres described in division (A) of 150257
the section less the cost of demolition, site, and utility work. 150258

(C) The real estate described in division (A) of this section 150259
shall be conveyed as an entire tract and not in parcels. 150260

(D) Upon transfer of the 8.9874 acres to the state or payment 150261
of the purchase price, the Auditor of State, with the assistance 150262
of the Attorney General, shall prepare a deed to the real estate 150263
described in division (A) of this section. The deed shall state 150264
the consideration and shall be executed by the Governor in the 150265
name of the state, countersigned by the Secretary of State, sealed 150266
with the Great Seal of the State, presented in the Office of the 150267
Auditor of State for recording, and delivered to the grantee. The 150268
grantee shall present the deed for recording in the Office of the 150269
Montgomery County Recorder. 150270

(E) The grantee shall pay all costs associated with 150271

conveyance of the real estate described in division (A) of this section, including recordation costs of the deed. 150272
150273

(F) If the payment of \$1,175,000.00 is made in lieu of the transfer of the 8.9874 acres to the state, the proceeds of the conveyance of the real estate described in division (A) of this section shall be deposited into the state treasury to the credit of the Department of Mental Health Trust Fund created by section 5119.18 of the Revised Code and the easement described in division (B)(1)(a) of this section shall become a permanent easement. 150274
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150280

(G) The grantee shall not, during any period that any bonds issued by the state to finance or refinance all or a portion of the real estate described in division (A) of this section are outstanding, use any portion of the real estate for a private business use without the prior written consent of the state. 150281
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150285

As used in this division: 150286

"Private business use" means use, directly or indirectly, in a trade or business carried on by any private person other than use as a member of, and on the same basis as, the general public. Any activity carried on by a private person who is not a natural person shall be presumed to be a trade or business. 150287
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"Private person" means any natural person or any artificial person, including a corporation, partnership, limited liability company, trust, or other entity and including the United States or any agency or instrumentality of the United States, but excluding any state, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof that is referred to as a "State or local governmental unit" in Treasury Regulation § 1.103-1(a) and any person that is acting solely and directly as an officer or employee of or on behalf of any such governmental unit. 150292
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(H) This section expires ~~two years after its effective date~~ 150302

on October 16, 2013. 150303

Section 620.21. That existing Section 753.60 of Am. Sub. H.B. 150304
1 of the 128th General Assembly is hereby repealed. 150305

Section 620.30. That Section 105.20 of Sub. H.B. 462 of the 150306
128th General Assembly be amended to read as follows: 150307

Sec. 105.20. All items set forth in this section are hereby 150308
appropriated out of any moneys in the state treasury to the credit 150309
of the School Building Program Assistance Fund (Fund 7032) that 150310
are not otherwise appropriated: 150311

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 150312

C23002	School Building Program Assistance	\$ 523,091,925	150313
C23005	Exceptional Needs	\$ 3,009,397	150314
C23010	Vocation Facilities Assistance Program	\$ 12,203,057	150315
C23011	Corrective Action Grants	\$ 23,336,491	150316
C23012	School for the Blind/Deaf	\$ 12,321,269	150317
Total School Facilities Commission			\$ 573,962,139 150318
TOTAL School Building Program Assistance Fund			\$ 573,962,139 150319

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 150320

Notwithstanding sections 123.01 and 123.15 of the Revised 150321
Code and in addition to its powers under Chapter 3318. of the 150322
Revised Code, the Ohio School Facilities Commission shall 150323
administer the project appropriated in C23012, School for the 150324
Blind/Deaf, pursuant to the memorandum of understanding that the 150325
Ohio State School for the Blind, the Ohio School for the Deaf, and 150326
the Ohio School Facilities Commission signed on October 31, 2007. 150327
The project shall comply to the fullest extent possible with the 150328
specifications and policies set forth in the Ohio School 150329
Facilities Design Manual and shall not be considered a part of any 150330
program created under Chapter 3318. of the Revised Code. Upon 150331

issuance by the Commission of a certificate of completion of the 150332
project, the Commission's participation in the project shall end. 150333

The Executive Director of the Ohio School Facilities 150334
Commission shall comply with the procedures and guidelines 150335
established in Chapter 153. of the Revised Code. Upon the release 150336
of funds for the project by the Controlling Board or the Director 150337
of Budget and Management, the Commission may administer the 150338
project without the supervision, control, or approval of the 150339
Director of Administrative Services. Any references to the 150340
Director of Administrative Services in the Revised Code, with 150341
respect to the administration of the project, shall be read as if 150342
they referred to the Director of the Ohio School Facilities 150343
Commission. 150344

CORRECTIVE ACTION GRANTS 150345

The foregoing appropriation item C23011, Corrective Action 150346
Grants, for fiscal year 2011, may be used to provide funding to 150347
bring facilities up to Ohio School Design Manual standards for a 150348
project funded pursuant to sections 3318.01 to 3318.20 or 3318.40 150349
to 3318.45 of the Revised Code for the correction of work found 150350
during or after project close-out to be defective, or for the 150351
remediation of work found during or after project close-out to be 150352
omitted. Funding shall only be provided for work if the impacted 150353
school district notifies the Executive Director of the Ohio School 150354
Facilities Commission within five years of project close-out. The 150355
Commission may provide funding assistance necessary to take 150356
corrective measures after evaluating defective or omitted work. If 150357
the work to be corrected or remediated is part of a project not 150358
yet completed, the Commission may amend the project agreement to 150359
increase the project budget and use corrective action funding to 150360
provide the local share of the amendment. If the work to be 150361
corrected or remediated was part of a completed project and funds 150362
were retained or transferred pursuant to division (C) of section 150363

3318.12 of the Revised Code, the Commission may enter into a new agreement to address the necessary corrective action. The Commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any funds recovered shall be deposited into the School Building Program Assistance Fund (Fund 7032).

The foregoing appropriation item C23011, Corrective Action Grants, for fiscal year 2012, may be used to provide funding to school districts under the Corrective Action Program in accordance with section 3318.49 of the Revised Code.

Section 620.31. That existing Section 105.20 of Sub. H.B. 462 of the 128th General Assembly is hereby repealed.

Section 620.40. That Section 105.45.70 of Sub. H.B. 462 of the 128th General Assembly, as amended by Am. Sub. H.B. 114 of the 129th General Assembly, be amended to read as follows:

Reappropriations

Sec. 105.45.70. CCC CUYAHOGA COMMUNITY COLLEGE			150379
C37800	Basic Renovations	\$ 4,406,772	150380
C37803	Technology Learning Center - Western	\$ 43,096	150381
C37807	Cleveland Art Museum - Improvements	\$ 3,100,000	150382
C37812	Building A Expansion Module - Western	\$ 124,332	150383
C37816	College-Wide Wayfinding Signage System	\$ 145,893	150384
C37817	College-Wide Asset Protection & Building	\$ 631,205	150385
C37818	Healthcare Technology Building - Eastern	\$ 13,464,866	150386
C37821	Hospitality Management Program	\$ 2,452,728	150387
C37822	Theater Renovations	\$ 2,243,769	150388
C37824	Rock and Roll Hall of Fame Archive	\$ 18,000	150389
C37826	CW Roof Replacement	\$ 190,735	150390
C37829	College of Podiatric Medicine	\$ 250,000	150391
C37830	Auto Lab Improvements	\$ 240	150392

C37831	Visiting Nurse Association	\$	150,000	150393
C37832	Western Reserve Hospice Center	\$	1,500	150394
C37833	Cleveland Zoological Society	\$	150,000	150395
C37834	Museum of Contemporary Art Cleveland	\$	450,000	150396
C37835	Western Reserve Historical Society	\$	2,800,000	150397
Total Cuyahoga Community College		\$	30,623,136	150398

On July 1, 2011, or as soon as possible thereafter, the 150399
Director of Budget and Management shall cancel ~~any~~ existing 150400
encumbrances against appropriation item C371A9, Western Reserve 150401
Historical Society, totaling \$2,800,000 and reestablish them 150402
against the foregoing appropriation item C37835, Western Reserve 150403
Historical Society. 150404

Section 620.41. That existing Section 105.45.70 of Sub. H.B. 150405
462 of the 128th General Assembly, as amended by Am. Sub. H.B. 114 150406
of the 129th General Assembly, is hereby repealed. 150407

Section 620.51. That Section 5 of Sub. S.B. 162 of the 128th 150408
General Assembly be amended to read as follows: 150409

Sec. 5. (A) There is hereby created the Select Committee on 150410
Telecommunications Regulatory Reform consisting of the following 150411
members: 150412

(1) The chairperson and ranking minority member of the 150413
committee in the Senate to which legislation pertaining to public 150414
utilities is referred; 150415

(2) The chairperson and ranking minority member of the 150416
committee in the House of Representatives to which legislation 150417
pertaining to public utilities is referred; 150418

(3) The chairperson of the Public Utilities Commission or an 150419
officer or employee of the Commission who shall serve as the 150420
chairperson's designee; 150421

(4) The Consumers' Counsel or an officer or employee of the Office of the Consumers' Counsel who shall serve as the designee of the Consumers' Counsel;

(5) One member appointed by the Governor, who is a member of the Governor's staff;

(6) One member appointed by the Governor who is a representative of the telecommunications industry.

(B) The Governor shall make appointments to the Committee not later than ~~sixty days after the effective date of this section~~ November 12, 2010. Vacancies on the Committee shall be filled in the manner provided for original appointments.

(C) The members who serve as chairpersons of the House and Senate committees to which public utility legislation is referred shall serve as co-chairpersons of the Select Committee on Telecommunications Regulatory Reform. The Committee shall meet at the call of the co-chairpersons who shall determine the time, meeting location, and agenda for each meeting of the Committee.

(D) The Committee shall study the impacts of Sub. S.B. 162 as enacted by the 128th General Assembly. The Committee's study shall include, but shall not be limited to, a review of both the economic benefits of the act and the act's impact on jobs, telephone company rates, telephone company quality of service, lifeline program customers, rural markets, rural broadband deployment, and carrier access to private property. ~~The Committee's study shall also include a report on the Community voicemail Service Pilot Program created in S.B. 162 of the 128th General Assembly.~~ The Public Utilities Commission shall cooperate with the Committee as it performs its duties and shall provide reports and any other information requested by the Committee.

(E) The Committee may request assistance from the Legislative

Service Commission. 150453

(F) Not later than ~~four years after the effective date of~~ 150454
~~this section~~ September 13, 2014, the Committee shall submit a 150455
written report of its findings and recommendations to the General 150456
Assembly and the Governor. Upon submission of its report, the 150457
Committee shall cease to exist. 150458

Section 620.52. That existing Section 5 of Sub. S.B. 162 of 150459
the 128th General Assembly is hereby repealed. 150460

Section 620.53. That Section 6 of Sub. S.B. 162 of the 128th 150461
General Assembly is hereby repealed. 150462

Section 630.10. That Section 5 of Sub. H.B. 125 of the 127th 150463
General Assembly, as most recently amended by Sub. H.B. 198 of the 150464
128th General Assembly, be amended to read as follows: 150465

Sec. 5. (A) As used in this section and Section 6 of Sub. 150466
H.B. 125 of the 127th General Assembly: 150467

(1) "Most favored nation clause" means a provision in a 150468
health care contract that does any of the following: 150469

(a) Prohibits, or grants a contracting entity an option to 150470
prohibit, the participating provider from contracting with another 150471
contracting entity to provide health care services at a lower 150472
price than the payment specified in the contract; 150473

(b) Requires, or grants a contracting entity an option to 150474
require, the participating provider to accept a lower payment in 150475
the event the participating provider agrees to provide health care 150476
services to any other contracting entity at a lower price; 150477

(c) Requires, or grants a contracting entity an option to 150478
require, termination or renegotiation of the existing health care 150479
contract in the event the participating provider agrees to provide 150480

health care services to any other contracting entity at a lower price; 150481
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(d) Requires the participating provider to disclose the participating provider's contractual reimbursement rates with other contracting entities. 150483
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(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. 150486
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~~(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. 150490
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~~(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.~~ 150497
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~~(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~~ 150505
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~~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.~~ 150512
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Section 630.11. That existing Section 5 of Sub. H.B. 125 of 150517
the 127th General Assembly, as most recently amended by Sub. H.B. 150518
198 of the 128th General Assembly, is hereby repealed. 150519

Section 630.12. That Section 5 of Sub. H.B. 2 of the 127th 150520
General Assembly is hereby repealed. 150521

Section 640.10. That Section 6 of Am. Sub. S.B. 124 of the 150522
128th General Assembly be amended to read as follows: 150523

Sec. 6. A prosecuting attorney or treasurer of a county with 150524
a population greater than eight hundred thousand but less than 150525
nine hundred thousand may determine that the amount of money 150526
appropriated to the respective office from the county Delinquent 150527
Tax and Assessment Collection Fund under division (A) of section 150528
321.261 of the Revised Code exceeds the amount required to be used 150529
by that office as prescribed by division (A)(1) of that section. 150530
If a prosecuting attorney or treasurer of a county with that 150531
population makes such a determination, the prosecuting attorney or 150532
treasurer may expend up to fifty per cent of the excess so 150533
determined to pay the expenses of operating the respective office 150534
that otherwise would be payable from appropriations from the 150535
county general fund, notwithstanding section 321.261 of the 150536
Revised Code. 150537

This section expires December 31, ~~2011~~ 2012. 150538

Section 640.11. That existing Section 6 of Am. Sub. S.B. 124 150539

of the 128th General Assembly is hereby repealed. 150540

Section 690.10. That Section 153 of Am. Sub. H.B. 117 of the 150541
121st General Assembly, as most recently amended by Am. Sub. H.B. 150542
1 of the 128th General Assembly, be amended to read as follows: 150543

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 150544
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 150545
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 150546
repealed, effective October 16, ~~2011~~ 2013. 150547

(B) Any money remaining in the Legislative Budget Services 150548
Fund on October 16, ~~2011~~ 2013, the date that section 5112.19 of 150549
the Revised Code is repealed by division (A) of this section, 150550
shall be used solely for the purposes stated in then former 150551
section 5112.19 of the Revised Code. When all money in the 150552
Legislative Budget Services Fund has been spent after then former 150553
section 5112.19 of the Revised Code is repealed under division (A) 150554
of this section, the fund shall cease to exist. 150555

Section 690.11. That existing Section 153 of Am. Sub. H.B. 150556
117 of the 121st General Assembly, as most recently amended by Am. 150557
Sub. H.B. 1 of the 128th General Assembly, is hereby repealed. 150558

Section 690.20. It is not the intent of the General Assembly, 150559
in amending section 101.01 of the Revised Code in Section 1 of 150560
this act, to supersede the suspension of the repeal and delayed 150561
effective date of that repeal as described in Section 4 of Sub. 150562
H.B. 495 of the 128th General Assembly. 150563

Section 701.10. (A) Prior to the implementation of the rules 150564
under section 153.503 of the Revised Code, a public owner or 150565
public authority contracting for services with a construction 150566

manager at risk or a design-build firm shall require the 150567
construction manager at risk or design-build firm to advertise the 150568
work scopes listed in division (A) of section 153.501 of the 150569
Revised Code and announce procedures for bidders seeking approval 150570
on subcontracts awarded under section 153.501 of the Revised Code. 150571

(B) Prior to the implementation of those rules, a subcontract 150572
awarded under section 153.501 of the Revised Code shall be to the 150573
lowest responsive bidder. 150574

(C) With respect to a general contract awarded for 150575
six-hundred thousand dollars or less, prior to the implementation 150576
of those rules, a bidder for any contract awarded under division 150577
(B)(2) of section 153.52 of the Revised Code shall do both of the 150578
following: 150579

(1) Solicit at least two bids for applicable subcontracts 150580
listed in division (B) of section 153.50 of the Revised Code; 150581

(2) List the selected bidder for each of the applicable 150582
subcontracts listed in division (B) of section 153.50 of the 150583
Revised Code. 150584

(D) Prior to the implementation of the rules under section 150585
153.503 of the Revised Code, a contract for the work described in 150586
division (B)(2) of section 153.52 of the Revised Code shall be 150587
awarded as follows: 150588

(1) To the lowest responsive and responsible bidder in the 150589
public authority's discretion in accordance with section 9.312 of 150590
the Revised Code when the public authority is a state agency or 150591
state institution of higher education; 150592

(2) To the lowest and best separate bidder in the public 150593
authority's discretion when the public authority is a county; 150594

(3) To the lowest responsible bidder in the case of a school 150595
district. 150596

(E) Prior to the implementation of the rules under section 150597
153.503 of the Revised Code, a contract for the work described in 150598
division (B)(2) of section 153.52 of the Revised Code shall be 150599
made directly with the bidder in the manner and upon the terms, 150600
conditions, and applicable limitations related to providing bonds 150601
or bid guaranties otherwise prescribed by law. 150602

Section 701.13. (A) The Director of Administrative Services 150603
shall adopt rules in accordance with Chapter 119. of the Revised 150604
Code to establish guidelines for the provision of surety bonds by 150605
construction managers at risk, as required under section 9.333 of 150606
the Revised Code, and design-build firms, as required under 150607
section 153.70 of the Revised Code. 150608

(B) Except as provided in division (C) of this section, the 150609
amendment or enactment of sections 9.33, 9.331, 9.332, 9.333, 150610
9.334, 9.335, 123.011, 126.141, 153.01, 153.012, 153.03, 153.07, 150611
153.08, 153.50, 153.501, 153.502, 153.503, 153.504, 153.505, 150612
153.51, 153.52, 153.53, 153.54, 153.55, 153.56, 153.581, 153.65, 150613
153.66, 153.67, 153.69, 153.692, 153.693, 153.694, 153.70, 153.71, 150614
153.72, 153.73, 153.80, 3313.46, 3318.111, 3353.04, 3354.16, 150615
3357.16, 4113.61, 5540.03, and 6115.20 of the Revised Code and 150616
Section 701.10 of this act modifying the laws governing the 150617
permissible methods of construction delivery for the construction 150618
of public improvements shall apply only to public improvement 150619
projects commencing on or after the date the rules adopted under 150620
division (A) of this section become effective. 150621

(C) The provisions of the sections listed in division (B) of 150622
this section that are amended or enacted by this act that apply 150623
the provisions of section 7.16 of the Revised Code, as enacted by 150624
this act, are not subject to the delayed application provisions of 150625
that division. 150626

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 employees of political subdivisions, public school districts, and state institutions of higher education without the enactment of law by the General Assembly.

Section 701.30. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES

As used in this section, "appointing authority" has the same meaning as in section 124.01 of the Revised Code, and "exempt employee" has the same meaning as in section 124.152 of the Revised Code.

Notwithstanding section 124.181 of the Revised Code, in cases where no vacancy exists, an appointing authority may, with the written consent of an exempt employee, assign duties of a higher classification to that exempt employee for a period of time not to exceed two years, and that exempt employee shall receive compensation at a rate commensurate with the duties of the higher classification.

Section 701.40. (A) There is hereby created the Ohio Housing Study Committee with the purpose of formulating a comprehensive review of the policies and results of the Ohio Housing Finance Agency, its programs and its working relationships to ensure that all Agency programs are evaluated by an objective process to ensure all Ohioans receive optimal and measurable benefits afforded to them through the authority of the Agency.

(B) The Committee shall do all of the following:

(1) Perform a comprehensive review of Chapter 175. of the Revised Code to determine the relevance of the chapter and determine whether it should be formally reviewed or amended by the General Assembly, up to and including appropriate legislative oversight and accountability;

(2) Review the Agency's relationships to ensure an equitable

and level playing field regarding its single- and multi-family housing programs; 150687
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(3) Review the Agency's policy leadership and the measurable economic impact and other effects of its programs; 150689
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(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; 150691
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(5) Create a quantitative report measuring the economic benefits of the Agency's single- and multi-family programming over the last ten years; 150695
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(6) Evaluate the possible efficiencies of combining existing Ohio Department of Development housing-related programming with those of the Agency. 150698
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The Chairperson of the Committee may include other relevant areas of study as necessary. 150701
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(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. 150703
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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. 150708
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The Governor, Speaker of the House of Representatives, and the President of the Senate shall determine the chairperson of the 150715
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Committee. 150717

(E) The Committee shall meet on a reasonable basis at the 150718
discretion of the chairperson. 150719

(F) All reasonable expenses incurred by the Committee in 150720
carrying out its responsibilities shall be paid by Ohio Housing 150721
Finance Agency funds. In addition to reasonable expenses, the 150722
Committee shall have the discretion to allocation Agency funds to 150723
contract with the Auditor of State for services rendered in 150724
relation to the Committee carrying out its responsibilities, 150725
including financial- and performance-based audits and other 150726
services. The Auditor of State may contract with an independent 150727
auditor. 150728

The Committee may also contract with other independent 150729
entities for services rendered in relation to the Committee 150730
carrying out its responsibilities. Expenditures to pay for the 150731
services of the Auditor of State, independent auditor, or other 150732
services shall not exceed two hundred thousand dollars. 150733

No entity contracting with the Committee for services 150734
rendered shall have a financial or vested interest in the Ohio 150735
Housing Finance Agency, its affiliates, or its nonprofit partners. 150736

Section 701.50. (A) Except as otherwise provided in section 150737
154.24 or 154.25 of the Revised Code, as enacted by this act, with 150738
respect to the functions of the Ohio Public Facilities Commission, 150739
the Treasurer of State shall, on the effective date of this 150740
section and as provided for in this section, supersede and replace 150741
the Ohio Building Authority (referred to in this section as the 150742
"Authority") as the issuing authority in all matters relating to 150743
the issuance of obligations for the financing of capital 150744
facilities for housing branches and agencies of state government 150745
as provided for in section 154.24 of the Revised Code or for 150746
community or technical colleges as provided for in section 154.25 150747

of the Revised Code (together referred to in this section as 150748
"facilities for capital purposes"), as enacted by this act (all 150749
referred to in this section as "superseded matters"). 150750

(B)(1) With respect to superseded matters and facilities for 150751
capital purposes, the Treasurer of State shall: 150752

(a) Succeed to and have and perform all of the duties, 150753
powers, obligations, and functions of the Authority and its 150754
members and officers provided for by law or rule relating to the 150755
issuance of bonds, notes, or other obligations for the purpose of 150756
paying costs of facilities for capital purposes; 150757

(b) Succeed to and have and perform all of the duties, 150758
powers, obligations, and functions, and have all of the rights of, 150759
the Authority and its members and officers provided for in or 150760
pursuant to resolutions, rules, agreements, trust agreements, and 150761
supplemental trust agreements (all referred to collectively in 150762
this section as "basic instruments"), and bonds, notes, and other 150763
obligations (all referred to collectively in this section as 150764
"financing obligations"), previously authorized, entered into, or 150765
issued by the Authority for facilities for capital purposes, which 150766
financing obligations shall be, or shall be deemed to be, 150767
obligations issued by and of the Treasurer of State; and 150768

(c) Be bound by all agreements and covenants of the 150769
Authority, and basic instruments, relating to financing 150770
obligations. 150771

(2) The transfer of superseded matters to the Treasurer of 150772
State pursuant to this section does not affect the validity of any 150773
agreement or covenant, basic instrument, or financing obligation, 150774
or any related document, authorized, entered into, or issued by 150775
the Authority under Chapter 152. of the Revised Code or other 150776
laws, and nothing in this section shall be applied or considered 150777
as impairing the obligations or rights under them. 150778

(3) The Treasurer of State shall not issue any additional 150779
financing obligations pursuant to any basic instrument of the 150780
Authority, including financing obligations to refund financing 150781
obligations previously issued by the Authority. 150782

(C) With respect to proceedings relating to superseded 150783
matters affected by this section: 150784

(1) This section applies to any proceedings that are 150785
commenced after the effective date of this section, and to any 150786
proceedings that are pending, in progress, or completed on that 150787
date, notwithstanding the applicable law previously in effect or 150788
any provision to the contrary in a prior basic instrument, notice, 150789
or other proceeding. 150790

(2) Any proceedings of the Authority that are pending on the 150791
effective date of this section shall be pursued and completed by 150792
and in the name of the Treasurer of State, and any financing 150793
obligations that are sold, issued, and delivered pursuant to those 150794
proceedings shall be deemed to have been authorized, sold, issued, 150795
and delivered in conformity with this section. 150796

(3) Notwithstanding divisions (C)(1) and (2) of this section, 150797
the Authority may, subsequent to the effective date of this 150798
section, meet for the purpose of better accomplishing the transfer 150799
of superseded matters. At any such meeting the Authority may take 150800
necessary or appropriate actions to effect an orderly transition 150801
relating to the issuance of financing obligations, such that all 150802
duties, powers, obligations, and functions of the Authority and 150803
its members and officers with respect to the superseded matters or 150804
under any leases and agreements between the Authority and a state 150805
agency for facilities for capital purposes shall terminate and be 150806
of no further force and effect as to the Authority. 150807

(D) Notwithstanding any other provision of this section, this 150808
section shall not apply to the Authority's interests in or 150809

responsibilities for the operation and maintenance, or any lease 150810
or agreement relating to the operation and maintenance of, the 150811
James A. Rhodes State Office Tower (30 East Broad Street, 150812
Columbus), the Vern Riffe Center for Government and the Arts (77 150813
South High Street, Columbus), the Frank J. Lausche State Office 150814
Building (615 West Superior Avenue, Cleveland), the Michael V. 150815
DiSalle Government Center (One Government Center, Toledo), the 150816
Oliver R. Ocasek Government Office Building (161 South High 150817
Street, Akron), and the State of Ohio Computer Center (1320 Arthur 150818
E. Adams Drive, Columbus). 150819

(E) The Authority and the Treasurer of State shall prepare 150820
any necessary amendments of or supplements to documents or basic 150821
instruments pertaining to the duties, powers, obligations, 150822
functions, and rights relating to superseded matters to which the 150823
Treasurer of State succeeds pursuant to this section. The 150824
authorization by the Authority in its basic instruments relating 150825
to superseded matters for its officers to act in any manner on 150826
behalf of the Authority shall, on and after the effective date of 150827
this section, be authorization for the Treasurer of State, or the 150828
Treasurer of State's staff or employees to whom the Treasurer of 150829
State may delegate the function, to act in the circumstances, 150830
without necessity for amendment of or supplement to any such 150831
documents or basic instruments. 150832

(F) No pending judicial or administrative action or 150833
proceeding in which the Authority, or its members or officers as 150834
such, are a party that pertains to superseded matters shall be 150835
affected by their transfer, but shall be prosecuted or defended in 150836
the name of the Treasurer of State and in any such action or 150837
proceeding the Treasurer of State, upon application to the court, 150838
shall be substituted as a party. 150839

(G) In connection with the duties, powers, obligations, 150840
functions, and rights relating to superseded matters and provided 150841

for in this section, on the effective date of this section: 150842

(1) Copies of all basic instruments, documents, books, 150843
papers, and records of the Authority shall be transferred to the 150844
Treasurer of State upon request, without necessity for assignment, 150845
conveyance, or other action by the Authority. 150846

(2) All appropriations previously made to or for the 150847
Authority for the purposes of the performance of the duties, 150848
powers, obligations, functions, and exercise of rights relating to 150849
superseded matters, to the extent of remaining unexpended or 150850
unencumbered balances, are hereby transferred to and made 150851
available for use and expenditure by the Treasurer of State for 150852
performing the same duties, powers, obligations, and functions and 150853
exercising the same rights for which originally appropriated, and 150854
payments for administrative expenses previously incurred in 150855
connection with them shall be made from the applicable 150856
administrative service fund on vouchers approved by the Treasurer 150857
of State. 150858

(3) All leases and agreements between the Authority and a 150859
state agency for facilities for capital purposes made under 150860
Chapter 152. of the Revised Code shall, and shall be considered 150861
to, continue to bind that state agency. Nothing in this act shall 150862
be considered as impairing the obligations of any state agency 150863
under those leases and agreements. 150864

(4) Any lease, grant, or conveyance made to the Authority 150865
pursuant to section 152.06 of the Revised Code shall be, and shall 150866
be deemed to be, made to the Ohio Public Facilities Commission 150867
pursuant to section 154.16 of the Revised Code, and the Ohio 150868
Public Facilities Commission shall succeed to and have and perform 150869
all of the duties, powers, obligations, and functions, and have 150870
all of the rights, of the Authority and its members and officers 150871
provided for in or pursuant to that lease, grant, or conveyance. 150872

(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 January 1, 2012.

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 explore opportunities for sharing services across all levels of government.

(B) The chairperson of the Commission in consultation with the Director shall appoint no more than nine members to the Task Force. The Task Force shall include members of the boards of supervisors of soil and water conservation districts and other

individuals who represent diverse geographic areas of the state 150904
and may include members from the Ohio Federation of Soil and Water 150905
Conservation Districts, the Natural Resources Conservation Service 150906
in the United States Department of Agriculture, the County 150907
Commissioners' Association of Ohio, the Ohio Municipal League, and 150908
the Ohio Township Association. The Task Force may consult with 150909
those organizations and agencies. 150910

(C) The chairperson of the Commission or another member of 150911
the Commission who is designated by the chairperson shall serve as 150912
chairperson of the Task Force. 150913

(D) Members appointed to the Task Force shall serve without 150914
compensation and shall not be reimbursed for expenses. The 150915
Division of Soil and Water Resources shall provide technical and 150916
administrative support as needed by the Task Force. 150917

(E) The Task Force shall hold its first meeting no later than 150918
September 1, 2011, and shall submit a final report of 150919
recommendations to the Director and the Commission no later than 150920
December 31, 2011. Upon submission of the final report, the Task 150921
Force shall cease to exist. 150922

Section 733.10. (A) The Department of Education shall conduct 150923
and publicize a second Educational Choice Scholarship application 150924
period for the 2011-2012 school year to award for that year 150925
scholarships newly authorized by sections 3310.02 and 3310.03 of 150926
the Revised Code, as amended by this act. The second application 150927
period shall commence on the effective date of this section and 150928
shall end at the close of business on the first business day that 150929
is at least forty-five days after the effective date of this 150930
section. 150931

(B) Not later than ten days after the effective date of this 150932
section, the Department shall do both of the following: 150933

(1) Mail, to each person who applied for a scholarship during 150934
the first application period for the 2011-2012 school year but did 150935
not receive a scholarship, a notice announcing the second 150936
application period, the opportunity to re-apply, and the 150937
application deadline; 150938

(2) Post prominently on its web site a list of school 150939
district-operated buildings that meet both of the following 150940
criteria: 150941

(a) For at least two of the three school years from 2007-2008 150942
through 2009-2010, ranked in the lowest ten per cent of school 150943
district buildings according to performance index score reported 150944
under section 3302.03 of the Revised Code; 150945

(b) Were not declared to be excellent or effective under that 150946
section for the 2009-2010 school year. 150947

(C) The Department shall award scholarships for the 2011-2012 150948
school year from applications submitted during the second 150949
application period according to the order of priority listed in 150950
division (B) of section 3310.02 of the Revised Code, as amended by 150951
this act. The Department shall base its award determinations on 150952
the applicant students' status during the 2010-2011 school year. 150953

(D) Notwithstanding any provision of sections 3310.01 to 150954
3310.17 of the Revised Code, any rule of the State Board of 150955
Education, or any policy of the Department to the contrary, the 150956
Department shall not deny a scholarship to a student for whom an 150957
application is submitted during the second application period 150958
solely because the student already has been admitted to a 150959
chartered nonpublic school for the 2011-2012 school year, if both 150960
of the following apply: 150961

(1) A timely application was submitted on the student's 150962
behalf during the first application period for the 2011-2012 150963
school year and the student was denied a scholarship solely 150964

because the number of applications exceeded the number of 150965
available scholarships. 150966

(2) The student either: 150967

(a) Was enrolled, through the final day of scheduled classes 150968
for the 2010-2011 school year, in the district school or community 150969
school indicated on the student's first application for the 150970
2011-2012 school year; 150971

(b) Is eligible to enroll in kindergarten for the 2011-2012 150972
school year and was not enrolled in kindergarten in a nonpublic 150973
school in the 2010-2011 school year. 150974

(E)(1) For purposes of determining eligibility under division 150975
(B) of section 3310.03 of the Revised Code for scholarships 150976
awarded for the 2012-2013 school year, the Department shall post 150977
prominently on its web site a list of school district buildings 150978
that meet both of the following criteria: 150979

(a) For at least two of the three school years from 2008-2009 150980
through 2010-2011, ranked in the lowest ten per cent of school 150981
district buildings according to performance index score; 150982

(b) Were not declared to be excellent or effective under 150983
section 3302.03 of the Revised Code for the 2010-2011 school year. 150984

(2) For purposes of determining eligibility under division 150985
(B) of section 3310.03 of the Revised Code for scholarships 150986
awarded for the 2013-2014 school year, the Department shall post 150987
prominently on its web site a list of school district buildings 150988
that meet both of the following criteria: 150989

(a) For at least two of the three school years from 2009-2010 150990
through 2011-2012, ranked in the lowest ten per cent of school 150991
district buildings according to performance index score; 150992

(b) Were not declared to be excellent or effective under 150993
section 3302.03 of the Revised Code for the 2011-2012 school year. 150994

(3) For purposes of determining eligibility under division 150995
(B) of section 3310.03 of the Revised Code for scholarships 150996
awarded for the 2014-2015 school year, the Department shall post 150997
prominently on its web site a list of school district buildings 150998
that meet both of the following criteria: 150999

(a) For at least two of the three school years from 2010-2011 151000
through 2012-2013, ranked in the lowest ten per cent of school 151001
district buildings according to performance index score; 151002

(b) Were not declared to be excellent or effective under 151003
section 3302.03 of the Revised Code for the 2012-2013 school year. 151004

(F) As used in this section, "enrolled" has the same meaning 151005
as in division (E) of section 3317.03 of the Revised Code. 151006

Section 733.20. (A)(1) Notwithstanding section 3305.03 of the 151007
Revised Code or any other provision of Chapter 3305. of the 151008
Revised Code, an alternative retirement plan established by a 151009
public institution of higher education prior to July 1, 2000, that 151010
is a qualified trust under section 401(a) of the Internal Revenue 151011
Code is hereby designated a provider for purposes of Chapter 3305. 151012
of the Revised Code. 151013

(2) Other than the contributions required under division (D) 151014
of section 3305.06 of the Revised Code and interest on those 151015
contributions at a rate determined by the State Teachers 151016
Retirement Board, a public institution of higher education is not 151017
required to pay any contributions or interest due the State 151018
Teachers Retirement System for an employee who prior to July 1, 151019
2000, made an election to participate in an alternative retirement 151020
plan designated under this section, from the date of the election 151021
as long as participation by the employee continues. 151022

(B) Notwithstanding division (C) of section 3305.05 of the 151023
Revised Code, a public institution of higher education that failed 151024

to timely file with the State Teachers Retirement System a copy of 151025
an election of an employee described in division (A)(2) of this 151026
section may file the election not later than ninety days after the 151027
effective date of this section. The system shall accept the filing 151028
as though made in compliance with section 3305.05 of the Revised 151029
Code. 151030

Section 733.30. Notwithstanding the dates prescribed by 151031
division (D) of section 3311.054 of the Revised Code, not later 151032
than July 1, 2012, the governing board of an educational service 151033
center established under that section shall redistrict the 151034
educational service center's territory into a number of 151035
subdistricts equal to the number of board members designated under 151036
division (B)(1) of that section, based on the results of the 2010 151037
decennial census. At the regular municipal election held in 151038
November 2013, all elected governing board members shall again be 151039
elected from the subdistricts created under this section. 151040

If a governing board fails to redistrict the territory of its 151041
educational service center in accordance with this section, the 151042
superintendent of public instruction shall redistrict the service 151043
center not later than August 1, 2012. 151044

Section 737.11. (A) If an agricultural labor camp is located 151045
within the jurisdiction of a board of health on the effective date 151046
of this section, the board of health shall adopt the rules 151047
required by section 3733.42 of the Revised Code as enacted by this 151048
act not later than twelve months after the effective date of the 151049
enactment of that section by this act. After adopting the rules, 151050
the board of health immediately shall notify the Director of 151051
Health. 151052

(B)(1) The rules governing agricultural labor camps adopted 151053
by the Public Health Council under former section 3733.42 of the 151054

Revised Code as repealed by this act shall remain in effect in a health district to which division (A) of this section applies until the board of health of that district adopts rules under section 3733.42 of the Revised Code as enacted by this act.

(2) On the effective date of the rules adopted by such a board of health as required by section 3733.42 of the Revised Code as enacted by this act, the Public Health Council rules adopted under former section 3733.42 of the Revised Code as repealed by this act cease to be effective within the jurisdiction of that board of health.

(C) Twelve months after the effective date of this section, the Public Health Council shall rescind the rules adopted under former section 3733.42 of the Revised Code as repealed by this act.

(D) As used in this section:

(1) "Agricultural labor camp" and "board of health" have the same meanings as in section 3733.41 of the Revised Code.

(2) "Health district" has the same meaning as in section 3733.21 of the Revised Code.

(3) "Public Health Council" means the Public Health Council created by section 3701.33 of the Revised Code.

Section 737.15. (A) If a marina is located within the jurisdiction of a board of health on the effective date of this section, the board of health shall adopt the rules required by section 3733.21 of the Revised Code as amended by this act not later than twelve months after the effective date of the amendment of that section by this act. After adopting the rules, the board of health immediately shall notify the Director of Health.

(B)(1) The rules governing marinas adopted by the Public Health Council under former section 3733.22 of the Revised Code as

repealed by this act shall remain in effect in a health district 151085
to which division (A) of this section applies until the board of 151086
health of that district adopts rules under section 3733.21 of the 151087
Revised Code as amended by this act. 151088

(2) On the effective date of the rules adopted by such a 151089
board of health as required by section 3733.21 of the Revised Code 151090
as amended by this act, the Public Health Council rules adopted 151091
under former section 3733.22 of the Revised Code as repealed by 151092
this act cease to be effective within the jurisdiction of that 151093
board of health. 151094

(C) Twelve months after the effective date of this section, 151095
the Public Health Council shall rescind the rules adopted under 151096
former section 3733.22 of the Revised Code as repealed by this 151097
act. 151098

(D) As used in this section: 151099

(1) "Board of health," "health district," and "marina" have 151100
the same meanings as in section 3733.21 of the Revised Code. 151101

(2) "Public Health Council" means the Public Health Council 151102
created by section 3701.33 of the Revised Code. 151103

Section 737.30. (A) The Manufactured Homes Commission shall 151104
adopt the rules required by section 4781.26 of the Revised Code as 151105
amended by this act not later than December 1, 2011. After 151106
adopting the rules, the Commission immediately shall notify the 151107
Director of Health. 151108

(B)(1) The rules governing manufactured home parks adopted by 151109
the Public Health Council under former section 3733.02 of the 151110
Revised Code as amended by this act shall remain in effect in a 151111
health district until the Commission adopts rules under section 151112
4781.26 of the Revised Code as amended by this act. 151113

(2) On the effective date of the rules adopted by the 151114

Commission as required by section 4781.26 of the Revised Code as 151115
amended by this act, the Public Health Council rules adopted under 151116
former section 3733.02 of the Revised Code as amended by this act 151117
cease to be effective within the jurisdiction of that board of 151118
health. 151119

(C) No board of health of a city or general health district 151120
shall invoice or collect manufactured home park licensing fees for 151121
calendar year 2012. 151122

(D) As used in this section: 151123

(1) "Manufactured home park," "board of health," and "health 151124
district" have the same meanings as in section 3733.01 of the 151125
Revised Code. 151126

(2) "Public Health Council" means the Public Health Council 151127
created by section 3701.33 of the Revised Code. 151128

Any manufactured home park license and inspection fees 151129
collected pursuant to section 3733.04 of the Revised Code by a 151130
board of health prior to the transition of the annual license and 151131
inspection program to the Manufactured Homes Commission as 151132
required under this act in the amount of two thousand dollars or 151133
less may be transferred to the health fund of the city or general 151134
health district. Any of those funds in excess of two thousand 151135
dollars shall be transferred to the Manufactured Homes Commission 151136
and deposited in the Manufactured Homes Commission Regulatory Fund 151137
created in section 4781.54 of the Revised Code as enacted by this 151138
act. 151139

Section 737.40. The Director of Budget and Management shall 151140
compare and analyze alternatives in order to convert the lottery 151141
from a state-run entity to a commercially run enterprise. The 151142
Director shall develop a competitive selection process in 151143
compliance with Chapter 125. of the Revised Code for the selection 151144

of an entity or entities to operate and manage the lottery. In 151145
completing this task, the Director may hire appropriate experts 151146
who are qualified in lottery evaluation and management. However, 151147
no entity or advisor shall be paid based upon any contingency 151148
contract, agreement, or the value to the state of any subsequent 151149
lottery management or operating agreement. No such entity or 151150
consultant may bid or participate on any subsequent request for 151151
proposals or proposal for operation or management of the lottery. 151152

The request for proposals shall include a provision that the 151153
proceeds payable to the bidder shall be subject to all ordinary 151154
taxes. 151155

By December 15, 2011, the Director shall report to the 151156
General Assembly the Director's proposal for the operation and 151157
management of the lottery, which shall include methods for 151158
realizing optimum value of the lottery for the state when 151159
considering all appropriate factors including, but not limited to, 151160
improvement in the present value of the anticipated existing 151161
lottery stream, past performance, anticipated growth, as well as 151162
any future growth guarantees, up-front payments, and overall 151163
return. 151164

Based upon this report, the Director, by January 15, 2012, 151165
shall propose a request for proposals process to the General 151166
Assembly that outlines the appropriate terms and conditions for 151167
the operation and management of the lottery. 151168

Within ninety days of receipt of the Director's proposal, the 151169
General Assembly may approve or reject the terms and conditions 151170
outlined in the request for proposals by a joint resolution 151171
initiated in the Senate. If the General Assembly does not act 151172
during this period, the Director may move forward with the request 151173
for proposals. 151174

Section 747.20. Notwithstanding the original term of the 151175
appointment, the term of the Manufactured Homes Commission member 151176
who was appointed by the Governor as a representative of the 151177
Department of Health pursuant to division (B)(2)(b) of section 151178
4781.02 of the Revised Code shall end on the effective date of 151179
that section as amended by this act. The initial term of the 151180
registered sanitarian appointed to the Manufactured Homes 151181
Commission pursuant to section 4781.02 of the Revised Code, as 151182
amended by this act, shall expire on the date when the 151183
representative of the Department of Health's term would have 151184
expired, but for this section. 151185

Section 747.30. (A) There is hereby created the Auctioneer 151186
Study Commission consisting of the following members: 151187

(1) A representative of the Department of Taxation appointed 151188
by the Tax Commissioner; 151189

(2) A representative of the Bureau of Motor Vehicles 151190
appointed by the Registrar of Motor Vehicles; 151191

(3) A representative of the Office of the Attorney General 151192
appointed by the Attorney General; 151193

(4) A representative of the Department of Agriculture 151194
appointed by the Director of Agriculture; 151195

(5) A representative of the State Auctioneers Commission 151196
appointed by the Commission; 151197

(6) One member appointed by the Ohio Automobile Dealers 151198
Association; 151199

(7) One member appointed by the Ohio Automobile Auction 151200
Coalition; 151201

(8) One member representing equipment auctioneers; 151202

(9) One member representing consignment facility auctioneers; 151203

(10) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(11) Two members of the Senate appointed by the President of the Senate.

(B) All appointments shall be made to the Commission not later than ten days after the effective date of this section. The member representing the Department of Agriculture shall serve as the chairperson. The Commission shall hold its first meeting thirty days after the effective date of this section and shall hold regular meetings as necessary after the initial meeting.

(C) The Commission shall examine the scope of practices for the auctioneer profession and shall make recommendations to the General Assembly regarding those practices.

(D) Not later than January 1, 2012, the Commission shall submit a report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. Upon submission of the report, the Commission ceases to exist.

Section 747.40. (A) For members of the Residential Construction Advisory Committee serving terms beginning on July 1, 2011, such members' terms shall expire as follows:

(1) The terms of the members described in divisions (A)(3), (A)(6), and one of the members described in division (A)(1) of section 4740.14 of the Revised Code as amended by this act shall expire on June 30, 2012.

(2) The terms of the member described in division (A)(4), one of the members described in division (A)(1), and one of the members described in division (A)(2) of section 4740.14 of the Revised Code as amended by this act shall expire on June 30, 2013.

(3) The terms of the member described in division (A)(5), one 151234
of the members described in division (A)(1), and one of the 151235
members described in division (A)(2) of section 4740.14 of the 151236
Revised Code as amended by this act shall expire on June 30, 2014. 151237

(B) The Director of Commerce shall determine which of the 151238
members appointed pursuant to division (A)(1) of section 4740.14 151239
of the Revised Code as amended by this act will serve the term 151240
described in division (A)(1), which member will serve the term 151241
described in division (A)(2), and which member will serve the term 151242
described in division (A)(3) of this section, and shall determine 151243
which of the members appointed pursuant to division (A)(2) of 151244
section 4740.14 of the Revised Code as amended by this act will 151245
serve the term described in division (A)(2) and which member will 151246
serve the term described in division (A)(3) of this section. 151247

(C) Upon the expiration of the terms described in division 151248
(A) of this section, all successive terms shall last for the 151249
period described in division (C) of section 4740.14 of the Revised 151250
Code as amended by this act. 151251

Section 749.10. The Public Utilities Commission shall, on or 151252
before December 31, 2011, determine appropriate methods under 151253
which to ensure that the reduction in public utility assessments 151254
paid under section 4911.18 of the Revised Code for the Office of 151255
the Ohio Consumers' Counsel for fiscal year 2012 and fiscal year 151256
2013 is distributed to the benefit of Ohio customers of those 151257
public utilities. The Commission shall implement its distribution 151258
methodology in a timely manner. 151259

Section 753.10. (A) As used in this section, "contractor" and 151260
"facility" have the same meanings as in section 9.06 of the 151261
Revised Code, as amended by Sections 101.01 and 101.02 of this 151262
act. 151263

(B)(1) The Director of Administrative Services and the 151264
Director of Rehabilitation and Correction are hereby authorized to 151265
award one or more contracts through requests for proposals for the 151266
operation and management by a contractor of one or more of the 151267
facilities described in divisions (C) to (G) of this section, 151268
pursuant to section 9.06 of the Revised Code, and for the transfer 151269
of the state's right, title, and interest in the real property on 151270
which the facility is situated and any surrounding land as 151271
described in those divisions. 151272

(2) If the Director of Administrative Services and the 151273
Director of Rehabilitation and Correction award a contract of the 151274
type described in division (B)(1) of this section to a contractor 151275
regarding a facility described in division (C), (D), (E), (F), or 151276
(G) of this section, in addition to the requirements, statements, 151277
and authorizations that must be included in the contract pursuant 151278
to division (B) of section 9.06 of the Revised Code, the contract 151279
shall include all of the following regarding the facility that is 151280
the subject of the contract: 151281

(a) An agreement for the sale to the contractor of the 151282
state's right, title, and interest in the facility, the land 151283
situated thereon, and specified surrounding land; 151284

(b) A requirement that the contractor provide preferential 151285
hiring treatment to employees of the Department of Rehabilitation 151286
and Correction in order to retain staff displaced as a result of 151287
the transition of the operation and management of the facility and 151288
to meet the administrative, programmatic, maintenance, and 151289
security needs of the facility; 151290

(c) Notwithstanding any provision of the Revised Code, 151291
authorization for the transfer to the contractor of any supplies, 151292
equipment, furnishings, fixtures, or other assets considered 151293
necessary by the Director of Rehabilitation and Correction and the 151294
Director of Administrative Services for the continued operation 151295

and management of the facility; 151296

(d) A binding commitment that irrevocably grants to the state 151297
a right, upon the occurrence of any triggering event described in 151298
division (B)(2)(d)(i) or (ii) of this section and in accordance 151299
with the particular division, to repurchase the facility and the 151300
real property on which it is situated, any surrounding land that 151301
is to be transferred under the contract, or both the facility and 151302
real property on which it is situated plus the surrounding land 151303
that is to be transferred under the contract. The triggering 151304
events and the procedures for a repurchase under the irrevocable 151305
grant described in this division are as follows: 151306

(i) Before the contractor, or the contractor's successor in 151307
title, may resell or otherwise transfer the facility and the real 151308
property on which it is situated, any surrounding land that is to 151309
be transferred under the contract, or both the facility and real 151310
property on which it is situated plus the surrounding land that is 151311
to be transferred under the contract, the contractor or successor 151312
first must offer the state the opportunity to repurchase the 151313
facility, real property, and surrounding land that is to be resold 151314
or transferred for a price not greater than the purchase price 151315
paid to the state for that facility, real property, or surrounding 151316
land, less depreciation from the time of the conveyance of that 151317
facility, real property, or surrounding land to the contractor, 151318
plus the depreciated value of any capital improvements to that 151319
facility, real property, or surrounding land that were made to it 151320
and funded by anyone other than the state subsequent to the 151321
conveyance to the contractor. The repurchase opportunity described 151322
in this division must be offered to the state at least one hundred 151323
twenty days before the contractor intends to resell or otherwise 151324
transfer the facility, real property, or surrounding land that is 151325
to be resold or transferred. After being offered the repurchase 151326
opportunity, the state has the right to repurchase the facility, 151327

real property, and surrounding land that is to be resold or 151328
otherwise transferred for the price described in this division. 151329

(ii) Upon the contractor's default of any financial agreement 151330
for the purchase of the facility and the real property on which it 151331
is situated, any surrounding land that is to be transferred under 151332
the contract, or both the facility and real property on which it 151333
is situated plus the surrounding land that is to be transferred 151334
under the contract, upon the contractor's default of any other 151335
term in the contract, or upon the contractor's financial 151336
insolvency or inability to meet its contractual obligations, the 151337
state has the right to repurchase the facility and real property, 151338
the surrounding land, or both the facility and real property and 151339
the surrounding land, for a price not greater than the purchase 151340
price paid to the state for that facility, real property, or 151341
surrounding land, less depreciation from the time of the 151342
conveyance of that facility, real property, or surrounding land to 151343
the contractor, plus the depreciated value of any capital 151344
improvements to that facility, real property, or surrounding land 151345
that were made to it and funded by anyone other than the state 151346
subsequent to the conveyance to the contractor. 151347

(3)(a) If the Director of Administrative Services and the 151348
Director of Rehabilitation and Correction award a contract of the 151349
type described in division (B)(1) of this section to a contractor 151350
regarding a facility described in division (C), (D), (E), (F), or 151351
(G) of this section, notwithstanding any provision of the Revised 151352
Code and subject to division (B)(3)(b) of this section, the state 151353
may transfer to the contractor in accordance with the contract any 151354
supplies, equipment, furnishings, fixtures, or other assets 151355
considered necessary by the Director of Rehabilitation and 151356
Correction and the Director of Administrative Services for the 151357
continued operation and management of the facility. For purposes 151358
of this paragraph and the transfer authorized under this 151359

paragraph, any such supplies, equipment, furnishings, fixtures, or 151360
other assets shall not be considered supplies, excess supplies, or 151361
surplus supplies as defined in section 125.12 of the Revised Code 151362
and may be disposed of as part of the transfer of the facility to 151363
the contractor. 151364

(b) If the Director of Administrative Services and the 151365
Director of Rehabilitation and Correction award a contract of the 151366
type described in division (B)(1) of this section to a contractor 151367
regarding the facility described in division (D) of this section, 151368
the Director of Rehabilitation and Correction may transfer to 151369
another state correctional institution to be determined by the 151370
Director of Rehabilitation and Correction the Braille printing 151371
press and related accessories located at the facility described in 151372
division (D) of this section and all programs associated with the 151373
Braille printing press. 151374

(4) Nothing in divisions (B)(1) to (3) or divisions (C) to 151375
(G) of this section restricts the department of rehabilitation and 151376
correction from contracting for only the private operation and 151377
management of any of the facilities described in divisions (C) to 151378
(G) of this section. 151379

(C)(1) As used in division (C) of this section, "grantee" 151380
means an entity that has contracted under section 9.06 of the 151381
Revised Code to privately operate the Lake Erie Correctional 151382
Facility, if the contract includes the clauses described in 151383
division (B)(2) of this section for the purchase of that Facility. 151384

(2) The Governor is authorized to execute a deed in the name 151385
of the state conveying to the grantee, its successors and assigns, 151386
all of the right, title, and interest of the state in the Lake 151387
Erie Correctional Facility, in the City of Conneaut, County of 151388
Ashtabula, State of Ohio, the land situated thereon, and any 151389
surrounding land, which totals approximately 119 acres. 151390

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 Ashtabula 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 151422
be deposited into the state treasury to the credit of the Adult 151423
and Juvenile Correctional Facilities Bond Retirement Fund and 151424
shall be used to redeem or defease bonds in accordance with 151425
section 5120.092 of the Revised Code, and any remaining moneys 151426
after such redemption or defeasance shall be transferred in 151427
accordance with that section to the General Revenue Fund. 151428

(9) Division (C) of this section does not restrict the 151429
Department of Rehabilitation and Correction from contracting, not 151430
for the sale of, but only for the private operation and management 151431
of the Lake Erie Correctional Facility. 151432

(10) Division (C) of this section expires two years after its 151433
effective date. 151434

(D)(1) As used in division (D) of this section, "grantee" 151435
means an entity that has contracted under section 9.06 of the 151436
Revised Code to privately operate the Grafton Correctional 151437
Institution, if the contract includes the clauses described in 151438
division (B)(2) of this section for the purchase of that 151439
Institution. 151440

(2) The Governor is authorized to execute a deed in the name 151441
of the state conveying to the grantee, its successors and assigns, 151442
all of the right, title, and interest of the state in the Grafton 151443
Correctional Institution, in the City of Grafton, County of 151444
Lorain, State of Ohio, the land situated thereon, and any 151445
surrounding land, which totals approximately 148 acres. 151446

In preparing the deed, the Auditor of State, with the 151447
assistance of the Attorney General, shall develop a legal 151448
description of the property in conformity with the actual bounds 151449
of the real estate. 151450

(3) Consideration for conveyance of the real estate shall be 151451
set forth in the contract awarded to the grantee and shall be paid 151452

in accordance with the terms of the contract. 151453

(4)(a) The deed may contain any restriction that the Director 151454
of Administrative Services and the Director of Rehabilitation and 151455
Correction determine is reasonably necessary to protect the 151456
state's interest in neighboring state-owned land. 151457

(b) The deed also shall contain restrictions prohibiting the 151458
grantee from using, developing, or selling the real estate, or the 151459
correctional facility thereon, except in conformance with the 151460
restriction, or if the use, development, or sale will interfere 151461
with the quiet enjoyment of the neighboring state-owned land. 151462

(5) The real estate shall be sold as an entire tract and not 151463
in parcels. 151464

(6) Upon payment of the purchase price as set forth in the 151465
contract awarded to the grantee, the Auditor of State, with the 151466
assistance of the Attorney General, shall prepare a deed to the 151467
real estate. The deed shall state the consideration and 151468
restrictions and shall be executed by the Governor in the name of 151469
the state, countersigned by the Secretary of State, sealed with 151470
the Great Seal of the State, presented in the Office of the 151471
Auditor of State for recording, and delivered to the grantee. The 151472
grantee shall present the deed for recording in the Office of the 151473
Lorain County Recorder. 151474

(7) The grantee shall pay all costs associated with the 151475
purchase and conveyance of the real estate, including recordation 151476
costs of the deed. 151477

(8) The proceeds of the conveyance of the real estate shall 151478
be deposited into the state treasury to the credit of the Adult 151479
and Juvenile Correctional Facilities Bond Retirement Fund and 151480
shall be used to redeem or defease bonds in accordance with 151481
section 5120.092 of the Revised Code, and any remaining moneys 151482
after such redemption or defeasance shall be transferred in 151483

accordance with that section to the General Revenue Fund. 151484

(9) Division (D) of this section does not restrict the 151485
Department of Rehabilitation and Correction from contracting, not 151486
for the sale of, but only for the private operation and management 151487
of the Grafton Correctional Institution. 151488

(10) Division (D) of this section expires two years after its 151489
effective date. 151490

(E)(1) As used in division (E) of this section, "grantee" 151491
means an entity that has contracted under section 9.06 of the 151492
Revised Code to privately operate the North Coast Correctional 151493
Treatment Facility, if the contract includes the clauses described 151494
in division (B)(2) of this section for the purchase of that 151495
Facility. 151496

(2) The Governor is authorized to execute a deed in the name 151497
of the state conveying to the grantee, its successors and assigns, 151498
all of the right, title, and interest of the state in the North 151499
Coast Correctional Treatment Facility, in the City of Grafton, 151500
County of Lorain, State of Ohio, the land situated thereon, and 151501
any surrounding land, which totals approximately 171 acres. 151502

In preparing the deed, the Auditor of State, with the 151503
assistance of the Attorney General, shall develop a legal 151504
description of the property in conformity with the actual bounds 151505
of the real estate. 151506

(3) Consideration for conveyance of the real estate shall be 151507
set forth in the contract awarded to the grantee and shall be paid 151508
in accordance with the terms of the contract. 151509

(4)(a) The deed may contain any restriction that the Director 151510
of Administrative Services and the Director of Rehabilitation and 151511
Correction determine is reasonably necessary to protect the 151512
state's interest in neighboring state-owned land. 151513

(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 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 (E) 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 Coast Correctional Treatment Facility.

(10) Division (E) of this section expires two years after its effective date. 151545
151546

(F)(1) As used in division (F) of this section, "grantee" means an entity that has contracted under section 9.06 of the Revised Code to privately operate the North Central Correctional Institution, if the contract includes the clauses described in division (B)(2) of this section for the purchase of that Institution. 151547
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(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, in the City of Marion, County of Marion, State of Ohio, the land situated thereon, and any surrounding land, which totals approximately 152 acres. 151553
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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. 151559
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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. 151563
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151565

(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. 151566
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151569

(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. 151570
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(5) The real estate shall be sold as an entire tract and not 151575

in parcels. 151576

(6) Upon payment of the purchase price as set forth in the 151577
contract awarded to the grantee, the Auditor of State, with the 151578
assistance of the Attorney General, shall prepare a deed to the 151579
real estate. The deed shall state the consideration and 151580
restrictions and shall be executed by the Governor in the name of 151581
the state, countersigned by the Secretary of State, sealed with 151582
the Great Seal of the State, presented in the Office of the 151583
Auditor of State for recording, and delivered to the grantee. The 151584
grantee shall present the deed for recording in the Office of the 151585
Marion County Recorder. 151586

(7) The grantee shall pay all costs associated with the 151587
purchase and conveyance of the real estate, including recordation 151588
costs of the deed. 151589

(8) The proceeds of the conveyance of the real estate shall 151590
be deposited into the state treasury to the credit of the Adult 151591
and Juvenile Correctional Facilities Bond Retirement Fund and 151592
shall be used to redeem or defease bonds in accordance with 151593
section 5120.092 of the Revised Code, and any remaining moneys 151594
after such redemption or defeasance shall be transferred in 151595
accordance with that section to the General Revenue Fund. 151596

(9) Division (F) of this section does not restrict the 151597
Department of Rehabilitation and Correction from contracting, not 151598
for the sale of, but only for the private operation and management 151599
of the North Central Correctional Institution. 151600

(10) Division (F) of this section expires two years after its 151601
effective date. 151602

(G)(1)(a) As used in division (G) of this section, "grantee" 151603
means an entity that has contracted under section 9.06 of the 151604
Revised Code to privately operate a facility at the North Central 151605
Correctional Institution Camp, if the contract includes the 151606

clauses described in division (B)(2) of this section for the 151607
purchase of that facility. 151608

(b) Jurisdiction of the facility described in division 151609
(G)(1)(a) of this section, which is a vacated facility previously 151610
operated by the Department of Youth Services adjacent to the North 151611
Central Correctional Institution, is hereby transferred from the 151612
Department of Youth Services to the Department of Rehabilitation 151613
and Correction. The transfer of jurisdiction of that facility is 151614
hereby ratified and approved. 151615

(2) The Governor is authorized to execute a deed in the name 151616
of the state conveying to the grantee, its successors and assigns, 151617
all of the right, title, and interest of the state in the North 151618
Central Correctional Institution Camp, in the City of Marion, 151619
County of Marion, State of Ohio, the land situated thereon, and 151620
any surrounding land, which totals approximately 106 acres. 151621

In preparing the deed, the Auditor of State, with the 151622
assistance of the Attorney General, shall develop a legal 151623
description of the property in conformity with the actual bounds 151624
of the real estate. 151625

(3) Consideration for conveyance of the real estate shall be 151626
set forth in the contract awarded to the grantee and shall be paid 151627
in accordance with the terms of the contract. 151628

(4)(a) The deed may contain any restriction that the Director 151629
of Administrative Services and the Director of Rehabilitation and 151630
Correction determine is reasonably necessary to protect the 151631
state's interest in neighboring state-owned land. 151632

(b) The deed also shall contain restrictions prohibiting the 151633
grantee from using, developing, or selling the real estate, or the 151634
correctional facility thereon, except in conformance with the 151635
restriction, or if the use, development, or sale will interfere 151636
with the quiet enjoyment of the neighboring state-owned land. 151637

(5) The real estate shall be sold as an entire tract and not 151638
in parcels. 151639

(6) Upon payment of the purchase price as set forth in the 151640
contract awarded to the grantee, the Auditor of State, with the 151641
assistance of the Attorney General, shall prepare a deed to the 151642
real estate. The deed shall state the consideration and 151643
restrictions and shall be executed by the Governor in the name of 151644
the state, countersigned by the Secretary of State, sealed with 151645
the Great Seal of the State, presented in the Office of the 151646
Auditor of State for recording, and delivered to the grantee. The 151647
grantee shall present the deed for recording in the Office of the 151648
Marion County Recorder. 151649

(7) The grantee shall pay all costs associated with the 151650
purchase and conveyance of the real estate, including recordation 151651
costs of the deed. 151652

(8) The proceeds of the conveyance of the real estate shall 151653
be deposited into the state treasury to the credit of the Adult 151654
and Juvenile Correctional Facilities Bond Retirement Fund and 151655
shall be used to redeem or defease bonds in accordance with 151656
section 5120.092 of the Revised Code, and any remaining moneys 151657
after such redemption or defeasance shall be transferred in 151658
accordance with that section to the General Revenue Fund. 151659

(9) Division (G) of this section does not restrict the 151660
Department of Rehabilitation and Correction from contracting, not 151661
for the sale of, but only for the private operation and management 151662
of the North Central Correctional Institution Camp. 151663

(10) Division (G) of this section expires two years after its 151664
effective date. 151665

Section 753.20. (A) The Governor is authorized to execute a 151666
deed in the name of the state conveying to the Ripley Union Lewis 151667

Huntington School District, its successors and assigns, all of the state's right, title, and interest in the following described real estate:

I

Starting at a 5/8" iron pin found on the southerly right-of-way line of Outer Drive, the northeasterly line 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 said Outer Drive and with the northerly line of said Farnbach and Pfeffer for the next four (4) 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 347.02 feet;

South 84 degrees 53 minutes 30 seconds West a distance of 10.54 feet;

Thence with a line through the land of said Farnbach and Pfeffer for the next two (2) courses:

South 21 degrees 11 minutes 23 seconds West a distance of 43.58 feet;

South 0 degrees 25 minutes 20 seconds West a distance of 586.49 feet to a point on the southerly line of said Farnbach and Pfeffer and on the northerly line of Michael Ray Schwallie;

Thence with a line through the land of said Schwallie for the

next two (2) courses: 151697

South 0 degrees 25 minutes 20 seconds West a distance of 151698
227.62 feet; 151699

South 35 degrees 47 minutes 10 seconds East a distance of 151700
523.46 feet to a point on the southerly line of said Schwallie and 151701
on the northerly line of the State of Ohio; 151702

Thence with a line through the land of said State of Ohio 151703
three (3) courses: 151704

South 35 degrees 47 minutes 10 seconds East a distance of 151705
29.17 feet; 151706

South 6 degrees 22 minutes 58 seconds West a distance of 151707
29.21 feet; 151708

South 51 degrees 22 minutes 58 seconds West a distance of 151709
583.46 feet and *the true point of beginning*; 151710

Thence from said *true point of beginning* and through the land 151711
of said State of Ohio for the next five (5) courses: 151712

On a curve to the left having a radius of 300.00 feet, an 151713
interior angle of 37 degrees 00 minutes 54 seconds, an arc length 151714
of 193.81 feet, a chord bearing of South 76 degrees 58 minutes 37 151715
seconds East for a chord length of 190.46 feet; 151716

South 58 degrees 28 minutes 11 seconds East a distance of 151717
284.98 feet; 151718

On a curve to the left having a radius of 300.00 feet, an 151719
interior angle of 180 degrees 00 minutes 00 seconds, an arc length 151720
of 942.48 feet, a chord bearing of South 31 degrees 31 minutes 49 151721
seconds West for a chord length of 600.00 feet; 151722

North 58 degrees 28 minutes 11 seconds West a distance of 151723
284.98 feet; 151724

On a curve to the right having a radius of 300.00 feet, an 151725

interior angle of 142 degrees 59 minutes 08 seconds, an arc length 151726
of 748.67 feet, a chord bearing of North 13 degrees 01 minutes 23 151727
seconds East for a chord length of 568.97 feet and CONTAINING 151728
3.925 Acres 151729

This description was prepared by Christopher S. Renshaw, 151730
P.S., Ohio Registration No. 8319 on 16 October 2009. 151731

II 151732

Starting at 5/8" iron pin found on the southerly right-of-way 151733
line of Outer Drive, the northeasterly corner of Edward and Eva K. 151734
Farnbach and Michael S. Pfeffer, Trustee at the northwesterly 151735
corner of L.J. Germann's Addition as recorded in Plat Book C-3, 151736
page 204, slide 213 in the Brown County, Ohio Recorder's Office; 151737

Thence with the southerly right-of-way line of Outer Drive 151738
and with the northerly line of Edward and Eva K. Farnbach, etal 151739
for the next three (3) courses: 151740

South 63 degrees 34 minutes 18 seconds West a distance of 151741
24.20 feet; 151742

South 79 degrees 33 minutes 23 seconds West a distance of 151743
92.60 feet; 151744

South 75 degrees 58 minutes 20 seconds West a distance of 151745
340.45 feet; 151746

Thence through the land of said Farnbach for the next two (2) 151747
courses: 151748

South 21 degrees 11 minutes 23 seconds West a distance of 151749
49.42 feet; 151750

South 0 degrees 25 minutes 20 seconds West a distance of 151751
571.70 feet to a point on the southerly line of said Farnbach and 151752
on the northerly line of Michael Ray Schwallie; 151753

Thence through the land of said Schwallie for the next two 151754
(2) courses: 151755

South 0 degrees 25 minutes 20 seconds West a distance of 151756
234.76 feet; 151757

South 35 degrees 47 minutes 10 seconds East a distance of 151758
518.08 feet to a point on the southerly line of said Schwallie and 151759
on the northerly line of the State of Ohio and *the true point of* 151760
beginning; said point being on the easterly line of said real 151761
estate; 151762

Thence from said *the true point of beginning* and with a line 151763
through the land of said State of Ohio seven (7) courses: 151764

South 35 degrees 47 minutes 10 seconds East a distance of 151765
35.43 feet; 151766

South 6 degrees 22 minutes 58 seconds West a distance of 151767
41.21 feet; 151768

South 51 degrees 22 minutes 58 seconds West a distance of 151769
568.72 feet; 151770

On a curve to the left having a radius of 300.00 feet, an 151771
interior angle of 20 degrees 37 minutes 27 seconds, an arc length 151772
of 107.99 feet, a chord bearing of South 79 degrees 07 minutes 37 151773
seconds West for a chord length of 107.41 feet; 151774

North 51 degrees 22 minutes 58 seconds East a distance of 151775
643.06 feet; 151776

North 6 degrees 22 minutes 57 seconds East a distance of 1.22 151777
feet; 151778

North 35 degrees 47 minutes 10 seconds West a distance of 151779
14.58 feet to a point on the southerly line of said Schwallie and 151780
on the northerly line of said State of Ohio; 151781

Thence with the southerly line of said Schwallie and on the 151782
northerly line of said State of Ohio North 52 degrees 24 minutes 151783
43 seconds East a distance of 50.02 feet to the place of beginning 151784
and CONTAINING 0.740 Acres. 151785

This description was prepared by Christopher S. Renshaw, 151786
P.S., Ohio Registration No. 8319 on 16 October 2009. 151787

III 151788

Starting at a 5/8" iron pin found on the southerly 151789
right-of-way line of Outer Drive, the northeasterly corner of 151790
Edward and Eva K. Farnbach and Michael S. Pfeffer, Trustee at the 151791
northwesterly corner of L.J. Germann's Addition as recorded in 151792
Plat Book C-3, page 204, slide 213 in the Brown County, Ohio 151793
Recorder's Office; 151794

Thence with the southerly right-of-way line of said Outer 151795
Drive and with the northerly line of said Farnbach and Pfeffer for 151796
the next four (4) courses: 151797

South 63 degrees 34 minutes 18 seconds West a distance of 151798
24.20 feet; 151799

South 79 degrees 33 minutes 23 seconds West a distance of 151800
92.60 feet; 151801

South 75 degrees 58 minutes 20 seconds West a distance of 151802
347.02 feet; 151803

South 84 degrees 53 minutes 30 seconds West a distance of 151804
10.54 feet; 151805

Thence with a line through the land of said Farnbach and 151806
Pfeffer for the next two (2) courses: 151807

South 21 degrees 11 minutes 23 seconds West a distance of 151808
43.58 feet; 151809

South 0 degrees 25 minutes 20 seconds West a distance of 151810
586.49 feet to a point on the southerly line of said Farnbach 151811
Pfeffer and on the northerly line of Michael Ray Schwallie; 151812

Thence with a line through the land of said Schwallie for the 151813
next two (2) courses: 151814

South 0 degrees 25 minutes 20 seconds West a distance of 151815

227.62 feet; 151816

South 35 degrees 47 minutes 10 seconds East a distance of 151817
523.46 feet to a point on the southerly line of said Schwallie and 151818
on the northerly line of the State of Ohio and *the true point of* 151819
beginning, said beginning point being on the easterly line of said 151820
real estate; 151821

Thence from said *the true point of beginning* and with a line 151822
through the land of said State of Ohio seven (7) courses: 151823

South 35 degrees 47 minutes 10 seconds East a distance of 151824
29.17 feet; 151825

South 6 degrees 22 minutes 58 seconds West a distance of 151826
29.21 feet; 151827

South 51 degrees 22 minutes 58 seconds West a distance of 151828
583.46 feet; 151829

On a curve to the left having a radius of 300.00 feet, an 151830
interior angle of 7 degrees 49 minutes 53 seconds, an arc length 151831
of 41.01 feet, a chord bearing of South 80 degrees 35 minutes 59 151832
seconds West for a chord length of 40.97 feet; 151833

North 51 degrees 22 minutes 58 seconds East a distance of 151834
610.94 feet; 151835

North 6 degrees 22 minutes 58 seconds East a distance of 151836
13.22 feet; 151837

North 35 degrees 47 minutes 10 seconds West a distance of 151838
20.83 feet to a point on the southerly line of said Schwallie and 151839
on the northerly line of said State of Ohio; 151840

Thence with the southerly line of said Schwallie and on the 151841
northerly line of said State of Ohio North 52 degrees 24 minutes 151842
43 seconds East a distance of 20.01 feet to the place of beginning 151843
and CONTAINING 0.295 Acres. 151844

This description was prepared by Christopher S. Renshaw, 151845

P.S., Ohio Registration No. 8319 on 16 October 2009. 151846

IV 151847

Starting at a spike found in the centerline of U.S. Route No. 151848
52, 62 & 68, at the southeasterly corner of Surgical Appliance 151849
Industries, Inc.'s 2.00 Acre tract as recorded in Deed Book 164, 151850
page 778 in the Brown County, Ohio Recorder's Office; 151851

Thence with the line of said Surgical Appliance Industries, 151852
Inc. South 52 degrees 38 minutes 52 seconds West a distance of 151853
80.00 feet to a point on the on the southerly right-of-way line of 151854
said U.S. Route No. 52, 62 & 68; 151855

Thence with the southerly right-of-way line of said U.S. 151856
Route No. 52, 62 & 68 South 36 degrees 23 minutes 01 seconds East 151857
a distance of 19.72 feet to *the true point of beginning*; 151858

South 52 degrees 41 minutes 03 seconds West a distance of 151859
260.37 feet; 151860

South 49 degrees 59 minutes 41 seconds West a distance of 151861
179.65 feet; 151862

On a curve to the left having a radius of 200.00 feet, an 151863
interior angle of 43 degrees 45 minutes 50 seconds, an arc length 151864
of 152.76 feet, a chord bearing of South 28 degrees 06 minutes 46 151865
seconds West for a chord length of 149.08 feet; 151866

South 6 degrees 13 minutes 51 seconds West a distance of 151867
204.40 feet; 151868

On a curve to the left having a radius of 100.00 feet, an 151869
interior angle of 44 degrees 44 minutes 55 seconds, an arc length 151870
of 78.10 feet, a chord bearing of South 16 degrees 08 minutes 36 151871
seconds East for a chord length of 76.13 feet; 151872

South 38 degrees 31 minutes 04 seconds East a distance of 151873
266.21 feet; 151874

On a curve to the left having a radius of 50.00 feet, an 151875

interior angle of 53 degrees 35 minutes 34 seconds, an arc length 151876
of 46.77 feet, a chord bearing of South 65 degrees 18 minutes 51 151877
seconds East for a chord length of 45.08 feet; 151878

North 87 degrees 53 minutes 23 seconds East a distance of 151879
6.15 feet; 151880

On a curve to the right having a radius of 12.50 feet, an 151881
interior angle of 143 degrees 13 minutes 01 seconds, an arc length 151882
of 31.25 feet, a chord bearing of South 20 degrees 30 minutes 07 151883
seconds East for a chord length of 23.72; 151884

South 51 degrees 40 minutes 10 seconds West a distance of 151885
345.58 feet; 151886

On a curve to the left having a radius of 125.00 feet, an 151887
interior angle of 43 degrees 33 minutes 25 seconds, an arc length 151888
of 95.03 feet, a chord bearing of South 29 degrees 53 minutes 28 151889
seconds West for a chord length of 92.75 feet; 151890

South 8 degrees 06 minutes 45 seconds West a distance of 151891
65.53 feet; 151892

On a curve to the right have a radius of 63.00 feet, an 151893
interior angle of 91 degrees 48 minutes 38 seconds, an arc length 151894
of 100.95 feet, a chord bearing of South 54 degrees 01 minutes 04 151895
seconds West for a chord length of 90.49 feet; 151896

North 80 degrees 04 minutes 37 seconds West a distance of 151897
579.25 feet; 151898

On a curve to the right having a radius of 150.00 feet, an 151899
interior angle of 26 degrees 20 minutes 16 seconds, an arc length 151900
of 68.95 feet, a chord bearing of North 66 degrees 54 minutes 29 151901
seconds West for a chord length of 68.35 feet; 151902

North 53 degrees 44 minutes 21 seconds West a distance of 151903
229.52 feet; 151904

North 46 degrees 10 minutes 36 seconds West a distance of 151905

25.00 feet;	151906
North 52 degrees 49 minutes 16 seconds West a distance of	151907
55.12 feet;	151908
On a curve to the left having a radius of 205.00 feet, an	151909
interior angle of 75 degrees 47 minutes 45 seconds, an arc length	151910
of 271.19 feet, a chord bearing of South 89 degrees 16 minutes 52	151911
seconds West for a chord length of 251.85 feet;	151912
South 51 degrees 22 minutes 58 seconds West a distance of	151913
139.29 feet;	151914
On a curve to the left having a radius of 55.00 feet, an	151915
interior angle of 105 degrees 02 minutes 01 seconds, an arc length	151916
of 100.83 feet, a chord bearing of South 01 degrees 08 minutes 03	151917
seconds East for a chord length of 87.29 feet;	151918
South 53 degrees 39 minutes 03 seconds East a distance of	151919
447.62 feet;	151920
North 53 degrees 39 minutes 03 seconds West a distance of	151921
447.62 feet;	151922
On a curve to the right having a radius of 55.00 feet, an	151923
interior angle of 105 degrees 02 minutes 01 seconds, an arc length	151924
of 100.83 feet, a chord bearing of North 01 degrees 08 minutes 03	151925
seconds West for a chord length of 87.29 feet;	151926
North 51 degrees 22 minutes 58 seconds East a distance of	151927
139.29 feet;	151928
On a curve to the right having a radius of 205.00 feet, an	151929
interior angle of 75 degrees 47 minutes 45 seconds, an arc length	151930
of 271.19 feet, a chord bearing of North 89 degrees 16 minutes 52	151931
seconds East for a chord length of 251.85 feet;	151932
South 52 degrees 49 minutes 16 seconds East a distance of	151933
55.12 feet;	151934
South 46 degrees 10 minutes 36 seconds East a distance of	151935

25.00 feet;	151936
South 53 degrees 44 minutes 21 seconds East a distance of	151937
229.52 feet;	151938
On a curve to the left having a radius of 150.00 feet, an	151939
interior angle of 26 degrees 20 minutes 16 seconds, an arc length	151940
of 68.95 feet, a chord bearing of South 66 degrees 54 minutes 29	151941
seconds East for a chord length of 68.35 feet;	151942
South 80 degrees 04 minutes 37 seconds East a distance of	151943
579.25 feet;	151944
On a curve to the left having a radius of 63.00 feet, an	151945
interior angle of 91 degrees 48 minutes 38 seconds, an arc length	151946
of 100.95 feet, a chord bearing of North 54 degrees 01 minutes 04	151947
seconds East for a chord length of 90.49 feet;	151948
North 8 degrees 06 minutes 45 seconds East a distance of	151949
65.53 feet;	151950
On a curve to the right having a radius of 125.00 feet, an	151951
interior angle of 43 degrees 33 minutes 25 seconds, an arc length	151952
of 95.03 feet, a chord bearing of North 29 degrees 53 minutes 28	151953
seconds East for a chord length of 92.75 feet;	151954
North 51 degrees 40 minutes 10 seconds East a distance of	151955
345.58 feet;	151956
North 51 degrees 06 minutes 24 seconds East a distance of	151957
242.53 feet;	151958
On a curve to the left having a radius of 75.00 feet, an	151959
interior angle of 89 degrees 40 minutes 16 seconds, an arc length	151960
of 117.38 feet, a chord bearing of North 06 degrees 16 minutes 16	151961
seconds East for a chord length of 105.76 feet;	151962
North 38 degrees 33 minutes 52 seconds West a distance of	151963
100.75 feet;	151964
North 53 degrees 36 minutes 14 seconds East a distance of	151965

396.32 feet. 151966

This description was prepared by Christopher S. Renshaw, 151967
P.S., Ohio Registration No. 8319 on 16 October 2009. 151968

(B) Consideration for conveyance of the real estate is the 151969
mutual benefit accruing to the state and the Ripley Union Lewis 151970
Huntington School District from the use of the real estate so that 151971
a water well may be constructed and operated. 151972

(C) The Ripley Union Lewis Huntington School District shall 151973
use the real estate to construct and operate a water well. If the 151974
Ripley Union Lewis Huntington School District ceases to use the 151975
real estate to construct and operate a water well, all right, 151976
title, and interest in the real estate immediately reverts to the 151977
state without the need for any further action by the state. 151978

(D) The Ripley Union Lewis Huntington School District shall 151979
pay the costs of the conveyance. 151980

(E) Within thirty days after the effective date of this 151981
section, the Auditor of State, with the assistance of the Attorney 151982
General, shall prepare a deed to the real estate. The deed shall 151983
state the consideration and the condition. The deed shall be 151984
executed by the Governor in the name of the state, countersigned 151985
by the Secretary of State, sealed with the Great Seal of the 151986
State, presented in the office of the Auditor of State for 151987
recording, and delivered to the Ripley Union Lewis Huntington 151988
School District. The Ripley Union Lewis Huntington School District 151989
shall present the deed for recording in the office of the Brown 151990
County Recorder. 151991

(F) This section expires one year after its effective date. 151992

Section 753.23. (A) The Governor is authorized to execute a 151993
deed in the name of the state (Kent State University) conveying to 151994
the Board of Township Trustees of Jackson Township in Stark County 151995

and its successors and assigns all of the state's right, title, 151996
and interest in the following described real estate: 151997

Known as and being a part of the Southeast and Southwest 151998
Quarters of Section 13, Township 11 (Jackson) R-9, County of 151999
Stark, State of Ohio. Also being a part of tracts of land conveyed 152000
to the state of Ohio as recorded in Deed Volume 3109, Page 573 of 152001
the records of Stark County and being more fully bounded and 152002
described as follows: 152003

Commencing at a hex head iron bar in a monument box (JAC 152004
080), being the southeast corner of said Southwest Quarter of 152005
Section 13 and also being an angle point on the centerline of 152006
Dressler Road (C.R. 224) (Variable Width) as recorded in file 106 152007
of the Stark County Engineers Office; 152008

Thence, along the centerline of Dressler Road, N 1803'31" E a 152009
distance of 223.09 feet to the True Place of beginning for the 152010
parcel herein described; 152011

1. Thence N 56°56'23" W a distance of 241.46 feet to a 5/8" 152012
rebar set, said line passes over a 5/8" rebar set at 41.41 feet; 152013

2. Thence N 01°44'30" W a distance of 230.40 feet to a 5/8" 152014
rebar set; 152015

3. Thence N 67°27'21" E a distance of 150.00 feet to a 5/8" 152016
rebar set; 152017

4. Thence S 63°25'06" E a distance of 199.60 feet to a point 152018
in the centerline of Dressler Road, said line passes over a 5/8" 152019
rebar set at 159.15 feet; 152020

5. Thence, along the centerline of Dressler Road, S 18°03'31" 152021
W a distance of 347.32 feet to the true place of beginning and 152022
containing 2.025 acres of land, more or less of which 0.970 acres 152023
are located in the Southeast Quarter of Section 13 and 1.055 acres 152024
are located in the Southwest Quarter of Section 13. 152025

The above described area is contained within the Stark County Auditor's Permanent Parcel Numbers 1680061 and 1680066.

The basis of bearings in this description is based on the Ohio North Zone, State Plane Coordinates NAD 83 (86).

The statement of "5/8" rebar Set" refers to a 5/8" x 30" Dia. Rebar set with a plastic i.d. cap stamped "SCE".

This description was prepared and reviewed by Daniel J. Houck, Professional Surveyor No. 7851 in March of 2010, of the Stark County Engineer's Office. This description is based on a survey made by the Stark County Engineer's Office in March of 2010, under the direction and supervision of Keith A. Bennett, Professional Surveyor No. 7615. (Attachment A)

(B) Consideration for conveyance of the real estate is the mutual benefit accruing to the state from Jackson Township's use of the real estate for a fire station.

(C) If the use of the real estate as a fire station is discontinued, the real estate reverts to Kent State University, and Jackson Township shall raze the building currently on the real estate and remove from the real estate any contaminants relating to the building's use as a fire station.

(D) The Board of Township Trustees of Jackson Township in Stark County shall pay the costs of the conveyance.

(E) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the reverter. The deed 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 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. 152057

(F) This section expires one year after its effective date. 152058

Section 753.25. (A) The Governor is authorized to execute a 152059
deed in the name of the state conveying to the Board of County 152060
Hospital Trustees of The MetroHealth System ("MetroHealth"), in 152061
the name of the County of Cuyahoga, State of Ohio, its successors 152062
and assigns, all of the state's right, title, and interest in the 152063
following listed parcels of real estate located in the County of 152064
Cuyahoga, State of Ohio: 00821- 008, 00821-009, 00821-010, 152065
00821-011, 00821-012, 00821-013, 00821-014, 00821-015, 00821-016, 152066
and 00821-017. 152067

In preparing the deed, the Auditor of State, with the 152068
assistance of the Attorney General, shall develop a legal 152069
description of the real estate in conformity with the actual 152070
bounds of the real estate. 152071

(B) Consideration for conveyance of the real estate shall be 152072
ten dollars. 152073

(C) The state shall convey the real estate described in 152074
division (A) of this section together with the building situated 152075
upon it, along with the amount of \$3,400,000 to demolish the 152076
building. Notwithstanding any provision of law to the contrary, 152077
the Director of Mental Health shall disburse \$3,400,000 from 152078
appropriation item C58010, Campus Consolidation, as set forth in 152079
Sub. H.B. 462 of the 128th General Assembly, to the grantee within 152080
thirty days after the conveyance of the real estate. After the 152081
disbursement, the state shall, within four months, complete a 152082
physical inventory of assets, relocate assets that are to be 152083
removed from the building, and itemize assets that are to remain 152084
with the transferred real estate and building. 152085

(D) The real estate described in division (A) of this section 152086

shall be sold as an entire tract and not in parcels. 152087

(E) The grantee shall pay all costs associated with the 152088
purchase and conveyance of the real estate, including costs of any 152089
surveys and recordation costs of the deed. 152090

(F) The grantee shall not, during any period that any bonds 152091
issued by the state to finance or refinance all or a portion of 152092
the real estate described in division (A) of this section are 152093
outstanding, use any portion of the real estate for a private 152094
business use without the prior written consent of the state. As 152095
used in this division: 152096

(1) "Private business use" means use, directly or indirectly, 152097
in a trade or business carried on by any private person other than 152098
use as a member of, and on the same basis as, the general public. 152099
Any activity carried on by a private person who is not a natural 152100
person shall be presumed to be a trade or business. 152101

(2) "Private person" means any natural person or any 152102
artificial person, including a corporation, partnership, limited 152103
liability company, trust, or other entity and including the United 152104
States or any agency or instrumentality of the United States, but 152105
excluding any state, territory, or possession of the United 152106
States, the District of Columbia, or any political subdivision 152107
thereof that is referred to as a "state or local governmental 152108
unit" in Treasury Regulation 1.103-1(a) and any person that is 152109
acting solely and directly as an officer or employee of or on 152110
behalf of such a governmental unit. 152111

(G) The grantee shall not sell, convey, or transfer ownership 152112
of the real estate described in division (A) of this section 152113
before December 1, 2019, or before receiving written confirmation 152114
from the state that all of the state's bonded capital indebtedness 152115
associated with any of the buildings located on the real estate 152116
has been fully satisfied. 152117

(H) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions and restrictions 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 Cuyahoga County Recorder.

(I) This section expires one year after its effective date.

Section 753.27. (A) The Governor is authorized to execute a deed in the name of the state, on behalf of Cleveland State University, conveying to a purchaser as yet to be determined (hereinafter the "grantee"), its heirs and assigns or its successors and assigns, all of the state's right, title, and interest in the real estate located at 21425 Shelburne Road, City of Shaker Heights, County of Cuyahoga, State of Ohio, such real estate consisting of the building formerly used as the residence for the President of Cleveland State University, and the land on which it is situated.

(B) 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.

(C) Consideration for conveyance of the real estate shall be as is agreed upon by Cleveland State University and the grantee.

(D) The deed may contain any condition or restriction that the Governor or Cleveland State University determines is reasonably necessary to protect the state's interests.

(E) The grantee shall pay all costs associated with the

conveyance, including recordation costs of the deed. 152148

(F) Upon payment of the purchase price, the Auditor of State, 152149
with the assistance of the Attorney General, shall prepare a deed 152150
to the real estate. The deed shall state the consideration and any 152151
conditions or restrictions and shall be executed by the Governor 152152
in the name of the state, countersigned by the Secretary of State, 152153
sealed with the Great Seal of the State, presented in the Office 152154
of the Auditor of State for recording, and delivered to the 152155
grantee. The grantee shall present the deed for recording in the 152156
Office of the Cuyahoga County Recorder. 152157

(G) This section expires one year after its effective date. 152158

Section 753.30. (A) The Governor is authorized to execute a 152159
deed in the name of the state conveying to a buyer or buyers to be 152160
determined in the manner provided in division (B) of this section 152161
all of the state's right, title, and interest in real estate 152162
situated in the Township of Green, County of Scioto, and State of 152163
Ohio that the Director of Administrative Services determines is no 152164
longer required for state purposes and more particularly described 152165
as follows: 152166

Being part of French Grant Lots 15 and 16 and being part of 152167
Site No. 5 and part of Site No. 6 of the Greater Portsmouth Area 152168
Industrial Park Subdivision and being part of the Greater 152169
Portsmouth Growth Corporation parcel as recorded in Volume 658 at 152170
Page 489 among the land records of Scioto County, Ohio, and 152171
beginning at a 1" diameter iron pipe with cap set in the east 152172
right-of-way line of Old U.S. 52 County Road No. 1, said point 152173
being, North 10° 49' 47" West, 391.16 feet from a concrete 152174
monument found marking the northwest corner of the Ohio Power 152175
Company parcel as recorded in Volume 719 at Page 227 among the 152176
said land records of Scioto County, Ohio; 152177

Thence with the said east right-of-way line of Old U.S. 52 152178

County Road No. 1, North 10° 49' 47" West 810.88 feet to a 1" diameter iron pipe with cap set; 152179
152180

Thence through the said Greater Portsmouth Growth Corporation parcel, North 66° 38' 51" East, 1039.14 feet to a 1" diameter iron pipe with cap set in the west right-of-way line of the Norfolk & Southern Railroad; 152181
152182
152183
152184

Thence with the said west right-of-way line of the Norfolk & Southern Railroad, South 29° 36' 10" East, passing a 1" diameter iron pipe with cap set at 1414.00 feet, a total distance of 1415.00 feet to a 30" diameter oak marking the northeast corner of Plymouth Heights No. 1 as recorded in Plat Book 4 at Page 6 among the said land records of Scioto County, Ohio; 152185
152186
152187
152188
152189
152190

Thence with the north line of the said Plymouth Heights No. 1, South 66° 38' 51" West, passing a 1" diameter iron pipe with cap set at 3.00 feet, a total distance of 1170.02 feet to a 1" diameter iron pipe with cap set marking the southeast corner of the said Ohio Power Company parcel; 152191
152192
152193
152194
152195

Thence with the east line of the said Ohio Power Company parcel and through the said Greater Portsmouth Growth Corporation parcel, North 23° 21' 09" West, passing the northeast corner of the said Ohio Power Company parcel at 233.14 feet, a total distance of 615.00 feet to a 1" diameter iron pipe with cap set; 152196
152197
152198
152199
152200

Thence continuing through the said Greater Portsmouth Growth Corporation parcel, South 66° 38' 51" West, 199.00 feet to the point of beginning. Containing a total of 37.312 acres of land of which 27.628 acres lies within Site No, 5 of the said Greater Portsmouth Area Industrial Park Subdivision and 9.684 acres lies within Site No. 6 of said Greater Portsmouth Area Industrial Park Subdivision. 152201
152202
152203
152204
152205
152206
152207

Subject to all legal easements. 152208

Bearings oriented to State Plane Coordinates. 152209

Excepting from the above described 37.312 acre parcel the 152210
following 1.148 acre City of Portsmouth parcel. 152211

Situate in the Township of Green, County of Scioto, State of 152212
Ohio, and being a part of a 37.312 acre parcel of land conveyed to 152213
the State of Ohio, by and through the Department of Administrative 152214
Services for the use of the Department of Youth Services, by deed 152215
of record in Deed Book 875, Page 128, this and all subsequent deed 152216
and plat references made being to the records of the Recorder's 152217
Office, Scioto County, Ohio, and being more particularly described 152218
as follows: 152219

Beginning at an iron pin called for and found at the 152220
southerly corner of the aforementioned 37.312 acre parcel, said 152221
iron pin also being the easterly corner of a parcel of land 152222
conveyed to the Ohio Power Company in Deed Book 719, Page 227, and 152223
said iron pin in the northerly line of the Plymouth Heights No. I 152224
Subdivision, of record in Plat Book 4, Page 6, being the true 152225
point of beginning of the proposed water storage, tank site being 152226
described; 152227

Thence, North 23° 21' 09" West, with the westerly line of the 152228
said 37.312 acre parcel, and the easterly line of the Ohio Power 152229
Company, and the easterly line of a 2.116 acre parcel conveyed to 152230
Mike Holtzapfel in Deed Book 905, Page 244, a distance of 258.14 152231
feet to an iron pin set, passing a concrete monument called for 152232
but not found at the northeasterly corner of the Ohio Power 152233
Company, and the southeasterly corner of Holtzapfel, at 233.14 152234
feet; 152235

Thence, North 66° 38' 51" East, leaving the said westerly 152236
line, a distance of 193.69 feet to an iron pin set; 152237

Thence, South 23° 21' 09" East a distance of 258.14 feet to 152238
an iron pin set in the southerly line of the said 37.312 acre 152239
parcel, and the northerly line of the Plymouth Heights No. 1 152240

Subdivision; 152241

Thence, South 66° 38' 51" West, with the southerly line of 152242
the said 37.312 acre parcel, and the northerly line of said 152243
Plymouth Heights No. 1, a distance of 193.69 feet to the true 152244
point of beginning of the parcel being described. The parcel, as 152245
described above, contains 1.148 acres, more or less, of which the 152246
southerly fifty feet, or 0.222 acres is an Ohio Power Company 152247
easement, of record in Deed Book 719, Page 229. 152248

Iron pins set are five eighths inch diameter rebar, thirty 152249
inches long, set flush to the surface with yellow identification 152250
caps. The basis for bearing is the southerly line of the said 152251
37.312 acre parcel, which bears South 66' 38' 51" West. 152252

The above description was prepared by Roger M. Smith, P.S., 152253
P.E., Ohio Registered Surveyor, S-6899. 152254

This description may be modified to a final form if 152255
modifications are needed. 152256

The real property described above is conveyed subject to all 152257
easements, covenants, conditions, and restrictions of record; all 152258
legal highways; zoning, building and other laws, ordinances, and 152259
regulations; and real estate taxes and assessments not yet due and 152260
payable. 152261

(B)(1) The Director of Administrative Services shall offer 152262
the real estate, improvements and chattels located on the parcel 152263
described in division (A) of this section for sale "as is" in its 152264
present condition according to the following process: 152265

The real estate described in division (A) of this section 152266
shall be sold as an entire parcel and not subdivided. 152267

The Director of Administrative Services shall conduct a 152268
sealed bid sale and the real estate shall be sold to the highest 152269
bidder at a price acceptable to both the Director of 152270

Administrative Services and the Director of Youth Services. 152271

(2) The contract for sale of the real estate described in 152272
division (A) of this section shall include a condition that 152273
requires the purchaser to provide preferential hiring treatment to 152274
employees or former employees of the Department of Youth Services 152275
in order to retain or rehire staff displaced as a result of the 152276
closure of the facility located on the property, to the extent the 152277
purchaser's use of the facility requires employees in the same or 152278
similar positions as those displaced as a result of the closure. 152279

The contract for sale also shall include a binding commitment 152280
that irrevocably grants to the state a right, upon the occurrence 152281
of any triggering event described in division (B)(2)(a) or (b) of 152282
this section and in accordance with the particular division, to 152283
repurchase the facility and the real property on which it is 152284
situated, any surrounding land that is to be transferred under the 152285
contract, or both the facility and real property on which it is 152286
situated plus the surrounding land that is to be transferred under 152287
the contract. The triggering events and the procedures for a 152288
repurchase under the irrevocable grant described in this division 152289
are as follows: 152290

(a) Before the purchaser, or the purchaser's successor in 152291
title, may resell or otherwise transfer the facility and the real 152292
property on which it is situated, any surrounding land that is to 152293
be transferred under the contract, or both the facility and real 152294
property on which it is situated plus the surrounding land that is 152295
to be transferred under the contract, the purchaser or successor 152296
first must offer the state the opportunity to repurchase the 152297
facility, real property, and surrounding land that is to be resold 152298
or transferred for a price not greater than the purchase price 152299
paid to the state for that facility, real property, or surrounding 152300
land, less depreciation from the time of the conveyance of that 152301
facility, real property, or surrounding land to the purchaser, 152302

plus the depreciated value of any capital improvements to that 152303
facility, real property, or surrounding land that were made to it 152304
and funded by anyone other than the state subsequent to the 152305
conveyance to the purchaser. The repurchase opportunity described 152306
in this division must be offered to the state at least one hundred 152307
twenty days before the purchaser intends to resell or otherwise 152308
transfer the facility, real property, or surrounding land that is 152309
to be resold or transferred. After being offered the repurchase 152310
opportunity, the state has the right to repurchase the facility, 152311
real property, and surrounding land that is to be resold or 152312
otherwise transferred for the price described in this division. 152313

(b) Upon the purchaser's default of any financial agreement 152314
for the purchase of the facility and the real property on which it 152315
is situated, any surrounding land that is to be transferred under 152316
the contract, or both the facility and real property on which it 152317
is situated plus the surrounding land that is to be transferred 152318
under the contract, upon the purchaser's default of any other term 152319
in the contract, or upon the purchaser's financial insolvency or 152320
inability to meet its contractual obligations, the state has the 152321
right to repurchase the facility and real property, the 152322
surrounding land, or both the facility and real property and the 152323
surrounding land, for a price not greater than the purchase price 152324
paid to the state for that facility, real property, or surrounding 152325
land, less depreciation from the time of the conveyance of that 152326
facility, real property, or surrounding land to the purchaser, 152327
plus the depreciated value of any capital improvements to that 152328
facility, real property, or surrounding land that were made to it 152329
and funded by anyone other than the state subsequent to the 152330
conveyance to the purchaser. 152331

(3) The Director of Administrative Services shall advertise 152332
the sealed bid sale in a newspaper of general circulation within 152333
Scioto County once a week for three consecutive weeks prior to the 152334

date of the sealed bid sale. The Director of Administrative Services may reject any and all bids from the sealed bid sale. The terms of sale shall be ten per cent of the purchase price in cash, bank draft, or certified check payable within five business days following written notification of the acceptance of the bid by the Director of Administrative Services, with the balance payable within sixty days after the date of the written notification of the acceptance of the bid by the Director of Administrative Services. A purchaser who does not complete the conditions of the sale as prescribed in this division shall forfeit the ten per cent of the purchase price paid to the state as liquidated damages. Should a purchaser not complete the conditions of sale as described in this division, the Director of Administrative Services is authorized to accept the next highest bid by collecting ten per cent of the revised purchase price from that bidder and to proceed to close the sale, provided that the secondary bid meets all other criteria provided for in this section. If the Director of Administrative Services rejects all bids from the sealed bid sale, the Director may repeat the sealed bid process described in this section or may use an alternate sale process acceptable to the Director of Youth Services.

Advertising costs and any other costs incident to the sale of real estate described in division (A) of this section shall be paid by the Department of Youth Services.

Upon notice from the Director of Administrative Services, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate to the purchaser identified by the Director of Administrative Services. The deed shall be executed by the Governor, countersigned by the Secretary of State, presented in the Office of the Auditor of State for recording, and delivered to the grantee at closing and upon the grantee's payment of the balance of the purchase price. The

grantee shall present the deed for recording in the office of the 152367
Scioto County Recorder. 152368

The grantee shall pay all costs associated with the purchase 152369
and conveyance of the real estate, including the costs of 152370
recording the deed. 152371

The net proceeds of the conveyance of the real estate shall 152372
be deposited into the State Treasury to the credit of the Adult 152373
and Juvenile Correctional Facilities Bond Retirement Fund and 152374
shall be used to offset bond indebtedness for the Ohio River 152375
Valley Juvenile Correctional Facility capital projects. The 152376
Director of Budget and Management may direct that any moneys 152377
remaining in the fund after the redemption or defeasance of the 152378
bonds issued for those projects be transferred to the General 152379
Revenue Fund. 152380

(C) This section expires two years after its effective date. 152381

Section 755.10. The Director of Transportation may enter into 152382
agreements as provided in this section with the United States or 152383
any department or agency of the United States, including, but not 152384
limited to, the United States Army Corps of Engineers, the United 152385
States Forest Service, the United States Environmental Protection 152386
Agency, and the United States Fish and Wildlife Service. An 152387
agreement entered into pursuant to this section shall be solely 152388
for the purpose of dedicating staff to the expeditious and timely 152389
review of environmentally related documents submitted by the 152390
Director of Transportation, as necessary for the approval of 152391
federal permits. The agreements may include provisions for advance 152392
payment by the Director of Transportation for labor and all other 152393
identifiable costs of the United States or any department or 152394
agency of the United States providing the services, as may be 152395
estimated by the United States, or the department or agency of the 152396
United States. The Director shall submit a request to the 152397

Controlling Board indicating the amount of the agreement, the 152398
services to be performed by the United States or the department or 152399
agency of the United States, and the circumstances giving rise to 152400
the agreement. 152401

Section 757.10. ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS 152402

(A) On or before the tenth day of each month of the period 152403
beginning August 1, 2011, and ending June 30, 2013, the Tax 152404
Commissioner shall determine and certify to the Director of Budget 152405
and Management the amount to be credited during that month to the 152406
Local Government Fund and Public Library Fund pursuant to 152407
divisions (B) to (D) of this section. 152408

(B) Notwithstanding any provision of section 131.51 of the 152409
Revised Code to the contrary, for each month in the period 152410
beginning August 1, 2011, and ending June 30, 2013: 152411

(1) The amount credited first to the Local Government Fund 152412
shall be as provided in division (C) of this section; 152413

(2) The amount credited next to the Public Library Fund shall 152414
be according to the schedule in division (D) of this section. 152415

(C) Pursuant to division (B)(1) of this section, amounts 152416
shall be credited to the Local Government Fund as follows: 152417

(1)(a) In August 2011, seventy-five per cent of the amount 152418
credited in August 2010; in August 2012, fifty per cent of the 152419
amount credited in August 2010; 152420

(b) In September 2011, seventy-five per cent of the amount 152421
credited in September 2010; in September 2012, fifty per cent of 152422
the amount credited in September 2010; 152423

(c) In October 2011, seventy-five per cent of the amount 152424
credited in October 2010; in October 2012, fifty per cent of the 152425
amount credited in October 2010; 152426

(d) In November 2011, seventy-five per cent of the amount	152427
credited in November 2010; in November 2012, fifty per cent of the	152428
amount credited in November 2010;	152429
(e) In December 2011, seventy-five per cent of the amount	152430
credited in December 2010; in December 2012, fifty per cent of the	152431
amount credited in December 2010;	152432
(f) In January 2012, seventy-five per cent of the amount	152433
credited in January 2011; in January 2013, fifty per cent of the	152434
amount credited in January 2011;	152435
(g) In February 2012, seventy-five per cent of the amount	152436
credited in February 2011; in February 2013, fifty per cent of the	152437
amount credited in February 2011;	152438
(h) In March 2012, seventy-five per cent of the amount	152439
credited in March 2011; in March 2013, fifty per cent of the	152440
amount credited in March 2011;	152441
(i) In April 2012, seventy-five per cent of the amount	152442
credited in April 2011; in April 2013, fifty per cent of the	152443
amount credited in April 2011;	152444
(j) In May 2012, seventy-five per cent of the amount credited	152445
in May 2011; in May 2013, fifty per cent of the amount credited in	152446
May 2011;	152447
(k) In June 2012, seventy-five per cent of the amount	152448
credited in June 2011; in June 2013, fifty per cent of the amount	152449
credited in June 2011;	152450
(l) In July 2012, fifty per cent of the amount credited in	152451
July 2010.	152452
(2) For each month in the period beginning August 1, 2011,	152453
and ending June 30, 2013, an amount sufficient to make the	152454
distributions required for that month under divisions (E)(2)(a),	152455
(b), and (c) of this section.	152456

(3)(a) For each month in the period beginning August 1, 2011, 152457
and ending June 30, 2012, an amount equal to one-eleventh of the 152458
difference between fifty million dollars and the amount to be 152459
credited for that month under division (C)(4)(a) of this section; 152460

(b) For each month in the period beginning July 1, 2012, and 152461
ending June 30, 2013, an amount equal to one-twelfth of the 152462
difference between fifty million dollars and the amount to be 152463
credited for that month under division (C)(4)(a) of this section. 152464

(4) The amounts described in division (C)(3) of this section 152465
shall be credited each month from any of the taxes credited to the 152466
General Revenue Fund in the preceding month. The amounts described 152467
in divisions (C)(1) and (2) of this section shall be credited each 152468
month from the following sources of revenue: 152469

(a) Any of the taxes credited to the General Revenue Fund in 152470
the preceding month, in an amount equal to the difference between 152471
the amount to be credited for each month under division (C)(2) of 152472
this section and the sum of the following amounts: 152473

(i) The total amount that would be distributed to county 152474
undivided local government funds in that month under division 152475
(E)(2)(a) of this section if any county undivided local government 152476
fund that received a total distribution between five hundred 152477
thousand dollars and seven hundred fifty thousand dollars in 152478
fiscal year 2011 were not entitled to a distribution under that 152479
division; 152480

(ii) The total amount that would be distributed to county 152481
undivided local government funds in that month under divisions 152482
(E)(2)(b) or (c) of this section, as applicable, if those 152483
divisions applied to county undivided local government funds that 152484
received a total distribution between five hundred thousand 152485
dollars and seven hundred fifty thousand dollars in fiscal year 152486
2011 and if the amount to be distributed to a county undivided 152487

local government fund under that division equaled one-eleventh or 152488
one-twelfth of the difference between five hundred thousand 152489
dollars and the total amount to be allocated to the fund in fiscal 152490
year 2012 or 2013, as applicable. 152491

(b) Revenue arising from the personal income tax levied under 152492
Chapter 5747. of the Revised Code, in an amount equal to the total 152493
amount to be credited for each month under divisions (C)(1) and 152494
(2) of this section after subtraction of the amount credited from 152495
commercial activity tax revenue under division (C)(3)(a) of this 152496
section. 152497

(D) Pursuant to division (B)(2) of this section, amounts 152498
shall be credited from revenue arising from the kilowatt-hour tax 152499
and sales tax levied under section 5727.81 or 5739.02 of the 152500
Revised Code, respectively, to the Public Library Fund as follows: 152501

(1) In August 2011 and in August 2012, ninety-five per cent 152502
of the amount credited in August 2010; 152503

(2) In September 2011 and in September 2012, ninety-five per 152504
cent of the amount credited in September 2010; 152505

(3) In October 2011 and in October 2012, ninety-five per cent 152506
of the amount credited in October 2010; 152507

(4) In November 2011 and in November 2012, ninety-five per 152508
cent of the amount credited in November 2010; 152509

(5) In December 2011 and in December 2012, ninety-five per 152510
cent of the amount credited in December 2010; 152511

(6) In January 2012 and in January 2013, ninety-five per cent 152512
of the amount credited in January 2011; 152513

(7) In February 2012 and in February 2013, ninety-five per 152514
cent of the amount credited in February 2011; 152515

(8) In March 2012 and in March 2013, ninety-five per cent of 152516
the amount credited in March 2011; 152517

(9) In April 2012 and in April 2013, ninety-five per cent of the amount credited in April 2011; 152518
152519

(10) In May 2012 and in May 2013, ninety-five per cent of the amount credited in May 2011; 152520
152521

(11) In June 2012 and in June 2013, ninety-five per cent of the amount credited in June 2011; 152522
152523

(12) In July 2012, ninety-five per cent of the amount credited in July 2010. 152524
152525

(E) Notwithstanding any other provision of the Revised Code to the contrary, the total amount credited to the Local Government Fund in each month for the period beginning August 1, 2011, and ending June 30, 2013, shall be distributed by the tenth day of that month in the following manner: 152526
152527
152528
152529
152530

(1) The total amount credited to the Local Government Fund in each month pursuant to division (C)(1) of this section shall be distributed as follows: 152531
152532
152533

(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 section, "total amount received" does not include payments received in fiscal year 2011 under division (C) of section 5725.24 of the Revised Code. 152534
152535
152536
152537
152538
152539
152540

(b) Each municipal corporation that received a direct distribution in fiscal year 2011 from the Local Government Fund under division (C) of section 5747.50 of the Revised Code shall receive a distribution based on its proportionate share of the total amount of direct distributions made to municipal corporations from the fund in that respective month in fiscal year 2011. 152541
152542
152543
152544
152545
152546
152547

(2) The total amount credited to the Local Government Fund in 152548
each month pursuant to division (C)(2) of this section shall be 152549
distributed as follows: 152550

(a) If a county undivided local government fund's total 152551
distribution in fiscal year 2011 was equal to or less than seven 152552
hundred fifty thousand dollars, the fund shall receive a 152553
distribution equal to the difference between the amount 152554
distributed to the fund in that respective month in fiscal year 152555
2011 and the amount allocated to the fund for the month under 152556
division (E)(1)(a) of this section. 152557

(b) For each month in the period beginning August 1, 2011, 152558
and ending June 30, 2012, if a county undivided local government 152559
fund's total distribution in fiscal year 2011 exceeded seven 152560
hundred fifty thousand dollars and if the sum of the amount 152561
allocated to the fund in July 2011 and the amounts to be allocated 152562
to the fund between August 1, 2011, and June 30, 2012, under 152563
division (E)(1)(a) of this section is less than seven hundred 152564
fifty thousand dollars, the fund shall receive a distribution 152565
equal to one-eleventh of the difference between seven hundred 152566
fifty thousand dollars and that sum. 152567

(c) For each month in the period beginning July 1, 2012, and 152568
ending June 30, 2013, if a county undivided local government 152569
fund's total distribution in fiscal year 2011 exceeded seven 152570
hundred fifty thousand dollars and if the total amount to be 152571
allocated to the fund in fiscal year 2013 under division (E)(1)(a) 152572
of this section is less than seven hundred fifty thousand dollars, 152573
the fund shall receive a distribution equal to one-twelfth of the 152574
difference between seven hundred fifty thousand dollars and the 152575
total amount to be allocated to the fund in fiscal year 2013 under 152576
division (E)(1)(a) of this section. 152577

(3) The total amount credited to the Local Government Fund in 152578
each month pursuant to division (C)(3) of this section shall be 152579

distributed to each county undivided local government fund based 152580
on each fund's proportionate share of the total amount received 152581
from the Local Government Fund in that respective month in fiscal 152582
year 2011. As used in this section, "total amount received" does 152583
not include payments received in fiscal year 2011 under division 152584
(C) of section 5725.24 of the Revised Code. 152585

(F) Notwithstanding any other provision of the Revised Code 152586
to the contrary, by the tenth day of each month of the period 152587
beginning July 1, 2011, and ending December 31, 2011, each county 152588
undivided public library fund shall receive a distribution from 152589
the Public Library Fund equal to the product derived by 152590
multiplying the following amounts: 152591

(1) The total amount credited to the Public Library Fund in 152592
that month; 152593

(2) A percentage calculated by multiplying one hundred by the 152594
quotient obtained by dividing the sum of the county's 152595
distributions from the Public Library Fund during calendar year 152596
2010 by the sum of distributions made to all counties from the 152597
Public Library Fund during calendar year 2010. 152598

(G) Notwithstanding any other provision of the Revised Code 152599
to the contrary, by the tenth day of each month of the period 152600
beginning January 1, 2012, and ending June 30, 2013, each county 152601
undivided public library fund shall receive a distribution from 152602
the Public Library Fund equal to the product derived by 152603
multiplying the following amounts: 152604

(1) The total amount credited to the Public Library Fund in 152605
that month; 152606

(2) A percentage calculated by multiplying one hundred by the 152607
quotient obtained by dividing the sum of the county's 152608
distributions from the Public Library Fund during calendar year 152609
2011 by the sum of distributions made to all counties from the 152610

Public Library Fund during calendar year 2011. 152611

(H) For the 2012 and 2013 distribution years, the Tax 152612
Commissioner is not required to issue the certifications otherwise 152613
required by sections 5747.47, 5747.501, and 5747.51 of the Revised 152614
Code, but shall provide to each county auditor by July 20, 2011, 152615
and July 20, 2012, an estimate of the amounts to be received by 152616
the county in the ensuing year from the Public Library Fund and 152617
the Local Government Fund pursuant to this section and any other 152618
section of the Revised Code. The Tax Commissioner may report to 152619
each county auditor additional revised estimates of the 2011, 152620
2012, or 2013 distributions at any time during fiscal years 2012 152621
and 2013. 152622

Section 757.20. A school district, joint vocational school 152623
district, or local taxing unit may appeal a levy classification or 152624
any amount used in the calculation of total resources as defined 152625
under division (A) of section 5727.84 or division (A) of section 152626
5751.20 of the Revised Code. Such an appeal shall be filed in 152627
writing, including via electronic mail, with the Tax Commissioner. 152628
Upon receiving such an appeal, the Tax Commissioner shall make a 152629
determination of the merits of the appeal and, if the appeal is 152630
upheld, make necessary changes within the classifications or 152631
calculations. The determination of the Tax Commissioner is final 152632
and not subject to appeal. After June 30, 2013, no changes shall 152633
be made in the classifications or calculations. 152634

Section 757.30. The Tax Commissioner shall conduct a review 152635
of the operations of the Board of Tax Appeals, and, not later than 152636
November 15, 2011, shall submit a written report to the Governor, 152637
Speaker of the House of Representatives, and President of the 152638
Senate providing an assessment of the Board's operations and 152639
recommendations for improvement. The Tax Commissioner's review 152640
shall include consultation with persons who have participated in 152641

or have had matters before the Board and are familiar with the 152642
Board's operations and procedures. The report shall include 152643
recommendations for improving the appeals process, internal 152644
operations, and other operational matters the Commissioner deems 152645
advisable. The Commissioner may designate an employee of the 152646
Department of Taxation to conduct the review. 152647

Section 757.40. (A) As used in this section: 152648

(1) "Qualifying delinquent taxes" means any tax levied under 152649
Chapters 5731., 5733., 5735., 5739., 5743., 5747., 5748., and 152650
5751. of the Revised Code, including the taxes levied under 152651
sections 5707.03, 5727.24, 5733.41, and 5747.41 of the Revised 152652
Code, taxes required to be withheld under Chapters 5747. and 5748. 152653
of the Revised Code, and taxes required to be paid by a seller 152654
levied under Chapter 5741. of the Revised Code, which were due and 152655
payable from any person as of May 1, 2011, were unreported or 152656
underreported, and remain unpaid. 152657

(2) "Qualifying delinquent taxes" does not include any tax 152658
for which a notice of assessment or audit has been issued, for 152659
which a bill has been issued, which relates to a tax period that 152660
ends after the effective date of this section, or for which an 152661
audit has been conducted or is currently being conducted. 152662

(3) "Seller" has the same meaning as defined in section 152663
5741.01 of the Revised Code. 152664

(B) The Tax Commissioner shall establish and administer a tax 152665
amnesty program with respect to qualifying delinquent taxes. The 152666
program shall commence on May 1, 2012, and shall conclude on June 15, 2012. The Tax Commissioner shall issue forms and instructions 152667
and take other actions necessary to implement the program. The Tax 152668
Commissioner shall publicize the program so as to maximize public 152669
awareness and participation in the program. The Commissioner may 152670
152671

contract with such parties as the Commissioner deems necessary for 152672
promotion, computer support, or administration of the program. 152673

(C) During the program, if a person pays the full amount of 152674
qualifying delinquent taxes owed by that person and one-half of 152675
any interest that has accrued as a result of the person failing to 152676
pay those taxes in a timely fashion, the Tax Commissioner shall 152677
waive or abate all applicable penalties and one-half of any 152678
interest that accrued on the qualifying delinquent taxes. 152679

(D) The Tax Commissioner may require a person participating 152680
in the program to file returns or reports, including amended 152681
returns and reports, in connection with the person's payment of 152682
qualifying delinquent taxes. 152683

(E) A person who participates in the program and pays in full 152684
any outstanding qualifying delinquent tax and the interest payable 152685
on such tax in accordance with this section shall not be subject 152686
to any criminal prosecution or any civil action with respect to 152687
that tax, and no assessment shall thereafter be issued against 152688
that person with respect to that tax. 152689

(F) Taxes and interest collected under the program shall be 152690
credited to the General Revenue Fund, except that: 152691

(1) Qualifying delinquent taxes levied under section 152692
5739.021, 5739.023, or 5739.026 of the Revised Code shall be 152693
distributed to the appropriate counties and transit authorities in 152694
accordance with section 5739.21 of the Revised Code during the 152695
next distribution required under that section; 152696

(2) Qualifying delinquent taxes levied under section 152697
5741.021, 5741.022, or 5741.023 of the Revised Code shall be 152698
distributed to the appropriate counties and transit authorities in 152699
accordance with section 5741.03 of the Revised Code during the 152700
next distribution required under that section; 152701

(3) Qualifying delinquent taxes levied under Chapter 5748. of 152702

the Revised Code shall be credited to the school district income 152703
tax fund and then paid to the appropriate school district with the 152704
next payment required under division (D) of section 5747.03 of the 152705
Revised Code; 152706

(4) Qualifying delinquent taxes levied under Chapter 5731. of 152707
the Revised Code shall be divided between the General Revenue Fund 152708
and the municipal corporation or township in which the tax 152709
originates in accordance with section 5731.48 of the Revised Code; 152710

(5) Qualifying delinquent taxes levied under Chapter 5735. of 152711
the Revised Code shall be distributed according to the 152712
requirements of sections 5735.23, 5735.26, 5735.27, 5735.291, and 152713
5735.30 of the Revised Code; and 152714

(6) Qualifying delinquent taxes levied under section 152715
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, or 5743.324 of 152716
the Revised Code shall be distributed as required under sections 152717
5743.021, 5743.024, and 5743.026 of the Revised Code. 152718

Section 757.41. Section 757.40 of this act is hereby 152719
repealed, effective June 16, 2012. The repeal of Section 757.40 of 152720
this act does not affect, after the effective date of the repeal, 152721
the rights, remedies, or actions authorized under that section. 152722

Section 757.42. (A) For the purposes of this section: 152723

(1) "Use tax" means a tax levied under Chapter 5741. of the 152724
Revised Code. 152725

(2) "Consumer" has the same meaning as defined in section 152726
5741.01 of the Revised Code. 152727

(3) "Audit" has the same meaning as defined in section 152728
5703.50 of the Revised Code. 152729

(B) The Tax Commissioner shall establish and administer a use 152730
tax amnesty program independently from the amnesty program 152731

established in Section 757.40 of this act with respect to 152732
delinquent use taxes that are qualifying delinquent taxes under 152733
that section. The program established under this section shall 152734
commence on the effective date of this section and shall conclude 152735
on May 1, 2013. The Commissioner shall issue forms and 152736
instructions and take other actions necessary to implement the 152737
program and may adopt rules to administer the program. The 152738
Commissioner may contract with such parties as the Commissioner 152739
deems necessary for promotion, computer support, or administration 152740
of the program. 152741

(C) If, during the program, a consumer pays the full amount 152742
of use tax for which the consumer has outstanding liability on or 152743
after January 1, 2010, that has accrued as a result of the 152744
consumer failing to pay those taxes in a timely fashion or a 152745
failure of the taxes to be remitted in a timely fashion, the 152746
Commissioner shall waive or abate all delinquent use tax owed by 152747
the consumer before January 1, 2010, and all applicable penalties 152748
and interest accrued before and after January 1, 2010. For any 152749
consumer that does not participate in the use tax amnesty program 152750
under this section, the Commissioner may audit and make an 152751
assessment against the consumer for all delinquent use tax due 152752
from that consumer on or after January 1, 2008, plus all 152753
applicable penalties and interest, as permitted by section 5703.58 152754
of the Revised Code. 152755

(D) As soon as practical after the effective date of this 152756
section, the Tax Commissioner shall implement and adopt rules to 152757
administer a payment plan program. Upon application by a consumer 152758
that participates in the use tax amnesty program under this 152759
section, the Commissioner may enter into a payment plan with the 152760
consumer allowing the participant to pay the amount of use tax 152761
owed by the consumer over a time period of up to twenty-four 152762
months, plus interest computed at the rate per annum determined 152763

under section 5703.47 of the Revised Code. If the consumer fails 152764
to remit the unpaid use tax or fails to comply with the terms of a 152765
payment plan, the Commissioner shall certify to the Attorney 152766
General any remaining unpaid amount in accordance with section 152767
131.02 of the Revised Code. 152768

(E) A consumer against which the Tax Commissioner has issued 152769
an assessment on or before the effective date of this section is 152770
not eligible to participate in the use tax amnesty program 152771
established under this section. 152772

(F) A person who participates in the program and pays the 152773
required outstanding delinquent tax in accordance with this 152774
section shall not be subject to any criminal prosecution or any 152775
civil action with respect to that tax, and no assessment shall 152776
thereafter be issued against that person with respect to that tax. 152777

(G) Taxes and interest collected under the program shall be 152778
credited to the General Revenue Fund, except that delinquent taxes 152779
levied under section 5741.021, 5741.022, or 5741.023 of the 152780
Revised Code shall be distributed to the appropriate counties and 152781
transit authorities in accordance with section 5741.03 of the 152782
Revised Code during the next distribution required under that 152783
section. 152784

Section 757.50. All inheritance tax files that still remain 152785
open under temporary order, or otherwise, for which the "ultimate 152786
succession" pursuant to former sections 5731.28 and 5731.29 of the 152787
Revised Code as those sections existed before their repeal by S.B. 152788
326 of the 107th General Assembly (effective July 1, 1968), 152789
relating to the inheritance tax, has not been finalized and have 152790
not been submitted to the Department of Taxation as explained 152791
below, shall be considered to be closed as of January 1, 2013. 152792

Notwithstanding the former sections of the Revised Code 152793
constituting the Ohio Inheritance Tax as those sections existed 152794

before their repeal by that act, all claims and inquiries must be received by the Department of Taxation, or postmarked on or before, December 31, 2012.

Section 757.60. The amendment by this act of division (00) of section 5739.01 of the Revised Code is to clarify the General Assembly's intent of that section when enacted.

Section 757.80. The amendment by this act of section 5709.07 of the Revised Code applies to tax years 2011 and thereafter.

Section 757.90. For the purposes of this section, "proceedings" and "securities" have the same meaning as in section 133.01 of the Revised Code.

The amendment or enactment by this act of sections 145.56, 319.301, 3305.08, 3307.41, 3309.66, 3316.041, 3316.06, 3316.08, 3317.08, 5505.22, 5705.214, 5705.29, 5748.01, 5748.05, 5748.081, and 5748.09 of the Revised Code apply to any proceedings commenced after the effective date of sections 145.56, 3305.08, 3307.41, 3309.66, 3316.08, 5505.22, 5705.214, 5705.29, 5748.01, 5748.05, 5748.081, and 5748.09 of the Revised Code and, so far as their provisions support the actions taken, also apply to any proceedings that on that effective date are pending, in progress, or completed, and to any elections authorized, conducted, or certified and securities authorized or issued pursuant to those proceedings, notwithstanding any law, resolution, ordinance, order, advertisement, notice, or other proceeding in effect before that effective date. Any proceedings pending or in progress on, or completed by, that effective date, elections authorized, conducted, or certified, and securities sold, issued, and delivered, or validated, pursuant to those proceedings, are ratified with respect to, and shall be deemed to have been taken, authorized, conducted, certified, sold, issued, delivered, or

validated in conformity with section 5748.09 of the Revised Code 152825
and the amended sections so far as their provisions support the 152826
actions taken. To the extent those proceedings are proper in all 152827
other respects, if the proceedings are filed with a board of 152828
elections in anticipation of the taking effect of those amendments 152829
and enactments and in a manner that would be valid if the 152830
amendments and enactments took effect on the date they became law, 152831
then that board of elections, so long as it received a 152832
confirmation stating an intention to proceed from or on behalf of 152833
the board of education within five business days after the 152834
effective date of the amendments and enactments shall accept the 152835
proceedings and take any actions or make any arrangements 152836
necessary for the submission of a question to the electors or 152837
otherwise required by the Revised Code. 152838

The amendment or enactment by this act of sections 145.56, 152839
319.301, 3305.08, 3307.41, 3309.66, 3316.041, 3316.06, 3316.08, 152840
3317.08, 5505.22, 5705.214, 5705.29, 5748.01, 5748.05, 5748.081, 152841
and 5748.09 of the Revised Code provide additional or supplemental 152842
provisions for subject matter that may also be the subject of 152843
other laws, and are intended to be supplemental to, and not in 152844
derogation of, any similar authority provided by, derived from, or 152845
implied by the Ohio Constitution, or any other law, including laws 152846
amended by this act, or any charter, order, resolution, or 152847
ordinance; and those amendments and enactments shall not be 152848
interpreted to negate the authority provided by, derived from, or 152849
implied by such constitution, laws, charters, orders, resolutions, 152850
or ordinances. 152851

Section 757.93. The amendment by this act of division (C) of 152852
section 5733.351 of the Revised Code is intended to clarify the 152853
law as it existed before the enactment of this act and shall be 152854
construed accordingly. 152855

Section 761.10. (A) Any member of the 129th General Assembly 152856
may request the clerk of their respective chamber to reduce the 152857
member's base salary by five per cent for the remainder of that 152858
General Assembly. For purposes of this division, a member's base 152859
salary is the salary amount specified in divisions (A)(1) and (3) 152860
of section 101.27 of the Revised Code, as increased by division 152861
(B) of that section, for the 129th General Assembly. 152862

(B) The base salary of any member who is appointed to the 152863
129th General Assembly after July 1, 2011, shall be \$57,555 for 152864
the remainder of the term to which the member was appointed. 152865

(C) The clerks of each chamber shall, on a quarterly basis, 152866
request the Director of Budget and Management to transfer all 152867
savings derived as a result of divisions (A) and (B) of this 152868
section to GRF appropriation item 600540, Second Harvest Food 152869
Banks, and those amounts transferred are hereby appropriated. 152870

Section 801.20. As used in the uncodified law of this act, 152871
"American Recovery and Reinvestment Act of 2009" means the 152872
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 152873
111-5, 123 Stat. 115. 152874

Section 801.30. REVENUE GENERATED BY TRANSFER OF LIQUOR 152875
ENTERPRISE TO JOBSOHIO 152876

The revenue estimates for fiscal year 2012 assume receipt of 152877
\$500,000,000 in cash from JobsOhio pursuant to section 4313.02 of 152878
the Revised Code, as enacted by this act, and the transfer of the 152879
enterprise acquisition project authorized therein. 152880

Section 803.40. Sections 121.40, 121.401 to 121.404, 1501.40, 152881
3301.70, 3333.043, and 4503.93 of the Revised Code continue to 152882
operate the same as they did before their amendment by this act, 152883
except for the name of the Ohio Community Service Council being 152884

changed to the Ohio Commission on Service and Volunteerism. 152885

Section 803.60. Section 3903.301 of the Revised Code shall 152886
apply only to formal delinquency proceedings that commence under 152887
sections 3903.01 to 3903.59 of the Revised Code on or after the 152888
effective date of this act. 152889

Section 803.70. The amendment by this act to section 119.032 152890
of the Revised Code does not accelerate the taking effect of the 152891
amendment to that section by S.B. 2 of the 129th General Assembly, 152892
which takes effect January 1, 2012. 152893

Section 806.10. The items of law contained in this act, and 152894
their applications, are severable. If any item of law contained in 152895
this act, or if any application of any item of law contained in 152896
this act, is held invalid, the invalidity does not affect other 152897
items of law contained in this act and their applications that can 152898
be given effect without the invalid item of law or application. 152899

Section 809.10. An item of law, other than an amending, 152900
enacting, or repealing clause, that composes the whole or part of 152901
an uncodified section contained in this act has no effect after 152902
June 30, 2013, unless its context clearly indicates otherwise. 152903

Section 812.10. Except as otherwise provided in this act, the 152904
amendment, enactment, or repeal by this act of a section is 152905
subject to the referendum under Ohio Constitution, Article II, 152906
section 1c and therefore takes effect on the ninety-first day 152907
after this act is filed with the Secretary of State or, if a later 152908
effective date is specified below, on that date. 152909

The amendment or repeal of sections 9.231, 9.24, 127.16, 152910
1751.01, 1751.04, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 152911

1751.17, 1751.20, 1751.31, 1751.34, 1751.60, 2744.05, 3111.04, 152912
3113.06, 3119.54, 3901.3814, 3923.281, 3963.01, 4731.65, 4731.71, 152913
5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216, 152914
5101.571, 5101.58, 5111.0112, and 5111.941 of the Revised Code 152915
takes effect October 1, 2011. 152916

The amendment or enactment of sections 123.10, 154.11, 152917
154.24, 154.25, 5120.105, 5707.031, 5725.151, 5725.24, and 152918
5751.011 of the Revised Code and Sections 701.50 and 515.40 of 152919
this act takes effect January 1, 2012. 152920

The amendment of sections 131.44 and 131.51 of the Revised 152921
Code takes effect June 1, 2013. 152922

Section 812.20. The amendment, enactment, or repeal by this 152923
act of the sections listed below is exempt from the referendum 152924
under Ohio Constitution, Article II, section 1d and section 1.471 152925
of the Revised Code and therefore takes effect immediately when 152926
this act becomes law or, if a later effective date is specified 152927
below, on that date. 152928

Sections 9.06, 9.833, 9.90, 9.901, 101.532, 101.82, 111.12, 152929
111.16, 111.18, 111.181, 111.28, 111.29, 117.13, 121.37, 124.09, 152930
124.14, 124.141, 124.15, 124.23, 124.231, 124.25, 124.26, 124.27, 152931
124.31, 125.15, 125.18, 125.213, 125.28, 125.89, 126.04, 126.12, 152932
126.24, 127.14, 149.091, 149.11, 149.311, 187.02, 187.03, 305.171, 152933
319.301, 505.60, 505.601, 505.603, 901.09, 924.52, 927.69, 152934
1309.528, 1327.46, 1327.50, 1327.501, 1327.51, 1327.511, 1327.54, 152935
1327.57, 1327.62, 1327.99, 1329.04, 1329.42, 1332.24, 1501.031, 152936
1515.14, 1545.071, 1551.311, 1551.32, 1551.35, 1555.02, 1555.03, 152937
1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 1701.07, 1702.59, 152938
1703.031, 1703.07, 1776.83, 1785.06, 3301.07, 3301.16, 3301.162, 152939
3301.81, 3301.82, 3302.031, 3302.07, 3306.01, 3306.011, 3306.012, 152940
3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 152941
3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 152942

3306.13, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.29,	152943
3306.291, 3306.292, 3307.31, 3307.64, 3309.41, 3309.48, 3309.51,	152944
3310.02, 3310.03, 3310.05, 3310.08, 3310.41, 3311.05, 3311.059,	152945
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3313.411, 3313.55, 3313.64, 3313.6410, 3313.843, 3313.88,	152947
3313.976, 3313.978, 3313.979, 3313.981, 3314.012, 3314.08,	152948
3314.085, 3314.087, 3314.088, 3314.091, 3314.10, 3314.11,	152949
3314.111, 3314.13, 3314.35, 3315.01, 3316.041, 3316.06, 3316.20,	152950
3316.21, 3317.01, 3317.011, 3317.013, 3317.014, 3317.016,	152951
3317.017, 3317.018, 3317.02, 3317.021, 3317.022, 3317.023,	152952
3317.024, 3317.025, 3317.0210, 3317.0211, 3317.0212, 3317.0216,	152953
3317.03, 3317.031, 3317.04, 3317.05, 3317.051, 3317.053, 3317.061,	152954
3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.11, 3317.12,	152955
3317.16, 3317.17, 3317.18, 3317.19, 3317.20, 3317.201, 3318.011,	152956
3318.051, 3318.36, 3319.19, 3319.39, 3319.57, 3319.62, 3323.091,	152957
3323.14, 3323.142, 3323.31, 3324.05, 3326.33, 3326.39, 3327.02,	152958
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3365.01, 3365.08, 3506.05, 3701.0211, 3704.06, 3704.14, 3734.901,	152960
3745.015, 3745.016, 3793.04, 3793.21, 4115.101, 4121.03, 4121.12,	152961
4121.121, 4121.125, 4121.128, 4121.44, 4121.75, 4121.76, 4121.77,	152962
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4301.43, 4511.191, 4725.34, 4733.15, 4733.151, 5111.0122,	152964
5111.0213, 5111.0215, 5111.945, 5112.99, 5112.991, 5120.092,	152965
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5705.211, 5715.26, 5727.84, 5727.85, 5727.86, 5747.46, 5747.51,	152967
5747.52, 5747.53, 5751.20, 5751.21, 5751.22, 5751.23, and 6109.21.	152968
The amendment, enactment, or repeal of sections 109.572,	152969
173.21, 173.35 (5119.69), 173.351 (5119.691), 173.36 (5119.692),	152970
340.03, 340.05, 340.08, 340.091, 340.11, 2317.02, 2317.422,	152971
2903.33, 3306.12 (3317.0212), 3313.65, 3318.49, 3326.11, 3701.07,	152972
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(5119.74), 3722.06 (5119.75), 3722.07 (5119.76), 3722.08 152976
(5119.77), 3722.09 (5119.78), 3722.10 (5119.79), 3722.11 152977
(5119.80), 3722.12 (5119.81), 3722.13 (5119.82), 3722.14 152978
(5119.83), 3722.15 (5119.84), 3722.151 (5119.85), 3722.16 152979
(5119.86), 3722.17 (5119.87), 3722.18 (5119.88), 3722.99, 3737.83, 152980
3737.841, 3769.08, 3769.20, 3769.26, 3781.183, 3791.043, 5101.35, 152981
5101.60, 5101.61, 5111.023, 5111.025, 5111.113, 5111.222, 152982
5111.231, 5111.24, 5111.243, 5111.244, 5111.25, 5111.254, 152983
5111.911, 5111.912, 5112.30, 5112.31, 5112.37, 5112.371, 5112.39, 152984
5119.18, 5119.61, 5119.613 (5119.614), 5119.62, 5119.621, 152985
5119.622, 5119.623, 5119.99, 5122.15, 5701.13, and 5731.39 of the 152986
Revised Code takes effect July 1, 2011. 152987

The amendment of sections 5112.40, 5112.41, and 5112.46 of 152988
the Revised Code takes effect October 1, 2011. 152989

Sections of this act prefixed with section numbers in the 152990
200's, 300's, 400's, 500's, and 600's, except for Sections 152991
309.30.40, 501.10, 515.20, 690.10, and 690.11 of this act and 152992
except for the amendment of Section 105.45.70 of Sub. H.B. 462 of 152993
the 128th General Assembly. 152994

Sections 701.20, 733.10, 749.10, 753.10, 757.10, 757.20, and 152995
757.30 of this act. 152996

Sections 801.20, 812.10, 812.20, and 812.30 of this act. 152997

Section 812.30. The sections that are listed in the left-hand 152998
column of the following table combine amendments by this act that 152999
are and that are not exempt from the referendum under Ohio 153000
Constitution, Article II, sections 1c and 1d and section 1.471 of 153001
the Revised Code. 153002

The middle column identifies the amendments to the listed 153003
sections that are subject to the referendum under Ohio 153004
Constitution, Article II, section 1c and therefore take effect on 153005

the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
102.02	All amendments except as described in the right-hand column	The amendment in division (A) striking through "the director appointed by the workers' compensation council;"	153015
109.57	All amendments except as described in the right-hand column	The amendment to division (G) takes effect July 1, 2011	153016
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	153017
173.26	All amendments except as described in the right-hand column	The amendment to division (A)(4) takes effect July 1, 2011	153018
173.42	All amendments except as described in the right-hand column	The amendment to division (I)(3) takes effect July 1, 2011	153019
187.01	The amendment to division (I)	All amendments except as described in the middle column	153020

1551.33	The amendment in division (C) striking through "1551.13,"	All amendments except as described in the middle column	153021
3313.29	The amendment striking "149.41" and inserting "149.381"	The amendment striking "(I)" and inserting "(E)"	153022
3314.10	The amendments to divisions (A) and (B)(1)	The amendments to division (B)(2)	153023
3314.19	All amendments except amendments to division (A)	Amendments to division (A)	153024
3314.22	All amendments except as described in the right column	The amendments to division (A)(3) and (4) striking references to the office of community schools and inserting references to the department of education	153025
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	153026
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"	153027
3318.05	The amendment inserting ", subject to section 3318.054 of the Revised Code"	The amendment striking "one year" and inserting "thirteen months"	153028

3318.41	The amendments to divisions (D)(2) and (H)	The amendment to division (D)(1)(b)	153029
3319.17	The amendment to division (B)	Amendment to division (A)	153030
3721.01	All amendments except as described in the right-hand column	The amendment to division (A)(1)(c)(iv) takes effect July 1, 2011	153031
3722.01 (5119.70)	The amendments to division (A)(13)	All amendments except the amendments to division (A)(13)	153032
3722.04 (5119.73)	The amendments to division (C)	All amendments except the amendments to division (C)	153033
3734.57	All amendments except amendments to division (A)	Amendments to division (A)	153034
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	153035
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	153036
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	153037
5119.22	All amendments except as	The amendments to	153038

	described in the right-hand column	division (A)(1)(a) and the paragraph following division (A)(1)(d)(iii) take effect July 1, 2011	
5123.19	All amendments except as described in the right-hand column	The amendment to division (B) takes effect July 1, 2011	153039
5126.05	The amendment to division (D)	The amendment to division (A)(4)	153040
	Section 812.40. The amendments to sections 5101.26, 5123.19, and 5123.191 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:		153041 153042 153043 153044 153045
	In section 5101.26 of the Revised Code, the amendment striking "and 5101.5211 to 5101.5216" takes effect on October 1, 2011.		153046 153047 153048
	The amendment to divisions (B) and (G) of section 5123.191 of the Revised Code take effect October 1, 2012.		153049 153050
	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:		153051 153052 153053 153054 153055 153056 153057 153058
	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.		153059 153060 153061

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.	153062 153063
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.	153064 153065
Section 124.11 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153066 153067
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.	153068 153069
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.	153070 153071
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.	153072 153073
Section 127.16 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153074 153075
Section 505.49 of the Revised Code as amended by both Am. Sub. H.B. 490 and Am. H.B. 515 of the 124th General Assembly.	153076 153077
Section 1901.02 of the Revised Code as amended by both Am. Sub. H.B. 238 and Sub. H.B. 338 of the 128th General Assembly.	153078 153079
Section 1533.111 of the Revised Code as amended by Am. Sub. H.B. 66 and H.B. 296 of the 126th General Assembly.	153080 153081
Sections 1923.01 and 1923.02 of the Revised Code as amended by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	153082 153083 153084
Section 2903.33 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153085 153086
Section 3301.07 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153087 153088
Section 3311.054 as amended by Am. Sub. H.B. 601 and Am. Sub. S.B. 230 of the 121st General Assembly.	153089 153090

Section 3313.65 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153091 153092
Section 3317.02 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153093 153094
Section 3317.024 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153095 153096
Section 3317.03 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153097 153098
Section 3317.20 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153099 153100
Section 3323.091 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153101 153102
Section 3323.142 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153103 153104
Section 3721.01 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153105 153106
Section 3722.01 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153107 153108
Section 4115.04 of the Revised Code as amended by Sub. H.B. 443 and Am. Sub. H.B. 699 of the 126th General Assembly.	153109 153110
Section 4517.01 of the Revised Code as amended by Am. H.B. 9 and Am. Sub. H.B. 114 of the 129th General Assembly.	153111 153112
Section 4928.01 of the Revised Code as amended by both Am. Sub. S.B. 181 and Am. Sub. S.B. 232 of the 128th General Assembly.	153113 153114
Section 5111.211 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153115 153116
Section 5112.30 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153117 153118
Section 5112.37 of the Revised Code as amended by Am. Sub.	153119

H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153120
Section 5119.16 of the Revised Code as amended by Am. Sub.	153121
H.B. 1 and S.B. 79 of the 128th General Assembly.	153122
Section 5123.0412 of the Revised Code as amended by Am. Sub.	153123
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153124
Section 5123.0413 of the Revised Code as amended by Am. Sub.	153125
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153126
Section 5123.0417 of the Revised Code as amended by Am. Sub.	153127
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153128
Section 5123.19 of the Revised Code as amended by Am. Sub.	153129
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153130
Section 5126.05 of the Revised Code as amended by Am. Sub.	153131
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153132
Section 5126.054 of the Revised Code as amended by Am. Sub.	153133
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153134
Section 5126.0512 of the Revised Code as amended by Am. Sub.	153135
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153136
Section 5126.24 of the Revised Code as amended by Am. Sub.	153137
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	153138
Section 5705.19 of the Revised Code as amended by Am. Sub.	153139
H.B. 48 and Sub. H.B. 313 of the 128th General Assembly.	153140
Section 5723.05 of the Revised Code as amended by Am. Sub.	153141
H.B. 387 and Am. Sub. H.B. 576 of the 118th General Assembly.	153142
Section 5739.02 of the Revised Code as amended by Am. Sub.	153143
S.B. 181 and Am. Sub. S.B. 232 of the 128th General Assembly.	153144